

BLACKWELL COMPANIONS TO THE ANCIENT WORLD

A COMPANION TO  
**ANCIENT  
GREEK  
GOVERNMENT**  
EDITED BY HANS BECK





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ANCIENT GREEK GOVERNMENT

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# A COMPANION TO ANCIENT GREEK GOVERNMENT

*Edited by*

Hans Beck



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# Abbreviated Source Editions and Lexica

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Abbreviations in the text for original sources such as Herodotus, Thucydides, and Homer's *Iliad* and *Odyssey* usually follow the conventions of the *Oxford Classical Dictionary*.

ATL	<i>The Athenian Tribute Lists</i> , ed. B.D. Meritt, H.T. Wade-Gery, and M.F. McGregor, 4 vols. (Princeton, 1939–1953)
Austin	<i>The Hellenistic World from Alexander to the Roman Conquest. A Selection of ancient Sources in Translation</i> , by M.M. Austin, 2nd edn. (2006)
CAH	<i>The Cambridge Ancient History</i> , 2nd edn. (Cambridge, 1970–2005)
CID	<i>Corpus des inscriptions de Delphes</i> (Paris 1977–1992)
DK	H. Diels and W. Kranz, <i>Fragmente der Vorsokratiker</i> , 6th edn. (Berlin, 1952)
ER	<i>Nomima. Recueil d'inscriptions politiques et juridiques de l'archaïsme grec</i> , ed. H. van Effenterre and F. Ruzé. 2 vols. (Paris, 1994)
FdD	<i>Fouilles de Delphes</i> (Athens and Paris, 1909–)
FGrH	<i>Die Fragmente der griechischen Historiker</i> , ed. F. Jacoby <i>et al.</i> (Berlin/Leiden, 1923–)
Fornara	<i>Translated Documents of Greece and Rome, I: Archaic Times to the End of the Peloponnesian War</i> , ed. C.W. Fornara, 2nd edn. (Cambridge, 1983)
IC	<i>Inscriptiones Creticae</i> (Rome, 1935–1950)
IG	<i>Inscriptiones Graecae</i> (Berlin, 1873–)
IGLS	<i>Les inscriptions grecques et latines de la Syrie</i> (Paris, 1929–)
IK	<i>Inschriften griechischer Städte aus Kleinasiens</i> (Bonn, 1972–) includes <i>I. Ephesos, I. Iasos, I. Kalchedon, I. Magnesia, I. Smyrna</i> etc.
IvO	<i>Inschriften von Olympia</i> (Berlin, 1896)
K	<i>Inschriftliche Gesetzestexte der frühen griechischen Polis</i> , ed. R. Koerner (Cologne, 1993)

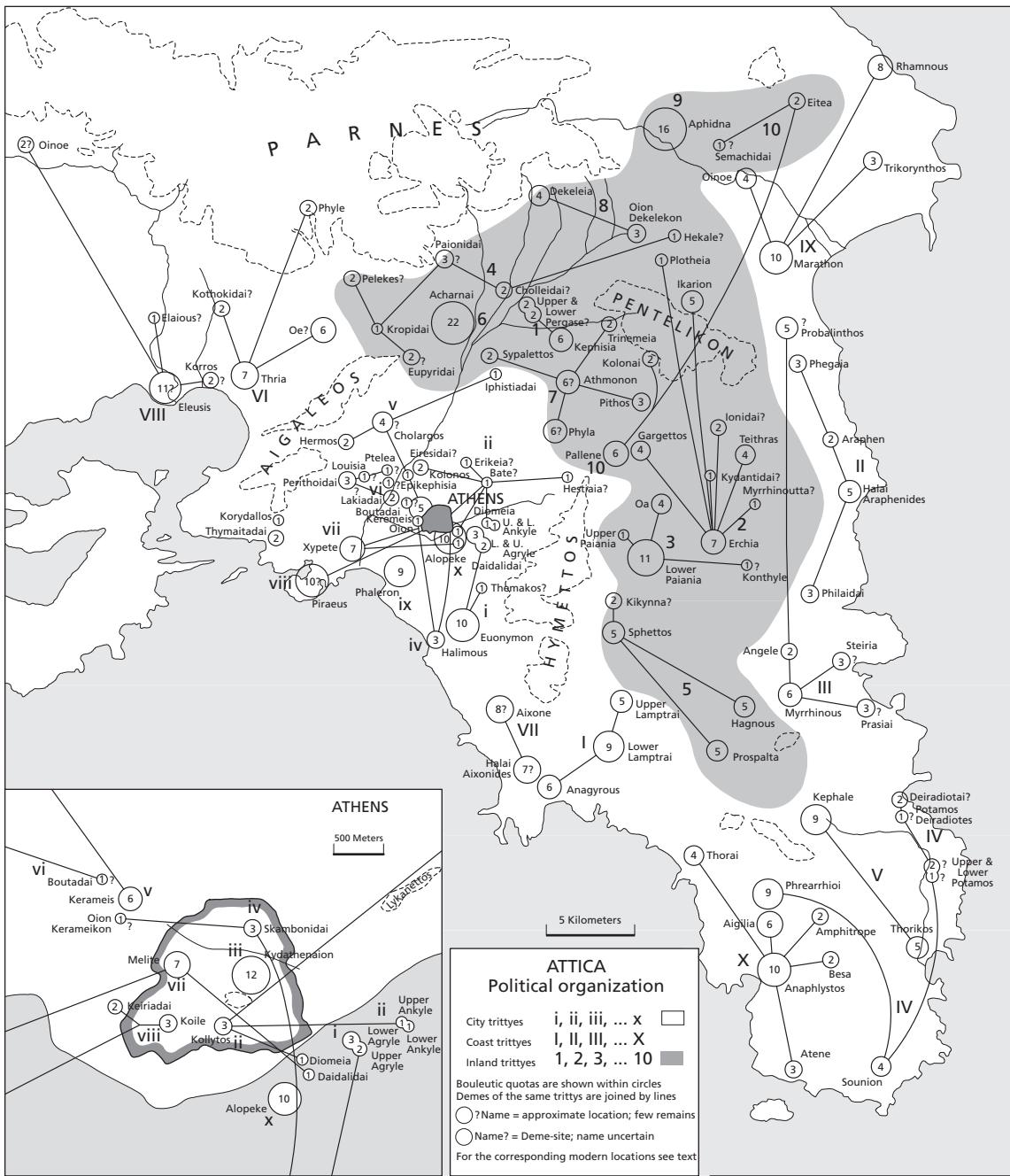
- M&L *A Selection of Greek Historical Inscriptions to the End of the Fifth Century BC*, ed. R. Meiggs and D. Lewis (Oxford, 1988)
- OCD<sup>3</sup> *The Oxford Classical Dictionary*, 3rd edn. (Oxford, 1996)
- PMG *Poetae Melici Graeci*, ed. D. Page (Oxford, 1962)
- RE *Realencyclopädie der classischen Altertumswissenschaften* (Stuttgart, 1893–)
- R&L *The Decrees of the Greek States*, ed. P.J. Rhodes with D.M. Lewis (Oxford, 1997)
- R&O *Greek Historical Inscriptions 404–323 BC*, ed. P.J. Rhodes and R. Osborne (Oxford, 2003)
- SGDI *Sammlung der griechischen Dialekt-Inchriften* (Göttingen 1894–1915)
- SEG *Supplementum epigraphicum Graecum* (Leiden, 1923–)
- SVA *Die Staatsverträge des Altertums*, Vol. 2, ed. H. Bengston, 2nd edn. (Munich, 1975)
- Syll.<sup>3</sup> *Sylloge Inscriptionum Graecarum*, 3rd edn. (Leipzig 1915–1924)
- Tod Tod, M.N. *Selection of Greek Historical Inscriptions. From the Sixth Century BC to the Death of Alexander the Great in 323 BC*. 2nd edn. (Oxford 1946)
- W *Greek Lyric Poetry*, trans. M.L. West (Oxford, 1993)





Map 1 Greece





Note: The location of the following demes is not known and no attempt has been made to place them on the map.

Erechtheis	Aigeis	Pandionis	Leontis	Akamantis	Oineis	Kekropis	Hippothontis	Aiantis	Antiochis
② Kedoi I	① Otryne II	② Kytheros 3?	③ Kettos IV?	③ Poros V?	① Tyrmida VI?	① Epieikidai 7?	② Hamaxanteia VIII?	○ None	① Eriodai 10?
① Pambotadai I?		③ Leukonidion IV?	② Aithalidai 4?	② Eita 5?	① Hippotomaidai VI?		① Acherdous VIII?	① Krioia 10?	
① Phegos 1?			② Hybadai 4?				① Aurdai VIII?		
① Syridai 1?			② Kolonai 4?				② Azenia VIII?		
							③ Anakala 8?		
							① Eriodai 8?		

**Map 2** Kleisthenes' organization of Attika according to demes, trittyes, and tribes. Adapted from: J.S. Traill (1975). Reproduced by permission of the Trustees of the American School of Classical Studies at Athens.

# Introduction

## *A Prolegomenon to Ancient Greek Government*

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*Hans Beck*

*Since “constitution” [politeia] and “government” [politeuma] signify the same thing, and the government is the supreme power [to kyrion] in the state [polis], and necessarily this supreme power rests either with one single individual or a few or the masses, and when the one or a few or the masses rule with an eye to the common interest, these constitutions evidently must be the right ones.*

(*Pol.* 1279a26–30)

Aristotle’s typology of distinct forms of Greek government has often been dismissed as an over-ambitious, if not downright obsessive, attempt to categorize the exercise of political power that has precious little resemblance to the realities of the day. But the initial notion that “constitution and government signify the same thing” (*Pol.* 1279a26–27), since the citizen body, or a portion of that body, was itself the ruling force in politics, clearly captures a defining principle of governmental practices in ancient Greece. Around the same time at which Aristotle was writing, in 330 BCE, the Athenian orator Lykourgos put this concept to the test when he observed that the constitution (*politeia*) “rests on three tiers, the official [*archōn*], the judge [*dikastēs*], and the private citizen [*idiōtēs*]” (*Leok.* 79). According to Lykourgos, Athens was governed by boards of officials and judges, the members of which took turns in the conduct of the affairs of the *polis*. Bound together with the other citizens by oath, these tiers were all integral parts of the constitution and, for that matter, of the government at Athens.

By the late fourth century BCE, the relevant terms and key concepts of Greek government already had a long and vibrant history, and this history would extend well into the Hellenistic Age and the world of the Roman empire. The study of ancient Greek government has become somewhat unfashionable in classical scholarship for the most part of the twentieth century. This had partly to do with the eminent threat of what Moses Finley famously labeled the “constitutional-law trap.” Tracing, for instance, the

legislative process in Greek politics and assigning executive powers to certain colleges or institutions easily evokes the existence of a normative state law (written or unwritten, codified or by cases); yet, as has been noted by many, this assumption is anachronistic. The dangers of an overtly constitutionalist approach were probably more imminent in the study of Roman history, with its strong nineteenth-century foundations in *Staatsrecht* and its general inclination towards systematization and norm – something the Romans after all sought to elicit in their perceptions of themselves. But Greek history is not immune to similar dangers. The single most important contribution in the field, Georg Busolt's *Griechische Staatskunde* (Vol. I, 1920; Vol. II, 1926), was evidently a tremendous scholarly achievement at the time; indeed, it was so successful that, within its particular vein of scholarly inquiry, it was never superseded or replaced. Yet despite Busolt's attempt to advance the antiquated concept of *Staatsaltertümer* as applied by his predecessors, his work remained basically faithful to the idea of normative state law. Over time, this tendency generated a sense of uneasiness and hesitation amongst scholars to pursue Greek government studies. In the long run, it added to the growing awareness that the “state law” approach itself had steered the topic into a cul-de-sac.

Today's approaches to Greek government are under the spell of completely different paradigms. Due to a surge of cultural studies in recent years, the exercise of political power is mostly investigated from the perspective of its symbolic underpinnings and performative dimensions. In this sense, the communication of political power has received substantial scholarly attention. At the same time, the broad methodological array of the social sciences has been unlocked to disclose, for instance, the mechanics of agency and actorhood in politics and to break the codes of social cohesion. These approaches have become immensely influential in the study of ancient history; in Greek history in particular, they are the new benchmark for the understanding of the attitudes, sentiments, and beliefs which give order and meaning to the political process and, along with this, to the rules that govern behavior in the political system of the *polis*. But as a result, the understanding of the institutional diversity of government itself is lagging behind. Although there are some remarkable exceptions to this trend and some progress has been made, for example with regards to the construction of civic identities or the workings of democracy, the advances in this particular area of Greek politics are more modest than in others. The last synthetic account on constitutional practices in ancient Greece, *The Greek State* by Victor Ehrenberg, was published decades before the cultural turn (2nd edn. in English, 1969; 1st edn. in German, 1957). At this point, a synthesis monograph that keeps pace with the accelerated development of current research on Greek political culture seems out of reach.

The present volume encompasses the panoply of prevailing approaches towards Greek government. It embraces the various and often compartmentalized strands of scholarship and explores the potential for the future development of the field. The shortcomings of an overtly constitutionalist approach in this endeavor are, realistically, limited. No one nowadays seriously subscribes to a concept of politics that reduces governmental action to the formalistic execution of laws or the interplay between state branches whose conduct is governed only by their place in the juristic domain of the constitution. The same goes for the implicit dangers of an underdeveloped concept of institutions and institutionalized state action. The diachronic history of government in Greece naturally went through various stages of development, including a formative period in the Archaic

Age in which it might be more appropriate to speak of *polis* governance and not *polis* government; hence, the implication of institutionalized state action is, again, anachronistic. But this insight is almost too obvious. The objective here is to bring meaning to government in the Hellenic setting rather than projecting modern meanings onto the ancient paradigm.

The history of Greek government (like that of any other government through time and space) is one of a specific political culture and of a particular political experience. Both of these leave their mark on the attempt to conceptualize government in an ancient Greek context. As was noted above, according to Aristotle's understanding one of the key feats of Greek governmental practice was the partial or complete intersecting of the government regime with the citizen body as a whole. With this corresponded Aristotle's famous formula of *archein kai archesthai* (*Pol.* 1277a26–27, and *passim*), the idea that citizens took turns in “ruling and being ruled.” Note how *archesthai* signifies both the passive and the middle voice in ancient Greek; so, the act of “being ruled” might be conceived of here as something that is performed by the citizens upon themselves and for their own benefit. At various instances in the *Politics*, the good citizen is praised as someone who displays the ability not only to rule in a good manner, but also “to be ruled well” (*archesthai kalōs*: 1277a28). Both *archein* and *archesthai* thus appear to be civic virtues, a specification which endorses the idea that citizens fulfilled a double role in politics: they were members of a body politic that at once governed and was governed.

In the setting of the Hellenic city-state, with its relatively small urban topography, the close interaction between those who exercised power and those who were subject to it created a specific atmosphere of openness and directness. The conduct of politics was – quite literally – visible, in assemblies that were held in open, yet demarcated spaces, just as the comings and goings of the day were always audible, as it were, in the *agora*, during civic rituals and spectacles, or at a funeral. In the open-air culture of the Greek *polis*, the deeds of government were neither distant nor heavy-handed, or unilateral, but rather performed in the center of the community, and hence made an immediate impact on every member of that community (this is also one of the reasons why the conduct of politics was at times so messy). In federal government, this immediacy was safeguarded and in fact preserved well into the Late Hellenistic and Roman periods. Despite the new dominance of territorial states and empires, federal government in Greece encapsulated the values of civic communities that were built around the notion of self-governance and political liberty, re-enacted in and geared towards a relatively small face-to-face society.

Another feature that gave a distinct meaning to government in ancient Greece was the full absorption of the realm of religion into the command sphere of those who ruled. The issue has long been among the most vigorously debated topics in classical scholarship. It has even given cause to the rise of two opposite academic traditions: those following Numa Fustel de Coulanges (*La cité antique*, 1864), who stress the character of the *polis* as a community that was bound first and foremost by religion and ritual; and those who propel, with Max Weber (*Die Stadt*, 1921), a concept that views the occidental city as focal point of political, social, and economic relations. Eventually, so Weber's argument went, this came to define the main characteristic of statehood in the West. The vestiges of both traditions can be detected on several instances throughout this book, yet they are presented with no claim to universal validity. Today, the opposition between these two camps has diminished because it has become clear that both views are

complementary rather than mutually exclusive. According to the prevailing opinion, the main challenge of an up-to-date conceptualization of Greek government is to integrate forces that are genuinely conceived of as separate spheres. In their conduct of affairs, Greek governments were just as much directed by political procedures as they were by oracles and oaths. The political organization of local and regional amphiktyonies offers one of the most dazzling examples of this trait of government in the Hellenic world.

This blending of realms that are considered separate in modern societies – secular politics and religion – can also be found in the Greek conception of citizenship. It is futile to disconnect the political dimension of citizenship from the underpinnings that governed the relation between citizens (*politai*) and the gods, or to privilege one over the other. The community of citizens was as much tied together by legal rights and privileges as it was by the belief of a common, primordial descent. Treasured in narratives of heroic genealogy and venerated in *polis* cults, the idea of togetherness manifested itself in a perceived covenant between the community of mortals and the immortal gods. The traditional formula to express citizen status – “to have a share in the things of the gods and in all human affairs that are pleasing to the gods” – is indicative of this covenant. But since the gods could not really govern the state on a day-to-day basis, this had the consequence, almost inevitably, that in the conduct of “human affairs” the *politai* exercised full sovereignty. The body of citizens was at the head of the political process; its authority was unchallenged and non-negotiable.

To mirror the citizens’ uncontested role in all aspects of public life, the term *polis* is sometimes translated as “citizen-state,” rather than “city-state.” This shifts the emphasis away from the urban connotation of *polis* towards the status group of individuals itself, the *politai*, who, in their self-understanding, were one with the *polis*. Both translations are fine, but “citizen-state” also triggers the idea that the citizens, beyond the mechanisms of exclusion that were applied to separate themselves from other groups of society, subscribed to a set of hardwired criteria that governed the interaction between them. To begin with, all citizen-states established more or less similar political offices and institutions that were empowered to govern the affairs of the community. The conduct of politics was thus transferred to an abstract realm of authority; this was clearly a landmark in the conceptual development of politics. With it came the call for strict obedience to the rule of yet another abstract concept, law (*nomos*), and a tapestry of checks and balances to uphold, and reinforce, the law in everyday politics. Associated with these notions was a strong principle of equality amongst citizens. Equality is a relative concept that depends largely on the preconceptions of society. Indeed, the charged discourse on equality is not a product of the modern day, but a Greek exercise through and through. In the course of a truly seminal debate on government, Herodotus frames equality as something that is characteristic of the relation between citizens. “The rule of the multitude (*plēthos*) not only has the finest of all names attached to it, equality under the law” (3.80.6). The term to designate “equality under the law” is *isonomie*, which is associated here with a form of government in which many (“the multitude”) take a share in the exercise of political power. It thus appears that the call for equality targeted the relations between the members of one status group in particular, the citizens, and not the entire body of individuals who lived in the *polis*. In fact, the demarcation between (equal) citizens and all other non-citizens (adult men with no citizenship, women, foreigners, slaves, children as well as seniors) was paramount.

Herodotus continues his debate on government with the observation, “the multitude chooses its magistrates by lot, it holds all officials responsible for their conduct in office, and all questions are put up for open debate” (3.80.6). So according to Herodotus, the idea of equality was taken so seriously that it came with a variety of consequences. Most strikingly, the implementation of equality meant the citizens were not only guaranteed access to political power in equal terms, but that they had an equal share in actual office-holding. The eminent expression of this was the allotment of officials and jurors. This, in turn, was built on yet another assumption, extending the idea of equality to the realm of civic disposition, ability, and skill. The lot implied that all citizens possessed similar skill-sets to exercise certain executive powers. But inequalities with regards to individual magistrates’ willingness to play by the rules surely remained; hence the many, minute, and meticulous mechanisms of control for those who were in a position to rule.

The following chapters flesh out the full experience of government in ancient Greece. They explore multiple manifestations of state action and consider a broad selection of city-states as well as governmental realms beyond the *polis*. The topical clusters of this *Companion* shed light on the major themes of Greek government. Part I traces the conceptual development of government in history, from the rise of state action in the Archaic Age to its changing nature in Hellenistic cities and courts. Part II explains corresponding intellectual trends and thought paradigms, both from the perspective of individual thinkers and that of a structural advancement of concepts and ideas. The contributions of parts III and IV survey the main governing bodies and the distinct protocols, processes, and procedures that steered their conduct. Yet the realms to which this conduct was confined were once again the result of a specific political culture; so the chapters in part V take turns in exploring the responsibilities of Greek governments in greater detail. Part VI moves on to the spatial and memorial dynamics of government; this, too, illustrates how Greek government was a very particular political experience. Part VII, finally, looks at governmental realms beyond the city-state.

A notorious problem throughout is, of course, that of Athenocentrism. Indeed, “the school of Hellas” (Thuc. 2.41.1) figures prominently in many contributions – maybe too prominently for the taste of those who, like myself, tend to advocate local and regional approaches towards Greek history. But the sheer quantity of evidence from Athens, in civic issues in particular, is simply too overwhelming to be outweighed by that of other *poleis* (note how relatively little survives from Sparta in this regard). The chances to correct this imbalance are limited. The question of whether the evidence from Athens, in terms of content, is either exceptional or paradigmatic is a different matter, and, to be sure, a treacherous one. But the exhaustive compilations of, for instance, decrees and other documentary evidence relating to the public organization of Greek states (R&L; N.F. Jones 1987) should tip the balance, I think, towards the latter. In this sense, this *Companion* considers itself distinctly Greek, rather than Athenian, despite the heavy weight that is pulled by Athenian government throughout.

Greek government is a phenomenon *sui generis*. All the while, its inherent qualities as a universal paradigm that has inspired political agents and thinkers in all ages are undiminished. In the present day, the study of Greek government holds a particular fascination. In the Western world, governments are traditionally embedded in the political macrostructures of representative democracy and parliamentarism. Yet both of these face multiple challenges. Parliamentarism in particular, with its strong intellectual

founding in the British tradition (which in itself draws on Roman rather than Greek models), suffers from various threats that jeopardize its most basic tenets; the erosion of long-term party alignments amongst the electorate is only one of them. At the same time, national governments are compelled to (re)orient themselves in response to new forms of supra-state institutions and compete with non-governmental forces which, despite their lack of genuine political authority, increasingly encroach on their traditional realm of action. For example, so-called rating agencies clearly infringe upon the economic and monetary policies of national governments, yet they are not accountable to an electorate. Representative democracy, as it was experienced for the longest time in the twentieth century, appears increasingly unable to respond to the changing morphologies of politics. The call for a “new democracy” airs the discontent that this generates amongst the largest parts of Western societies, and this call is once again amplified by media forces and the potency of social networks, which foster an all-new sense of directness, immediacy, and also volatility. In this atmosphere of general apprehension, ancient Greek government is in all likelihood the most relevant and perhaps the most advanced historical experience with direct democracy. But then again, democracy was only one of many forms of government in the Greek world. It was neither the presumed norm nor unrivalled, but was under the permanent threat of being altered or altogether abandoned in favor of another power configuration. In any case, if implemented, democracy called for the persistent negotiation, the meaningful development, and reinstatement, of the middle ground of society, and, with this, the general ability to compromise. This aspect of Greek government, too, is covered in this volume.

Like other volumes in the series, this *Companion* combines contributions from scholars of an exceptionally diverse background, from many different academic cultures and scholarly traditions. The mixture itself speaks to the enduring fascination with the topic, despite the divergent trajectories that academic research and teaching have taken in those university cultures in recent years. The chapters are all authored by leading experts in the field: while some of them have had this status for many years, others have more recently developed interests in Greek government, and yet others have only occasionally published their work in English. It has been an immense pleasure and privilege to work with such an array of wonderful colleagues and engage with them in conceptual debates (not only when their contributions had to be cut to comply with the word-limit). As copyediting began, my “Greek government” email folder recorded 1,711 messages that were exchanged in the course of the project, from the original conception of the book. This exchange was almost entirely pleasant throughout, which again made this project such a worthwhile experience. Here at McGill, the editorial process was once again supported by a group of excellent graduate students. Catherine McPherson translated chapters 17 and 28 from the French. Sarah Binns and Ruben Post helped with the streamlining of papers. Katrina Van Amsterdam resolved various bibliographical bugs. In the project’s final stages, Alex McAuley became my strong right arm in all operations relating to the editorial process and critical review, and, with Ruben Post, he also offered invaluable assistance with the preparation of the index file. At Wiley-Blackwell, Haze Humbert was truly the anchor of the project as it unfolded, with a clear command, superb judgment, and excellent troubleshooting skills when they were needed. To all of them, I offer heartfelt thanks.

PART I

# **Greek Government in History**

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## CHAPTER 1

# The Rise of State Action in the Archaic Age

*Jonathan M. Hall*

In spite of criticisms that the study of early Greece has been disproportionately focused on the *polis*, or city-state (S.P. Morris 1997: 64; Vlassopoulos 2009: 12–13), it nevertheless remains the case that this institution provides virtually all of our knowledge about the nature and workings of governance in Greece in the period down to the Persian War of 480–479 BCE. This is largely a consequence of the evidence at our disposal. While archaeological evidence sheds considerable light on social, cultural, and economic developments, it is less well equipped to answer questions concerning political practices. This leaves us with literary evidence, which – at least for the Archaic period – is almost obsessively focused on the *polis*. Indeed, in Archaic Greek poetry, there is a very discernible element of prejudice against those who do not live in *polis* communities (e.g., Sappho fr. 57 Lobel-Page; Alkaios fr. 130B Lobel-Page; Theognis 53–60).

Ever since Victor Ehrenberg's seminal article on the rise of the *polis* (Ehrenberg 1937), it has been customary to date the origins of political communities back to the eighth century BCE. Certainly, this is a time when there are indications of settlement nucleation, when the first overseas communities were established in South Italy and Sicily, and when a number of sanctuaries witness a marked increase in – if not the earliest attestation of – votive dedications. It is also the eighth century that sees the adoption of the Phoenician alphabet and the re-emergence of artistic skills and technologies that had been lost when the Mycenaean palaces had collapsed around 1200 BCE, prompting some to describe the period as a “renaissance” (Hägg 1983). There are, however, some grounds for suspecting that the significance of the eighth century may have been slightly overestimated. In authors of the Classical period, the term *polis* simultaneously designates: (i) an urban center, in which administrative and judicial functions are housed; (ii) the territory controlled by that urban center; and (iii) the political community that resides in both the urban center and its hinterland. To the extent that the first definition characterizes the *polis* in its urban aspect while the second and third cast it in terms of a

territorial state and a political state respectively, the standard translation of “city-state” is not as erroneous as has sometimes been suggested (Hansen 2006c: 62–65). It is, however, clear that the urban and civic aspects of the *polis* did not develop concurrently and that the process was more gradual than talk of a “renaissance” might suggest.

True urbanization in the monumental sense is barely attested before the sixth century on the Greek mainland (I. Morris 1991: 40). Nevertheless, if by “urban center” we mean foci of settlement, more densely settled than the surrounding countryside and serving as centers for administration and economic exchange, then we can trace the urban aspect of the *polis* back to the Dark Age of the eleventh, tenth and ninth centuries. Since the earliest *poleis* emerged in areas that had been under the control of the Mycenaean palaces (Snodgrass 1980: 44), it is a reasonable inference that their roots should be seen in the shattered fragments of the centralized bureaucracies of the Late Bronze Age. Some settlements, such as Knossos on Crete or Haliartos in Boiotia, seem to have expanded gradually from a single nucleus, inhabited throughout much of the Early Iron Age; others – including Athens, Argos, and Korinth – appear to have been the result of a physical fusion of pre-existing villages, probably in the course of the eighth century (Hall 2007: 74–75). Sparta, by contrast, was still settled “in villages” (*kata kōmas*) in Thucydides’ day (1.10.2).

The exclusively urban connotation of the term *polis* is reflected in our earliest sources. In the *Odyssey* (8.555), the Phaiakian king Alkinoos asks Odysseus to name his *gaia* (“land” or “region”), his *dēmos* (probably “territory” to judge from the term’s usage in the Mycenaean Linear B tablets), and his *polis*, thus zooming in with increasing specificity on his guest’s origins. Similarly, when Tyrtaios (fr. 10W) imagines a warrior who surrenders as having to “abandon his *polis* and rich fields,” the term is clearly meant in a physical rather than sociopolitical sense. It is not by accident that when self-conscious political communities did emerge, they identified themselves as residents of the urban center, whether or not they actually lived there: so, *Argeioi* (Argives) is an adjectival form derived from the toponym Argos; *Korinthioi* (Korinthians) from *Korinthos*; *Milēsioi* (Milesians) from *Milētos*; and so on. Contrary to what is sometimes stated, attachment to place seems to have been a primary component of civic self-identification.

In assessing the state-like aspect of the *polis*, some working definition of the state is in order, not least because it has been argued that the Greek *polis* was essentially a stateless society (Berent 1996). While it is true that Thomas Hobbes’ definition of the state as an “abstract public power above both ruler and ruled” is a conception that is rarely expressed in ancient writings, the idea is not entirely absent: Thucydides (8.72.1) seems to come close when he describes a deputation, sent to Samos after the oligarchic coup of 411 BCE with the aim of reassuring the Athenian navy that “the oligarchy had not been established to the detriment of the *polis* and its citizens” (Hansen 2006c: 57). Furthermore, while recourse to self-help for crimes such as adultery, nocturnal burglary or treason meant that the Greek *polis* did not exercise an absolute monopoly of legitimate violence (i.e., Max Weber’s definition of the state), there are, at least by the Classical period, attestations of public prisons and the formal administration of capital punishment. As Mogens Hansen (2002) points out, the concept of the “stateless society” was not originally formulated in contradistinction to definitions of the Early Modern state, but in contrast to what Myer Fortes and Edward Evans-Pritchard (1940) termed “primitive states,” as represented by the Zulu or the Bayankole of Africa. What distinguished,

for them, the primitive state from the stateless society was a centralized authority with administrative and judicial institutions, along with cleavages of wealth, privilege, and status, which corresponded to the distribution of power and authority. Fortunately, these are criteria that can be traced in our evidence.

It would, of course, be methodologically reckless to assume automatically that there was no diversity of practices between different regions of Greece or that what we read in the poetry of Homer or Hesiod was necessarily an accurate reflection of how all Greek states were governed (Whitley 1991). On the basis of material cultural assemblages, Ian Morris (1998a) has identified four cultural areas – central Greece; northern Greece; western Greece; and Crete – which persisted from the eleventh century through to the sixth. While warning that these regions are neither wholly homogeneous nor always clearly bounded, Morris nevertheless draws attention to differences between them in terms of pottery decoration, metal use, and architecture and it is equally possible that the regions were also differentiated in terms of institutional practices, even if these are less visible in the material record. At the same time, however, it is important not to exaggerate the isolation or introspection of Greek communities, especially from the ninth century onwards: goods, information, ideas, and practices were freely exchanged between neighboring regions (Snodgrass 1986). Furthermore, the “Panhellenic” tenor of Homeric poetry in particular suggests that the society portrayed in the epics was broadly recognizable, even if it was not an exact reflection of any one single political community (Raaflaub 1998b).

In Hesiod’s *Works and Days* (36–41), a poem normally assigned to the beginning of the seventh century, the poet complains about the “bribe-devouring *basileis*,” who have adjudicated against him in a land dispute with his brother. Derived from the word *pa-si-re-u* (or *qa-si-re-u*), attested in the Linear B tablets, the *basileus* was a fairly low-ranking official in the Mycenaean palatial administration. By the Classical period, the term could be used in two senses. On the one hand, it was the regular Greek word for a monarch, used especially in association with rulers of non-Greek peoples. On the other, it designated a magistrate who was elected or appointed, normally on an annual basis: so, for example, the *archōn basileus* at Athens was the second-highest ranking official of the board of nine archons, charged with administering “all the traditional sacrifices” ([Arist.] *Ath. Pol.* 57.1); a *basileus* is named in association with a *dēmarkhos* (“leader of the people”) in a decree from Chios, dated to around 575–550 BCE (M&L 8/Fornara 19); and Melantas, *basileus* of Argos, presided over a diplomatic treaty between Argos and the Cretan communities of Knossos and Tylissos in the mid-fifth century (M&L 42/Fornara 89). In Hesiod, however, the appearance of the term in the plural suggests something rather different. Similarly, in the *Theogony* (80–84), Hesiod describes how the Muses honor “*basileis* fostered by Zeus” – again, the term is employed in the plural.

Some clues as to the nature of the Hesiodic *basileis* are provided by the Homeric epics, now increasingly thought to have been composed in the early seventh century (van Wees 1994; M.L.West 1995; Crielaard 1995). As in Hesiod, governance appears to be in the hands of a plurality of *basileis*: in the *Odyssey* (1.394–395), Antinoos tells Penelope that there are “many other *basileis* of the Achaians in sea-girt Ithaka, both young and old,” while Alkinoos notes that he is one of 13 *basileis* who hold sway over the Phaiakians (8.390–391). Furthermore, the term seems to express relative, rather

than absolute, authority: in the *Iliad* (9.69), Nestor describes Agamemnon as “the most *basileus*” (*basileutatos*) of the Achaians, while Agamemnon describes himself as “more of a *basileus*” (*basileuteros*) than Achilles (*Il.* 9.160). Nor is it entirely guaranteed that the authority of a *basileus* can be inherited: Odysseus is recognized as a *basileus* of Ithaka even though his father, Laertes, is still alive and there is no certainty that his son, Telemachos, will succeed him if news of his demise proves to be well founded. The impression one gains is that the *basileis* of Homer and Hesiod are more akin to what anthropologists term “big-men” or “chieftains” than sovereign rulers (for a recent discussion of these terms: Yoffee 2005). Their authority is “achieved” rather than “ascribed,” earned on the basis of charisma and the ability to persuade, and manifested through the demonstration of military prowess and conspicuous generosity. There are no clear indications for the sort of stratified society that the model of the “primitive state” presupposes, just a world of small communities where there are leaders and followers.

That picture seems to be corroborated by the archaeological record. Dark Age settlements are typically small and display little in the way of status differentiation, save for the construction of a single, larger dwelling. The best-known example is the tenth-century Toumba building at Lefkandi on Euboea – if it is a dwelling and not a post-mortem place of worship as its original excavators believed (Popham *et al.* 1993) – but other examples have been identified at Thermon in Aitolia, Nichoria in Messenia, and Koukounaries on Paros (Whitley 1991; Thomas and Conant 1999: 32–59; Morris 2000: 225–228). Even by the eighth century, the situation is not vastly different. The 16 wealthy burials, found by the West Gate in Eretria on Euboea and dated to c.720–680 BCE (Bérard 1970), are but a fraction of the estimated population of between 1,000 and 2,000 (I. Morris 1991; Vink 1997) and are more reasonably attributed to a family than to a ruling class. Similarly, at Argos there is no evidence for aristocratic cemeteries. The much discussed “Warrior Grave” (T45), dated to the late eighth century and containing, among other grave goods, a bronze cuirass and helmet, is – contrary to what is sometimes stated – without parallel. A second bronze helmet, probably manufactured by the same workshop, is found in another grave but this is located more than a kilometer away from T45, while a third grave, containing another helmet and two spearheads, is found near the second grave but appears to be about a generation earlier. Other burials with weapons are mostly isolated occurrences and account for a tiny proportion of all the eighth-century graves excavated at Argos (Hall 2007: 128).

Two developments, both dated to the seventh century, may allow us to track the emergence of the state in ancient Greece. The first is a shift towards authority based on ascribed status, where emphasis is given to the office itself rather than the person who holds it. One indication for this shift from achieved to ascribed status may be found in the appearance of annually rotating, named magistracies in place of the more generic term *basileus*, or in the reemployment of this latter term in a more specific and constitutionally defined sense. In a law dating to the second half of the seventh century, displayed in the sanctuary of Apollo Delphinios at Dreros on Crete (M&L 2/Fornara 11), we hear of a magistrate named the *kosmos*, who could hold office only once in any ten-year period – presumably suggesting that the magistracy was limited to a one-year term. A magistracy of the same name is known at Cretan Gortyn in the sixth century, along with another official known as the *gnōmōn* (IC 4.14). At Athens, in the late-fifth-century

republication of Drakon's homicide law of 621/620 BCE (M&L 86/Fornara 15B), guilt is to be judged by a fixed number of *basileis* – probably four, representing each of the “Ionian” tribes, or subdivisions of the Athenian citizen body – while the verdict is to be given by 51 officials named the *ephetai*. Other magistracies that are attested in laws and decrees of the Archaic period in various Greek *poleis* are *archontes*, *prytaneis*, *dēmarchoi*, *agretai*, *platiōinarchoi*, *hiaromnamōnes*, and *damiourgoi* (Hall 2007: 135).

A second, related development of this period is the emergence of a true aristocratic class, which held a monopoly on these new ascribed offices. This can be traced in Archaic Greek poetry by the appearance of elitist terminology, which distinguishes between an aristocratic group of “insiders,” termed variously *kaloi* (“beautiful” or “fair”), *agathoi* (“good”), or *esthloī* (“good” or “brave”) and a much wider group of outsiders or inferiors, designated as *kakoi* (“ugly” or “bad”) and *deiloi* (“cowardly” or “wretched”). In the poetry attributed to Theognis, the addressee, Kyrnos, is urged not to keep company with *kakoi*, but to eat, drink, and sit with the *agathoi*, since it is from the *esthloī* that one will learn noble things (31–35). The emergence of an aristocratic class from an ensemble of powerful individuals is probably a consequence of the archaeologically documented coalescence of small communities, each headed by their own chieftains, into larger urban societies. At Sparta, which unusually was ruled down to the Hellenistic period by two hereditary monarchs from separate families, we learn that the two royal burial grounds were located in different villages (Pausanias 3.12.8, 3.14.2). It is, then, a likely inference that when the four villages of Pitana, Mesoa, Kynosoura, and Limnai were politically unified to constitute the original *polis* of Sparta, the *basileis* of two of them refused to concede full authority to the other (Cartledge 2002b: 90–92). It may not be by accident that the seventh-century poet Tyrtaios (frs. 4, 5W) uses the term *basileis* to denote the Spartan kings, even though their official title seems to have been *arkhagētai*, or “supreme leaders” (Plut. *Lyk.* 6). In these new, enlarged sociopolitical communities, there were more potential office-holders than there were magistracies – hence the need to adopt a principle of rotation which limited both tenure of office and the number of times any one individual could hold the same magistracy.

It takes a little longer for these administrative developments to be registered in the archaeological record. At Koukounaries, Dreros, Zagora on Andros, and Emborio on Chios, open spaces may have served the function, from as early as the eighth century, of an *agora* – a term that originally meant simply a “gathering” before coming to denote a specific place demarcated for deliberative meetings and, eventually, commercial transactions. At Megara Hyblaia, on the eastern coast of Sicily, a formal *agora* seems to have been laid out only in the second half of the seventh century (Gras *et al.* 2004; cf. also Hölscher 1998b).<sup>1</sup> At Argos and Athens, by contrast, the evidence suggests that an *agora* was not developed before the end of the sixth century, though an earlier *agora* at Athens may have been located to the east of the Akropolis, under what is now the Plaka (Dontas 1983; S.G. Miller 1995a). A theatrical-like wooden structure at Metapontion in South Italy, dated to c.600 BCE, may have served as an *ekklēsiastērion*, a building housing the assembly, and *bouleutēria*, or council chambers, are attested for the sixth century at Agia Pelagia on Crete, Delos, Delphi, and Olympia (Hansen and Fischer-Hansen 1994). There are some hints of seventh-century buildings housing administrative functions at Koukounaries and Argos, but generally examples are few and far between (Hall 2007: 79–83).

It has been argued that the ingredients that would eventually make democracy thinkable can be traced back to a latent ideology of egalitarianism that emerged in the course of the eighth century. In examining the steep rise in the number of burials that is documented for Attika in the eighth century, Ian Morris (1987) has argued that the increase is not so much the direct reflection of demographic expansion as it is a consequence of the fact that a broader cross-section of the political community was now granted access to formal – and hence archaeologically visible – burial, thus testifying to a new, more inclusive and egalitarian ideology that constitutes the founding moment of the city-state. More recently, he has developed this idea further by identifying what he terms a “middling” doctrine, given literary expression by Hesiod and elegiac poets such as Tyrtaios, Solon, Phokylides, and Xenophanes, which excluded women, slaves, and outsiders in order to construct a community of equal male citizens. In opposition, he argues, there emerged an “elitist” ideology, represented by the Homeric epics and lyric poets such as Sappho and Alkaios, which sought to elide distinctions between Greeks and non-Greeks, males and females, and mortals and divinities in order to highlight a basic division between elites and non-elites (I. Morris 2000: 155–191; cf. Kurke 1992; for a critique, Kistler 2004).

The problem with this proposition is that elegiac poetry, no less than its lyric counterpart, seems originally to have circulated within the thoroughly aristocratic context of the *symposion*, or drinking-party. Furthermore, closer examination of what these supposedly “middling” poets wrote proves to be revealing (Irwin 2005: 57–62). Solon’s criticism (fr. 13.39–40W) of the cowardly or wretched man (*deilos*), who “thinks that he is a good man [*agathos*] and handsome [*kalos*],” or the way he justifies the somewhat conservative nature of his reforms by explaining that he did not wish “to share the rich fatherland equally between *esthloι* and *kakoi*” (fr. 34) hardly marks him out as a man of the people. Similarly, when Phokylides (fr. 12W) proclaims that “many things are best for those in the middle [*mesos*]; it is in the middle that I want to be in the *polis*,” it is entirely possible that he is advocating a position of neutrality between opposing elite factions rather than lauding the middle classes. This reading would certainly conform to other statements that he makes, including his advice to “avoid being the debtor of a base man [*kakos*], lest he pains you by asking for repayment at an inopportune moment” (fr. 3W). As for Hesiod, while he may have grievances against magistrates he considers corrupt, he never really questions the right of the elites to exercise authority, as is demonstrated by his fable of the hawk and the nightingale (*Op.* 202–212).

As far as we can tell, the holding of major office was, for most of the Archaic period, restricted to a narrow elite class that was recruited initially by birth and then, probably in the course of the sixth century, on the basis of property qualifications. At Athens, it was not until 457 BCE that the archonship was opened up to the third of the four census classes, the Zeugitai ([Arist.] *Ath. Pol.* 26.2). To qualify as a *zeugitēs*, a citizen needed to meet a threshold of production of 200 *medimnoi* (approximately 8,000 kg of wheat or 6,500 kg of barley), which would have required plots of land of at least nine hectares (van Wees 2004: 55–57). Given that the average landholding in the Classical period was around 5 hectares, this is a not insignificant level of wealth and probably means that, even well into the fifth century, more than half the population of Attika was unable to aspire to high office. Even more surprisingly, perhaps, the position of Treasurer of Athena continued to be restricted to members of the highest property

class, the Pentakosiomedimnoi, who were required to produce more than 500 *medimnoi* a year and probably constituted, therefore, only a tiny fraction of the citizen body ([Arist.] *Ath. Pol.* 8.1; Foxhall 1997).

Arguments for an early ideology of egalitarianism have also been made by reference to the practice of “hoplite” warfare – named after the *hoplites*, or heavily armed infantryman – which seems to have developed in the late eighth and early seventh centuries (Snodgrass 1965; 1993; van Wees 1994; 2000b; 2004: 47–52). The equal responsibility and cooperation that soldiers in the phalanx were expected to demonstrate is taken as analogous to their equal status in the political assembly (Hanson 1999: 400; cf. Vernant 1980: 41). Yet this verdict rests on the probably erroneous assumption that all members of the phalanx were equipped similarly and made an equal contribution to combat. Firstly, there is a question of cost. In most Greek city-states, hoplites were required to procure their own equipment. Although we know very little about the costs of arms and armor in the Archaic period, an inscription (M&L 14/Fornara 44B), probably dating to the late sixth century, which sets out regulations for Athenian settlers on the offshore island of Salamis requires them to provide their own military equipment to a value of no less than 30 drachmae. Since the daily wage for a skilled craftsman at this time is unlikely to have exceeded one drachma at the very most, it is difficult to believe that Archaic *poleis* could have fielded effective armies if every infantryman was expected to equip himself with the full hoplite panoply of bronze helmet, cuirass, and greaves, a spear and sword, and a large heavy round shield (Connor 1988a; van Wees 2004: 52–53).

Secondly, ancient authors suggest strongly that not all ranks of the phalanx made an equal contribution. Xenophon (*Mem.* 3.1.8) has a young man tell Sokrates that a general should put his best troops in the front and rear ranks and his worst in the middle, so the latter may be led by the van and pushed by the rear. Similarly, Arrian (*Tact.* 12.2) compares the hoplite phalanx to a knife, where the front rank serves as the blade, while the remaining ranks, though weaker, add weight to the blade. According to Xenophon (*Lak. Pol.* 11.8), the Spartans practiced complicated drill maneuvers so that the strongest should always be facing the enemy lines. Since it was only the wealthier who could afford the best protective equipment, it is quite clear that it was they who stood in the front ranks and risked the most for their homelands, which is why, both in Archaic poetry and on funerary epitaphs, elites are anxious to stress their military service *en promachois* (“in the front rank”). So, for example, Tyrtaios (frs. 10–11W) addresses most of his exhortations to the warriors fighting in the front rank, whom he describes as *agathoi* or *esthloii*, or the “progeny of unconquered Herakles,”<sup>2</sup> while an inscribed base on a *kouros*, dating to around 530 BCE and discovered at Anavysos in southern Attika, asks the passer-by to “stand and take pity beside the memorial of the dead Kroisos, whom violent Ares once destroyed in the front rank” (Jeffery 1990: 143–144). In short, the hoplite phalanx, far from expressing the egalitarianism of the body politic in its military incarnation, enshrined and perpetuated the status distinctions that characterized the early Greek *polis* more generally (Bowden 1993; Storch 1998; Hall 2007: 163–170).

If some were more equal than others within the hoplite phalanx, it remains the case that each man had his own role to perform in the defense of the city. It is not, then, egalitarianism that is the key to political decision-making in the Archaic period but rather differentiated participation – probably a relic from the small communities of the Dark

Age, where the precarious authority of the chieftain would have induced him to seek broad consensus for his decisions. Significant in this respect is the so-called Great Rhetra from Sparta. Cited only in Plutarch's *Life of Lykourgos*, its use of archaic and – even for Plutarch – arcane language argues in favor of its authenticity and if, as many believe, it is alluded to by Tyrtaios (fr. 4W; cf. Diod. 7.12.5–6), then it should date to the first half of the seventh century, making it the earliest “constitutional” document that we possess for the Greek world.<sup>3</sup> After discussing religious and administrative arrangements, the Rhetra makes provision for the establishment of a council of thirty elders, together with the two *archēgetai*, or kings:

Having founded a sanctuary of Zeus Syllanios and Athena Syllania, having tribed the tribes and obeyed the obes, and having established a council of thirty elders together with the *archēgetai*, hold the *apellai* each season between Babyka and Knakion and so introduce and set aside proposals, but the right to speak in opposition and power are to belong to the *dēmos* ... But if the *dēmos* speaks crookedly, the elders and the *archēgetai* are to be setters-aside. (Plut. *Lyk.* 6)

Although Plutarch – and probably Aristotle before him – believed that the final sentence was added at a later date, the combined testimony of Tyrtaios and Diodoros suggests that the power of veto was a part of the document right from the start (Cartledge 2001: 29–30). In other words, the non-elite citizen assembly (*dēmos*) may discuss and vote on motions brought to it by the aristocratic council – they are, in other words, expected to participate in the decision-making process – but their decision is not binding on the executive.

How representative was the Spartan case? For classical authors, Sparta was decidedly odd: indeed, it is the only Greek *polis* to which Herodotus (6.56–60) devotes an “ethnographic” portrait, akin to his descriptions of the institutions and customs of the Persians, Egyptians, or Skythians. Yet, recent research indicates that what has been termed the “Spartan mirage” was a product of the late sixth, if not early fifth, centuries (M. Meier 1998; Hodkinson 1998, 2000; Cartledge 2001: 169–184) and that Archaic Sparta may not have been so atypical after all. It is not that the *dēmos* lacked all representation. By the Classical period, their interests were safeguarded by five annually elected ephors – an institution whose introduction may date to the sixth century, given its absence from the Rhetra. A popular council (*boulē dēmosiē*) is attested on Chios in an inscription dated to around 575–550 BCE (M&L 8/Fornara 19) and while there is some question as to whether Solon established a popular council of 400 in the early sixth century, Athens certainly had a council of 500 by the time of Kleisthenes’ reforms in the last decade of the sixth century ([Arist.] *Ath. Pol.* 21.3). Even at Athens, however, considerable influence was wielded by the Areiopagos, the aristocratic council recruited from former archons, down until 462 BCE, when Ephialtes stripped it of most of its vestigial powers ([Arist.] *Ath. Pol.* 25). Indeed, to return to the relationship between political and military duties, there is a good case to be made for arguing that the impetus behind the eventual establishment of democracy at Athens was the fact that, at the decisive naval victory at Salamis in 480 BCE, it was the less affluent members of the *dēmos*, crewing Athenian triremes, rather than the wealthier hoplites, who made the greatest contribution to a battle that would greatly influence the outcome of the Persian War.

The boundary between elites and the *dēmos* must always have been somewhat permeable. The poems attributed to Theognis frequently complain about intermarriage between *esthloī* and *kakoi*, with the result that those who formerly knew nothing about justice or laws but wore tattered goatskins and lived outside the *polis* have now become *agathoi*, while those who were once *esthloī* are now *deiloi* (e.g., 53, 183–92). Yet, on the cognitive level, the two categories were antithetical. That was not the case at the lower end of the social spectrum. One of the problems that Solon had to address at the beginning of the sixth century was a situation where freeborn Athenians who had defaulted on debts were being indentured to aristocratic patrons or sold abroad into slavery (Solon frs. 4, 34W; [Arist.] *Ath. Pol.* 2.5–6). The solution that was adopted was to forbid loans on the security of the individual and to cancel private and public debts, liberating those enslaved in Attika and repatriating those who had been sold abroad. By establishing a lower threshold, below which freeborn members of the community could no longer fall, Solon defined the boundaries of the citizen body and, from this point on, Athenians were forced to look to chattel slavery to satisfy labor demands (Manville 1990: 132–133; Hall 2007: 191–196).

Sparta adopted a different solution to the problem. At some point, probably in the eighth century, the Spartans extended their influence over northern Lakonia by forcibly bringing neighboring communities into a relationship of dependency: these “*perioikic*” cities, as they are called, continued to exercise autonomy in their internal affairs but were bound to follow Spartan leadership in military enterprises (Shipley 1997). A more drastic strategy was followed in southern Lakonia, where territory was annexed and former residents enslaved as helots, forced to contribute a share of their agricultural production to their Spartan masters. From the end of the eighth century, the Spartans began to extend helotage into Messenia in the southwest Peloponnese and there are some hints that, by the sixth century, they also had designs on southern Arkadia (Hdt. 1.67–68; 1.82) and Kynouria, on the eastern seaboard of the Peloponnese (Hdt. 1.82; Paus. 3.2.2). There is some scholarly discussion as to the degree to which conflict in the Archaic period was driven by a desire for territorial conquest (van Wees 2004: 19–33): certainly, issues of honor and vengeance, along with the promise of enrichment from the spoils, are the reasons that are normally invoked by ancient authors in connection with such conflicts. Ultimately, however, the acquisition of further land was of little use unless provision was made to procure labor. The Thessalians also seem to have exploited their neighbors by making some of them *perioikoi* and subjugating others (the *penestai*) to a serf-like status similar to the helots (Sordi 1958; Lehmann 1983; Hall 2002: 139–144, 167–168), and evidence for the exploitation of dependent populations also exists for Sikyon, Argos, Syrakuse, Byzantium, Herakleia Pontike, West Lokris, and Crete (van Wees 2003).

The effect of – if not the intention behind – these conquests was to solidify the boundary between the free, if not fully enfranchised, citizen body and exploited populations who were excluded entirely from the politics of consensus. Self-cognizance of the contours that defined citizenship could, however, be reinforced by inclusion as much as by exclusion. At certain times, city-states might take the decision to incorporate neighbors into the citizen body. Such actions would often occasion a reordering of the *phylai*, or tribes – the political and military subdivisions of the *polis*, across which all citizens were distributed. Around the middle of the sixth century, Demonax of Mantinea was invited

to Kyrene in Libya to reform the tribal system there, following the devastating loss of seven thousand soldiers in a battle against the Libyans and after a prolonged period of discord between the various groups resident at Kyrene as well as between the *dēmos* and its monarchic rulers (Hdt. 4.161). The fact that one of three new *phylai* was designated for descendants of the original settlers from Thera and the *perioikoi* seems to indicate that the latter had recently been incorporated within the Kyrenean citizen body. A little earlier, the tyrant Kleisthenes reformed the tribal system at Sikyon, in the northern Peloponnese (Hdt. 5.68), and it is tempting to view this as one of the consequences of an assault that Sikyon is supposed to have launched on the nearby Achaian city of Pellene (Anaxandridas *FGrH* 404 F 1). Certainly, the appearance of a new tribal name at Argos, the Hyrnathioi, is attested for the first time after the Argives conquered and annexed the territories of Mykenai, Tiryns, and Midea in the 460s BCE (Piérart 1985). It may even be that the reforms of Kleisthenes of Sikyon's homonymous grandson, which replaced the original four Athenian *phylai* with ten new tribes, was partly designed to integrate newly enrolled citizens from rural communities in southern and eastern Attika (Anderson 2000; Anderson 2003: 123–146; Hall 2007: 218–225).

It is no longer entirely clear that the processes outlined above were seriously interrupted by the appearance, in the seventh and sixth centuries, of “tyrannical” regimes in several Greek city-states. Our understanding of this phenomenon is hampered by the fact that very few of the sources for tyrants are genuinely contemporary and are largely the product of elite families who sought to claim the credit for opposing, or even expelling, autocrats from their cities. A case in point would be the Alkmaionidai of Athens, who went as far as to admit to bribing the Delphic oracle in order to claim the credit for the expulsion of the tyrant Hippias in 510 BCE (Hdt. 5.62–63). Furthermore, the common view of the tyrant as, in some sense, “extra-constitutional” owes much to later political theorists and especially Aristotle who, as the tutor of Alexander the Great, was anxious to distinguish illegitimate forms of monarchy from legitimate ones. In reality, tyrants, who were inevitably drawn from the ranks of the elites (de Libero 1996), engaged in exactly the same tactics of force, violence, and persuasion as their aristocratic rivals, and their aim was to dominate, rather than subvert, the oligarchies that governed Archaic Greek *poleis* (Anderson 2005). Despite the generally negative tone of our literary testimony, the tyrants are not said to have suspended the normative mechanisms of governance. The Orthagorid tyrants of Sikyon are said to have “treated their subjects moderately and in many respects enslaved themselves to the laws” (Arist. *Pol.* 5.9.21) while at Athens, Hippias’ father, Peisistratos, later had the reputation for administering everything “according to the laws” ([Arist.] *Ath. Pol.* 16.8). Thucydides (6.54.5) agrees, saying that under Peisistratos and his sons, “the city continued to use the existing laws, save that they would always take care that one of their own party occupied the magistracies.”

In closing, it may be useful to turn to two spheres of activity that were not completely monopolized by the *polis* – namely, religion and the economy. The establishment of a monumental urban temple, such as the temple of Apollo Daphnephoros in the center of Eretria, was once thought to be one of the clearest indications for the emergence of the *polis*, since it presumes that the state has taken the responsibility for the cult of its presiding deity but can also command the loyalty of its citizens (Snodgrass 1980: 33, 52–54; Coldstream 2003: 338–339). In truth, it is difficult to establish on precisely

whose initiative such constructions were undertaken, but François de Polignac (1995) has noted that the earliest monumental sanctuaries are often not those in the urban center but those situated in the countryside at some distance from the city, and he argues that the function of such sanctuaries was to mark out the territorial limits of the *polis*. The problem with this hypothesis is that it assumes the early conjunction of the three definitions of the *polis* as an urban center, its territory, and its political community, which, as we have seen above, are more probably the result of a longer-term evolution. Furthermore, the literary testimony on which de Polignac bases his argument is invariably late while the archaeological evidence seems to tell a different story. At the sanctuary of Hera, which is situated 8 km northeast of Argos and which constitutes de Polignac's archetypal example, the material assemblages seem distinctly different to those known from Argos and it may be that the Heraion did not become an exclusively Argive sanctuary until the 460s, when Argos destroyed the neighboring communities and incorporated their citizens (Hall 1995).<sup>4</sup> At the sanctuary of Poseidon on the Corinthian isthmus, cult activity is attested from around the middle of the eleventh century, almost three centuries before any urban settlement can be documented at Corinth (Gebhard 1993; Morgan 1994).

Other supposedly "extra-urban" sanctuaries appear to have a more international constituency. At both the sanctuary of Hera Akraia at Perachora, near Corinth, and that of Hera on the island of Samos, the vast majority of the late-eighth- and seventh-century metal dedications is of non-Greek manufacture. The sheer quantities, together with the occurrence of Egyptian mirrors dedicated with hieroglyphic inscriptions to the goddess Mut, would suggest that not all of these dedications can have been prestige items procured by Greek elites and that these sanctuaries served as nodal points within cultic networks that were widespread and that made little or no distinction between different ethnic populations (Kilian-Dirlmeier 1985). It is, however, the so-called Panhellenic sanctuaries which constitute the most obvious example of religious organizations beyond the control of a single *polis*. Evidence for cultic activity at Olympia dates back to the tenth, if not the eleventh, century and suggests that the sanctuary originally served as a neutral meeting place for chieftains from Arkadia and Messenia (Morgan 1990: 57–85). The sanctuary seems not to have come under the control of the *polis* of Elis until the first quarter of the fifth century. Apollo's sanctuary at Delphi, on the other hand, while originally under the management of a local community, came to be administered by an *amphiktyony* or consortium of communities from central Greece – probably in the course of the seventh century (Hall 2002: 134–154). Yet the representatives who sat on the Delphic Amphiktyony were appointed not by *poleis* but by *ethnē* – that is, populations such as the Thessalians, the Boiotians, the Phokians, or the Lokrians (Aeschin. 2.115–116). Cities such as Sparta or Priene, on the Anatolian coast, could only be represented on the council by virtue of their affiliation to the Dorian and Ionian *ethnē* respectively. It is also worth noting that the evidence for purpose-built administrative buildings is often earlier at sanctuaries such as Olympia and Delphi than it is for many *poleis*, prompting Ingrid Strøm (2009) to suggest that it was the administration of sanctuaries that served as a template for *polis* governance, rather than vice versa.

The economy of the Archaic Greek world was based predominantly on agriculture, followed by pastoralism. Despite arguments to the contrary (Hanson 1999: 25–176), all the evidence suggests that, for much of the Archaic period, the vast majority of

freeborn Greeks were engaged in agriculture for subsistence, producing only modest surpluses which could be exchanged in local markets. Longer-distance exchange, primarily in luxury items, was initially in the hands of elite entrepreneurs. The change comes in the second half of the sixth century when the evidence of archaeological field surveys indicates an intensification of agricultural practices, which would have led to the production of greater surpluses. This is also the period at which pictorial art begins to portray a discernible distinction between purpose-built merchant vessels and warships. A new mercantile class had emerged which derived its livelihood from long-distance commercial transactions but such traders were, at best, marginal members of the political community – probably because of the impossibility of being permanently resident in the *polis* and therefore being able to participate in its decision-making processes (Hall 2007: 237–249).

Since the recent discovery that the earliest coins were minted in smaller denominations than was previously thought (Kim 2002), scholars have been more inclined to give credibility to Aristotle's opinion (*Pol.* 1.3.13–14; *Eth. Nic.* 5.5.10) that coinage was introduced to serve as a medium for the long-distance exchange of commodities. It is not, then, by accident that the earliest silver coins in Greece – those of Aigina, Korinth, and Athens – were minted shortly before the middle of the sixth century (Kroll and Waggoner 1984). It is not that the notion of currency was absent from Greece prior to this. Two Cretan laws – one (*IC* 4.1) of the late seventh or early sixth century, the other (*IC* 4.8) of the sixth – prescribe fines that are measured in cauldrons or tripods while the presence of iron spits (*obeloi*), often in bundles of 6 or 12, in funerary and cultic contexts throughout many parts of Greece is plausibly interpreted as representing the existence of a proto-currency, especially since the later denomination of the *drachma* ("handful") was made up of 6 *obeloi*. Such proto-currencies could certainly serve the purpose of the political community, whether as disbursements or fines, although they might also be employed to award prizes to athletic victors or provide daughters with dowries. The introduction of coinage allowed for a less bulky and more convenient medium of exchange, whose value was guaranteed by the emblems stamped upon them (Schaps 2004: 94–110). Many *poleis* – especially cities such as Aigina, which were more heavily dependent upon commercial revenues due to the scarcity of homegrown agricultural resources (Figueira 1981: 22–64) – minted their own coins; the possibility of selling these for anything up to 5 percent more than their face value offered one possible source of revenue to the issuing authority (Kroll 1998). On the other hand, a good number of *poleis* were content to recognize the currencies of other Greek city-states and only minted their own currencies late, if at all (T.R. Martin 1995). In short, there is only very slight evidence that Archaic Greek city-states pursued or directed economic policies (Bresson 2000).

The examples of religion and the economy offer a salutary reminder that the *polis* was but one of a series of overlapping and cross-cutting networks of power and authority rather than the atomistic building block that governed the totality of relationships between communities in the Archaic Greek world. This becomes more patently visible in the succeeding Classical period with the emergence of hegemonic alliances and federal states, whose origins – though now largely obscured – certainly date back to the centuries before the Persian War (Larsen 1968: 104–121). Nevertheless, and largely due rather to the nature of the evidence at our disposal than to ideological choices, it is the

*polis* that provides us with the best evidence for the nature of governance and the rise of state action in the Archaic period.

## NOTES

- 1 Arguments that an *agora* was conceived from the moment of foundation in the last third of the eighth century are not entirely convincing, given the scattered and unfocused nature of the settlement at this date. See Hall (2007: 107–110).
- 2 Only members of the Spartan royal households and related aristocrats could claim descent from Herakles, thus proclaiming an ethnic heritage that was different from that of most of the “Dorian” population. See Hall (2002: 80–81).
- 3 See, however, van Wees (1999), who argues that Tyrtaios cannot be referring to the Rhetra. For a response in defense of the chronological priority of the Rhetra, see Hall (2007: 184–187).
- 4 Strøm (2009) also argues against early Argive control of the Heraion, though, on the basis of the archaeological finds, she thinks that it came under Argive influence in the course of the seventh century. Nevertheless, her argument that it had to be Argive by about 575 BCE because of an inscription from the sanctuary (*IG* IV.506) that mentions a *damiourgos* is not compelling. Although this is a magistracy that is attested at Argos (*IG* IV.614), it is just as likely that a magistrate with the same title also exercised jurisdiction at the Heraion, especially since a board of nine *damiourgoi* seems to have held office at Argos, while at the Heraion a situation is imagined in which there is no *damiourgos*.

## CHAPTER 2

# The Classical Greek *Polis* and Its Government

*Barry Strauss*

The century and a half from the Persian Wars to the death of Philip of Macedon in 336 BCE marked the period of the *polis'* greatest power and vitality. Although nineteenth-century arch-conservatives like Burckhardt and Nietzsche idolized the Archaic period (*c.*750–500 BCE) and its aristocratic values, the Classical period has left a greater imprint on the West. This latter age was the great era of democracy and of secular humanism, and the debate on those things, then and now, lies at the heart of Western civilization. Our focus is on Athens with a glance, for comparative purposes, at Sparta. Athens is by far the best-documented and most studied *polis*. The Greeks were proudly parochial, and the historian can never discount local idiosyncrasy. Yet Athens was enormously influential in Classical Greece, both loved and hated by others but all but impossible to avoid. In many ways, Athens is paradigmatic; hence, its centrality here. Let's begin with ten propositions about the Classical Greek *polis* and its government. These propositions apply to the Greek *poleis* broadly.

(1) The society of the *polis* was larger than the state. It included not just the gods and the household but, in a large and complex *polis* like Athens, resident aliens and slaves – to say nothing of women (E. Cohen 2000). In Athens, the citizens made up only a minority of adults. Yet, for those citizens, and even for some non-citizens, the *polis* swept all competition aside when it came to ideological hegemony. The state loomed large in the ancient Greek mind because it had few competitors. The temple, so important an institution in the ancient Near East, played relatively little role in Greece. The main challenger to the state was the family (or, more accurately, the household) and it could not compete. Not only did the Greeks lack an ancestor cult; they didn't even have family names<sup>1</sup> Whereas love and fear of God was the central organizing principle of Israel, love and loyalty to the *polis* and its institutions was fundamental to the Greeks. “Day by day fix your eyes upon the greatness of Athens, until you become filled with the love of her,”

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said Perikles to the citizens of Athens in his most famous speech, the Funeral Oration (Thuc. 2.43.1). Although this was over the top, even by ancient Greek standards, it struck a chord in the hearts of Perikles' audience.

(2) Yet, for all its pretensions, the Classical Greek state did relatively little. Classical Greek government claimed everything and did little. That is the paradox at its heart. Only in the case of Sparta is it possible to think of the ancient Greek state as all-pervasive, and even at Sparta, state power could not compare to its modern counterparts.

A decree from Eretria around 340 BCE, carved on stone, offers several fine insights into the limits of Greek government. The subject is a festival of the goddess Artemis, and the procedures put into place by government decision. Among various provisions are these: (a) The regions, states the decree, are responsible for providing choice victims for sacrifice – unless they don't, in which case, the officials in charge of the sanctuaries should contract with someone to furnish them. So much for central authority! (b) The decree is to be carved on stone and placed in the shrine of Artemis, so that its provisions for the festival “happen thus for all time,” or at least as long as “the Eretrians are free and prosperous and self-governing,” which, given the ups and downs of Eretrian history, might not be very long at all – so, the qualifier shows that the promulgators understood that “for all time” was a relative term. The long arm of the state was neither very long nor very durable, neither in Eretria or anywhere else in classical Greece.<sup>2</sup>

(3) Although there have been many other city-states in history, the *polis* was unique in its emphasis on participation. Usually translated as “city-state,” the *polis* is better understood as “citizen-state” (Runciman 1990: 348). Citizenship was one of the great legacies of the Archaic Age, defining and limiting membership in the *polis*. I use the word membership advisedly, because the Greeks thought of the *polis* as something like a corporation in which the citizens held, so to speak, shares of stock (Strauss 1994b). The *polis* was the product of communal activities, whether in the assembly or the military or the theater, undertaken by its members – its citizens. The term “government” is slightly misleading, given the high degree of participation in ancient Greek regimes, especially in democracy. For the ancient Greeks, democracy was participatory democracy; they would have considered representative democracy a contradiction in terms. Either poor and ordinary citizens ran the government themselves, by taking part in an assembly that resembled a very large town meeting, or they turned over the responsibility to elected officials. To the Greeks, the latter amounted to oligarchy and not democracy.

Consequently, the Greeks themselves spoke of office-holders (*archai*), “those in power” (*hoi en teloi*), the “politically active” (*hoi politeuomenoi*), and, for what we call the assembly, the “call out” (*ekklēsia*), to name just a few terms of political discourse. But while we refer to the state in the singular – e.g., China, France, or Nigeria – they referred to the *polis* in the plural: the Athenians, the Korinthians, or the Thebans, not Athens, Korinth or Thebes. The emphasis was on the group.

(4) By the same token, the *polis* was exclusionary. Only adult, male, legitimate sons of a citizen father could become a citizen; in Athens after 451 BCE, a new requirement was added of having a mother of the citizen class as well. Women and children were permitted to take part in many religious rites and public festivals but they were excluded from political participation. With few exceptions, immigrants or freedmen could not become naturalized. Needless to say, slaves could not participate in politics either.

(5) What did government do in ancient Greece? It administered justice; collected taxes; engaged in self-defense and waged war; maintained rudimentary public records; issued coinage, weights, and measures; supervised the market; and conducted festivals. The government also constructed public buildings, including religious and recreational facilities (temples, theaters, and stadiums) as well as those for governmental activities more narrowly construed (assembly places and council houses) and for military activity (walls, forts, arsenals, harbors, dockyards). Much of what we take for granted as government activity did not exist in ancient Greece. Few Greek governments provided formal public education. The welfare state, such as it was in ancient Greece, was limited to payment for public office, assembly attendance, jury duty, and theater or festival attendance. Government provided neither old age pensions, nor accident insurance, nor medical care, nor unemployment insurance.

(6) Every Greek *polis* had certain basic governmental institutions: a council, assembly, and court. It has been suggested that these institutions grew out of the army and its council of generals, but that might just reflect the ancient Greeks' warlike self-image. The assembly was large, and often consisted of several thousand participants. The council was smaller, with a membership ranging from dozens to several hundred. Courts could range in size from a few judges to several thousand jurors. The purpose of the courts was to administer justice. The purpose of the assembly was to legislate. In oligarchies, the assembly had only limited power. In a democratic *polis*, by contrast, the assembly was authoritative. It was a true legislature that debated, amended, and ratified bills. A democratic assembly could also draft a bill, but that job more typically belonged to the council. The council served as a quasi-executive. It drafted legislation, received ambassadors, and served as, roughly, a supreme court, with supervisory powers over the laws. In an oligarchic *polis*, council membership was restricted to the elite, and the council had the power to overturn decisions of the assembly. In democratic *poleis*, council membership was open to many if not most citizens and the council's power was limited.

(7) Greek government had little bureaucracy. Even in Athens, where there were hundreds of public officials, they played little part in the average citizen's life. It's ironic, but the governments of classical Greek city-states were probably less bureaucratic than the governments of the kingdoms that had ruled Greece nearly a thousand years earlier. The royal palaces of the Mycenaean Age, for instance, supervised a command economy and employed a bigger, more intrusive set of officials than did the Classical city-states. Our knowledge of the palace economy comes mainly from thousands of clay tablets inscribed by Mycenaean scribes. They used a writing system that we call Linear B; a combination of syllables and ideograms, it was an early form of Greek. To take one example of Mycenaean administration, Linear B tablets record the names of over five hundred rowers, who were drafted to serve in the royal navy (Wachsmann 1993). It is probably just an accident that this is a longer list of rowers than any to survive from Classical Greece, but it's a happy accident, because it highlights the comparative limits of Greek government.

(8) Classical Greece was the age of democracy, the period when ancient democracy reached its peak. The word itself comes from the Greek word *dēmokratia*, coined in Athens early in the fifth century BCE. It means, literally, "the power (*kratos*) of the people (*dēmos*).” Today, democracy is characterized by mass citizenship, elections, and

representative government. Ancient *dēmokratia*, in contrast, was a direct democracy in which elections mattered less than direct participation, citizenship was narrowly restricted, women were barred from politics, resident aliens could almost never become citizens, while citizens owned slaves and ruled an empire. Athenian insistence on direct democracy was not merely a constitutional detail. Direct popular participation in the government, rather, *was* democracy. The alternative, government by an elite, was considered to be not democracy but oligarchy, literally, “rule by the few.” No matter how liberated the people were otherwise, Athenians did not consider them to be fully free unless they could govern themselves. Nor were the people deemed to enjoy full equality unless all adult male citizens had an equal opportunity to govern. Without such an opportunity, the Athenians believed, the government would be run not only by an elite, but in the interests of an elite.

Modern democracies tend to emphasize individual rights but ancient democracies usually placed the community first. Despite the differences, ancient *dēmokratia* established principles that live on: freedom, equality, citizenship without property qualifications, the right of most citizens to hold public office, and the rule of law. In the fourth century BCE, most *poleis* became democracies but even then the Greek cities enjoyed a variety of regimes: tyrannies, oligarchies, and so-called mixed regimes. Tyrannies were dominated by a single ruler and his family; they enjoyed dictatorial and often arbitrary power. Unlike tyrannies, oligarchies were constitutional regimes, but they limited political power to a subset of free, male citizens, unlike democracies, which empowered them all. What the ancients called “mixed regimes” balanced political power among the various social classes of free citizens.

(9) The ancients thought of regimes according to social class. Aristotle understood this well. As he put it, democracy is not only majority rule, but a regime run by poor and ordinary people in their own interests. Oligarchy is a regime run by an elite of wealthy people in their own interests. Oligarchy was the regime of what the ancients called “the few”: that is, the elite of wealth, birth, talent, and education. Democracy was the regime of “the many”: that is, poor and ordinary people. A mixed regime claimed to blend and balance the power of the few with the power of the many. But not all observers would agree with that claim. In fact, there is a case to be made that mixed regimes tended toward oligarchy. Meanwhile, at least in Athens, democracy balanced the few and the many. It didn’t always succeed in doing so, and sometimes it failed spectacularly. Over the long haul, though, Athens proved to be much more moderate than its critics allow.

(10) Classical Greek government is an extended dialogue about freedom. All Greeks agreed that freedom entailed autonomy, that is, freedom from foreign rule, and participation, that is, some degree of self-government. But they differed widely on the optimal degree of participation. To an Athenian, anything less than full and (nearly) equal participation was not really freedom. To a Spartan, anything more than token participation by ordinary people in the government was antithetical to freedom, because it would breed disorder and that in turn would eat away at virtue, without which freedom was impossible. The Greeks also disagreed about the proper role of government. Spartans believed in a powerful state that intruded into private life. Athenians thought that as long as an individual did his share of military service and political participation, he should be left alone by the government to do as he pleased. They believed, that is, in personal freedom, a concept that left Spartans cold.

Finally, a note on methodology. You cannot study ancient history properly without at least glancing at the evidence that it is based on. After all, the surviving evidence about things that happened 2,500 years ago or more is highly limited. Our most detailed information about the classical Greek *polis* and its government comes from elite literary texts, that is, the writings of historians, philosophers, orators, and other prose writers as well as the poets who wrote dramas (tragedy or comedy) or such other forms of poetry as choral odes or lyric. Some of these writers were contemporaries, others lived later in ancient Greece or Rome; they often had access to contemporary sources which have since been lost. Many elite authors were skeptical of or downright hostile to democracy, and some (but not all) admired the mixed regime of Sparta. That challenges historians, but not insuperably because of a huge scholarly literature on how to read around, through, or between the lines of such texts. Besides, our other evidence offers a different perspective.

The second most important source of information after elite literary texts is inscriptions, from official state documents to private dedications (including tombstones) to graffiti. Although every *polis* produced inscriptions, Athens is the source for the overwhelming majority of those that have survived. This is owed both to the power and prominence of classical Athens and to the pre-eminent interest of modern scholars in Athenian history.

Most of the Classical Greek inscriptions that we have today are themselves the product of archaeological excavation. That points to the third main source of information, the evidence of material culture more broadly, beyond the rubric of inscriptions. This is a wide category that ranges from art objects to buildings to tombs to topographical sites to soil samples and from stone to metal to organic material such as wood, plants, the residue of wine or perfume, and bones, whether human or animal.

## Athens and Sparta

The two great rival regimes of Classical Greece were Athens and Sparta. They are best known as military foes. They began as allies and in 480 BCE they jointly defeated Persia's invasion of the Greek mainland. Then they went their separate ways. Each state led its own military alliance. The two alliances clashed in a series of wars between 460 and 369 BCE, when Sparta and Athens finally patched up their differences in the face of a new threat, the emerging power of the city-state of Thebes. After its defeat by Thebes at the battle of Leuktra in 371 BCE and after a Theban invasion of its homeland, Sparta lost its status as a great power for good. Athens survived and remained a major power until the early third century BCE. Yet in addition to being military rivals, Athens and Sparta stand out as antithetical regimes. Athens was an open society, proud of the individual liberty that its citizens enjoyed. Sparta was a closed society, proud of the virtue that its rigidly controlled culture instilled in its citizens. To the ancients, Athens was the pre-eminent democracy. Sparta was Greece's greatest mixed regime; Rome, another mixed regime, later rivaled it for the title of the greatest mixed regime of all.<sup>3</sup>

Spartan government reflected the three-part class system that made up Spartan society. Helots, unfree laborers who worked the land for their masters, were at the lowest level. In the middle ranks were *perioikoi* ("neighbors"), who were free but subordinate to

the highest class, the “similar” (*homoioi*), as they were called, who were the only full citizens. In circa 650 BCE, there were some nine thousand *homoioi*, but that number declined over time. We do not know the number of helots, but we do know that they outnumbered the other two classes. *Homoioi* were relatively prosperous and free. Each male *homoios*, moreover, was given a similar land allotment that was worked by helots, thereby freeing him to fight. As the name implies, “similar” were alike but not equal. For instance, wealthy *homoioi* owned more land than the basic allotment. Sparta’s mixed regime distributed power among the similars through a combination of monarchy, oligarchy, and democracy. Sparta had two royal houses and two kings, each serving as a check on the other. The kings led Spartan armies and presided over state religion. A council of elders (*gerousia*) held considerable authority and could overturn decisions of the assembly. The council consisted of 30 members including the two kings. Finally, a board of five ephors (“overseers”) wielded supervisory powers. Every male *homoios* over the age of 30 had the right to attend the assembly and to hold public office. The assembly of similars constituted the popular element in the regime, but its powers were limited. Real power was shared among those who were kings, elders, and *ephors*, men generally belonging to a few wealthy families.

The ancients admired Sparta’s regime as the model of balanced, stable, and orderly government. And so it was, but it was due in large part to the militarism and discipline of Spartan life. The helots made Sparta more dependent on its army than the average *polis*. Fellow Greeks who had been conquered by Sparta around 700 BCE, the helots required constant policing. To keep them in check, Sparta needed a crack army; to get that, Sparta needed to train, nourish, and glorify its soldiers. Whereas other *poleis* offered little or no formal public education (see also chapter 20), Sparta schooled its sons from childhood to be soldiers – a system known as the *agoge* (“upbringing”). Consider the system as it was described by Plutarch in his *Life of Lykourgos* (c.100 CE), admittedly an idealized account, based on a long tradition. Limited to male *homoioi*, the *agoge* created a life cycle unique in Greece. At birth, babies were examined by public inspectors. Those who were considered deformed or unfit were “exposed”; that is, they were abandoned without food or shelter. The victims might die, but they might also be sold into slavery or even secretly adopted. (Other Greeks also practiced exposure of infants but the choice was a family matter, not public policy.) Surviving children were raised at home up to the age of 7, at which point boys left the family to be boarded with a “herd” of their age mates. For the 11 years from age 7 to age 18, a boy went through the rigorous training of the *agoge*. According to the theory that good soldiers should be strong and silent, boys learned only enough reading and writing for practical ends – for example, for messages to and from military headquarters. Many boys between the ages of 18 and 20 served in the so-called *krypteia*, living covertly in the hills of the helot country of Messenia, where they survived by hunting, foraging, and stealing. They spied on the ever-rebellious Messenian helots, whom they could kill with impunity because every year Sparta declared war on them. By age 20, all similars had become hoplites, and they continued to serve in the army until age 60. Supported by helot labor, they devoted all their time to fighting and training the next generation. The ordinary Spartan citizen wielded far less political power than the ordinary citizen in Athens or any other Greek democracy. He entrusted far more political power to elites. He also allowed the state to interfere in his household to a much greater degree than elsewhere in Greece. In no

other *polis* did the government regulate parent–child relations so drastically or prescribe a formal course of education.

Hardly a democracy, Sparta nonetheless offered more opportunities outside the home to elite women than did other Greek states. It is a real irony of history. For example, unlike most Greek girls, Spartan girls received a public education – limited, however, to physical training, which was thought to strengthen females for childbearing. Still, the sight of girls running, wrestling, and throwing the discus and javelin, which was common in Sparta, was unthinkable elsewhere in Greece. So was Sparta’s unique recognition of the risks of maternity. Like Spartan men who died in battle, Spartan women who died in childbirth were allowed to have their names inscribed on their tombstones. All other Spartan burials were anonymous. The elite did not lead lives of luxury. For example, Spartans’ diet was famous for its simplicity. The preferred food was a black broth of pork cooked in its own blood and spiced with salt and vinegar. To discourage consumption, Sparta issued no coins; the official “currency” consisted of heavy and unwieldy iron skewers. Since the outside world was considered corrupt, Sparta engaged in little trade and admitted few foreigners to its territory – and they were subject to periodic expulsion. Once again, the Spartan government played a very intrusive role in the life of its citizens.

## Three Ages of Athenian Democracy

Nothing could better symbolize the difference between Athens and Sparta than the contrast between Sparta’s unwieldy use of iron skewers and Athens’ famous silver coins. These coins were called “owls” because the bird symbolized the goddess of wisdom, and so images of both the owl and the goddess appeared on Athenian silver tetradrachms, the goddess on the obverse, the owl on the reverse. Athenian owls were known as reliable source of pure silver of a guaranteed weight. They were prized internationally and symbolized the society that issued them, a country that was commercial, efficient, intelligent, and open to the world. And what undergirded the Athenian economy, supplying its energy and vitality, was democracy. In its heyday, Athenian democracy underwent a process of evolution, marked by three revolutionary moments: the years 508, 461, and 403 BCE. If it is not too hackneyed, we might think of Athenian democracy as going through three phases: childhood (508–462), adolescence (461–404), and maturity (403–336). Over time, Athenian democracy became both more egalitarian and more stable.

Any account of Classical Athenian democracy has to cast an eye very briefly at two Athenian leaders of the sixth century BCE who set the table, as it were: men who laid the foundation for the later democracy although they themselves were not democrats. These two leaders were Solon and Peisistratos. Granted an extraordinary, one-year term as supreme magistrate in 594 BCE, Solon established some of the basic principles of Athenian government. They were: personal freedom, moderation, popular participation in the assembly and the courts, respect for private property, and hostility to tyranny. Then came Peisistratos and his sons. The tyranny that they established in Athens lasted for the better part of four decades (546–510) but it left a bad taste for tyrants that endured for two centuries. On the other hand it established other precedents too – for privileging the common people over the elite, for public buildings and festivals at state

expense, and for projecting Athenian power abroad; and, yet another precedent, for lashing out from time to time in a violent, arbitrary, and willful manner. Although classical democracy would undergo certain “Peisistratos moments,” more often it made Solon its guiding light. Despite periods of upheaval and oppression, democratic Athens embraced freedom, equality, and moderation in the end.

Athenian democracy was established by a revolution in 508 BCE. It was an accidental revolution. In 510, the Peisistratids, who had ruled Athens for two generations, were expelled with the help of a Spartan army. Upper-class Athenians planned to replace the tyranny by an oligarchy and vied with each other for power within it. One of them, named Kleisthenes (d. c.500 BCE), failed in his ambitions and tried a new tack. He turned to the common people, whose aspirations he aroused. The watchwords of the day were *equality* and *mixing*. Frightened by the assertive populace, the oligarchs called for Spartan military assistance, but to no avail: Kleisthenes rallied the people to victory. The Athenian triumph proved, in Herodotus’ opinion, “not in one respect only but in all, that equality is a good thing. Evidence for this is the fact that while they were under tyrannical rulers, the Athenians were no better in war than any of their neighbors, yet once they got rid of their tyrants, they were by far the best of all” (5.78.1).

In its childhood, Athenian democracy took its first steps. It was a period of rapid growth and change. Kleisthenes broke up the power of the traditional aristocracy by attacking its local bases of support. For example, he abolished Athens’ four traditional tribes and apportioned the people among ten new tribes. Immigrants and their descendants, who had been excluded from the old tribes, now joined natives in the new tribes. The tribes formed the basis of a new Council of Five Hundred. The council was divided into ten tribal units, each serving as a kind of executive committee for one of the ten months of the civic year. The heart of the government was the assembly, some of whose members, emboldened by the new spirit of equality, now spoke up for the first time. While the Council of Five Hundred prepared the assembly’s agenda, assemblymen felt free to amend it. The only privileged preserve was the Areiopagos council, made up of ex-archons (chief magistrates). The last and most unusual part of the Kleisthenic system was ostracism, a sort of annual unpopularity contest that received its name from the pieces of broken pottery (*ostraka*) on which the names of victims were chiseled. The “winner” was forced into ten years of exile, although his property was confiscated. Ostracism aimed at protecting the regime by defusing factionalism and discouraging tyrants. Judging by Athens’ consequent political stability, it worked.

The sociological basis of Athens’ young democracy remained narrow. Ironically, slavery had grown apace with freedom in sixth-century Athens. Solon made it illegal to enslave Athenian citizens, and he liberated Athenians who had been enslaved. By the same token, this started a boom in exporting foreign slaves to Athens. By the fifth century, the Athenian economy had become dependent on slavery, and Athens might fairly be described as a slave society.

Within Athens, the citizenry itself was marked by inequality. Solon had divided the Athenian citizenry into four property classes: from richest to poorest, they were *pentakosiomedimnoi* (literally, “500 measure men”), *hippeis* (“horsemen,” i.e., probably men who owned a horse), *zeugitai* (“yoke men,” i.e., men who owned a pair of oxen), and *thetes* (“menials”). Poor, ordinary people could take part freely in the assembly or the courts, if they had the free time to attend. But the magistracies were closed to them.

They lacked the financial means, the political consciousness, and the self-confidence needed to engage in politics. Changing conditions by the 450s rendered Athens even more democratic. During that period, the oldest principle of Greek politics came to the fore: whoever fights for the state governs it.

Military service was tied to prestige and prosperity in the *polis*. Although the Athenians engaged in conscription when needed, it was needed less often than in recent times. The reason was that military service was a way of displaying wealth, since a soldier had to provide his own arms and armor and the poor could not afford to do so. Besides, military service sometimes engendered wealth in the form of loot. The *zeugitai* formed the backbone of the Athenian military, where they served as armed infantrymen or hoplites. *Hippeis* and *pentakosiomedimnoi* tended to serve in Athens' small and elite cavalry corps. Only the *thetes* were left out, because as light-armed troops, they played little significant role in warfare. But that was about to change dramatically.

To counter the Persian threat against Greece in the 480s, Athens built a great navy. Without the energy of the young democracy, Athens would probably never have made such a bold move. But it proved entirely successful. Not only did the Athenians play the lead role in driving back the Persians (the Spartans and their land army proved nearly as important) but they used the navy after the war to build a naval confederacy. Within a generation, this solidified into a hegemonic empire over the Aegean Greeks with the ability to project power into the central and southern Mediterranean. It made Athens immensely rich and powerful. It also greatly expanded the sphere of government. The Athenian state now built and maintained great fleets with all the attendant infrastructure of dockyards, shipsheds, and harbor works. Navies were expensive, and they necessitated both tribute collection from abroad and increased taxation at home, primarily on wealthy Athenians, who were expected to finance the annual upkeep of ships as well as to serve, in person, as ship's captains.

The navy employed tens of thousands of men and required the necessary administrative infrastructure. It collected taxes from several hundred Greek city-states. Imperial funds were used to construct public buildings in Athens, the most famous of which was the Parthenon (dedicated in 438 BCE). They also funded public festivals such as the Panathenaia. Athens was known for having more public festivals than any other *polis* – the bread and circus of democracy, as it were. But the main consequence of Athens' naval expansion was to change the nature of Athenian democracy. The navy empowered and emboldened ordinary men. The standard ship was a trireme, an oared warship rowed by 170 men on three decks. Some of the rowers were foreigners, attracted to Athens by employment in the navy, and some of them were slaves. But the core of the rowers consisted of free Athenians of the poorest social class, the *thetes*. Just as hoplites supported new regimes in Greece after in the course of the seventh century, so rowers supported new regimes in Greece after 500 BCE.

Service aboard a trireme served as a kind of political education for the *thetes*. They learned how important they were to their country and its armed strength. They learned how much they could do if they worked together. They learned about cooperation with the non-citizen residents of Athens, because many of the rowers were slaves or foreigners. In short, they developed a growing political consciousness (Strauss 1996). And so, buoyed by the emergent power of the poor, a second Athenian democratic revolution occurred around 461 BCE. In that year, Ephialtes (d. c.460 BCE) and his

young associate, Perikles (*c.*495–429 BCE), targeted the last bastion of aristocratic privilege, the Areiopagos. They removed the council's longstanding supervisory powers over the regime and redistributed those powers to the council of 500 and the people's court. The decade of the 450s saw another, even more radical innovation: payment for public service, specifically for jurors, who received a half-drachma (perhaps a half-day's wages) for a day of jury duty (known as *dikastic pay*). Eventually other public servants also received pay. Conservatives complained bitterly because they perceived, rightly, that state pay made political activity by poor people possible. On a more modest scale, state pay did, in the fifth century BCE, what *theoric pay* – a more general distribution to the needy – did in the fourth century. As the Athenian orator Demades said, *theoric pay* was “the glue of *dēmokratia*” (Plut. *Mor.* 1011b).

Athenian democracy had now reached its adolescence, a stormy, emotional and swashbuckling age. Broad-shouldered, unfettered, fearless but sometimes fickle, the Athenian assembly reigned supreme. It revised the fundamental laws of Athens' unwritten constitution without supervision by the Areiopagos and without any thought of holding a constitutional convention. The assembly took direct charge of finance. However democratic, it worked within the traditional parameters of aristocratic government, in which the same men served both as generals and orators, thereby all but erasing any civil–military distinction. Although the Athenian assembly generally behaved in a responsible and law-abiding manner, even in its adolescent period, it fumbled egregiously from time to time. For example, it made a decision about punishing rebels one day in 427 BCE only to rescind it the next; it tried, convicted, and executed a half-dozen Athenian generals *en masse* in 406 BCE even though Athenians had a right to an individual trial. And it executed Sokrates in 399 BCE for the dubious crimes of not recognizing the gods the city recognized, of having invented new gods and of having corrupted the youth – an execution many Athenians later resented.<sup>4</sup>

It was this era, if any in Athenian history fits Alexander Hamilton's criticism of ancient republics in *The Federalist* as a source of “domestic faction and insurrection.” Hamilton wrote: “It is impossible to read the history of the petty republics of Greece and Italy without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions by which they were kept in a state of perpetual vibration between the extremes of tyranny and anarchy” (*The Federalist*, no. 9). In regard to Sokrates, one thinks of James Madison's reproach of Athens that “popular liberty” suffered “the indelible reproach of decreeing to the same citizens the hemlock on one day and statues on the next” (*The Federalist*, no. 63).

While Perikles was alive, he served as an effective helmsman and even a check on the assembly. An aristocrat with the common touch, an outstanding orator and a skilled backroom negotiator, an up-to-date intellectual who sponsored temples to the traditional gods, an honest and tireless worker who presided over a glittering cultural life, a general who led in peace as well as war, Perikles was a political giant. He dominated Athenian politics between about 460 and his death in 429. Such influence by one man was the exception and not the rule in democratic Athens. Thucydides (2.65.9) said of Athens that under Perikles, “though still in name a democracy, [Athens] was in fact ruled by her greatest citizen.” This is an exaggeration but Perikles certainly wielded unusual political power. Two things alone made it possible. On the one hand, there was Perikles' brilliance, aptitude, and longevity; his political career lasted over forty years, a long run

indeed. On the other hand, there was the youth of Athens' democracy. The common people didn't have the experience or self-confidence that came only after decades and decades of exercising power.

After Perikles' death, no second helmsman arose to replace him. His successors, to quote Thucydides again, "were more on an equality with one another, and, each one struggling to be first himself, they were ready to sacrifice the whole conduct of affairs to the whims of the people" (2.65.10). This was the infamous period of the demagogues – a term of abuse derived from a relatively neutral Greek word for popular leader, *dēmagōgos*. The wickedness of the demagogues has been greatly exaggerated (M.I. Finley 1962). And yet, it was an era of excess and rambunctiousness, in which adolescent Athenian democracy veered off course. Many elite Athenians had their doubts about democracy. But as long as democracy made Athens into a wealthy empire, elite discontent found little sympathy in the wider population. Then came the demagogues, who did a miserable job of managing the Peloponnesian War (431–404 BCE), the great, decades-long military struggle against Sparta. After military disasters in Sicily and the Aegean, elite malcontents found their moment. In 411 they launched a successful *coup d'état* against democracy and established an oligarchy in Athens. But it lasted less than a year. The rowers of the Athenian fleet, based in the eastern Aegean, remained loyal to democracy, and they and their leaders successfully overturned the oligarchy and restored democracy.

But not all the rowers' fortitude could stave off military disaster from Athens. In 404 BCE Athens lost the war and Sparta made common ground with Athenian oligarchs. Together they imposed on Athens a new and more narrowly based oligarchy led by only 30 men, and so known as "The Thirty." The regime began to kill prominent, wealthy pro-democrats in Athens. Those who survived financed an anti-oligarchic movement in the mountains outside Athens, with help from Sparta's rivals abroad. Within a year, the movement grew into an army. The democrats defeated the oligarchs in battle. Sparta (which suffered its own policy divisions), decided to make peace with the democrats. In 403 BCE, democracy was restored. The oligarchs were allowed to keep control of a corner of Attika but, two years later, the democrats suppressed them. Athenian democracy survived for the next 80 years, until another lost war led to oligarchy again in 322 BCE.

## Athenian Democracy in Action, Fourth-Century BCE

Democracy was not only restored but reformed. A third revolution took place in 403 BCE. Athenian democracy now entered the era of its maturity. Democracy finally found the balance that had eluded it in its childhood and adolescence. On the one hand, it showed great respect for private property and gave pride of place to the elite of birth, wealth, and education when it came to prominence in politics and public office. On the other hand, it offered a very substantial degree of political participation to the poor, buttressed by a variety of (small) subsidies. Most important, democracy ensured a balance of interests. The elite led in the interests of the masses as well as in their own interests. The elite led but the masses kept a watchful eye on them. The result was stability, prosperity, freedom, and equality.

The student of fourth-century Athenian democracy needs to measure his judgment against the greatest discussant of the issue – Aristotle. The philosopher lived in Athens as a metic (resident alien). Democracy looms large as a theme of his *Politics* and of the Aristotelian *Constitution of Athens*, the latter of which was probably written by his students rather than by the master himself (Rhodes 1981). Written perhaps in the 320s BCE, the *Constitution of Athens* says of the Athenian regime as established by the returned democrats in 403 BCE: “It has lasted to the present day with ever-increasing power being assumed by the common people [*plēthos*]. The people [*dēmos*] have made themselves sovereign [*kyrios*] in all fields; they run everything by decrees [of the *ekklesia*] and by decisions of the courts [*dikastēria*] in which the people [*dēmos*] are supreme.” ([Arist.] *Ath. Pol.* 41.2; trans. Moore 1975, mod. Strauss 1991: 217).

Aristotle never says so directly, but he probably considered fourth-century Athens to be an example of what he calls the most recent (*neōtate*), last (*hystate*), final (*teleutaia*) or extreme (*eschate*) democracy. By this he means a regime in which the common people and not the law (*nomos*) are sovereign, which comes about because decrees (*psēphismata*) are sovereign rather than the law (*Pol.* 1292a1–7). Aristotle considers extreme democracy to be undisciplined, lawless, despotic, vulgar, hostile to the upper classes, and likely to be unstable (Strauss 1991: 212–215). But Aristotle and his students go too far; they underestimate the moderation of the Athenian regime. In sociological terms, fourth-century Athenian government was indeed more democratic than its fifth-century predecessor. The same is true in ideological terms. In constitutional and behavioral terms, however, fourth-century Athens moved away from popular sovereignty and toward the rule of law (Ostwald 1986).

There were many ordinary, working men in the assembly, perhaps a majority. There were probably fewer in the courts, as jury pay did not keep up with inflation. Fourth-century Athens paid citizens for attending the assembly (known as ecclesiastic pay), or for going to the theater or taking part in state festivals (theoric pay). These could constitute a substantial addition to a poor person’s income and so naturally they boosted attendance. Some of the magistrates and members of the Council of Five Hundred were ordinary working people, but virtually all of the orators and generals were wealthy men. (In principle, most magistracies were closed to the poorest Athenians but in practice they were allowed to serve.) Athens also folded poor citizens into the military. In the fifth century, poor Athenians rowed in the fleet and rarely served as hoplites. At some point in the fourth century, two years of military training as hoplites was extended to all citizens. Of the fourth-century Athenian government it could truly be said, as Perikles said of Athens in his funeral oration,

It is true that we are called a democracy, for the administration is in the hands of the many and not of the few. But while the law secures equal justice to all alike in their private disputes, the claim of excellence is also recognized; and when a citizen is in any way distinguished, he is preferred to the public service, not as a matter of privilege, but as the reward of merit. (Thuc. 2.37.1)

In short, in sociological terms, fourth-century democracy blended the many and the few. A relatively large number of political speeches survive from fourth-century Athens. They demonstrate what has been called “the ideological hegemony of the masses” (Ober 1989). It was no longer possible, as it had been before 403, to challenge the

very premises of democracy and succeed in Athenian politics. A politician had to take for granted that he was working in the interests of the poor and ordinary citizens – or he would fail. In institutional terms, Athenian government became less radical. For one thing, it was given a firmer legal foundation. The laws of Athens were collected, revised, codified, and published via inscription on the wall of the chief judicial building. It was a project that began during the restoration of democracy in 410 BCE and was completed, after an interruption by the civil war of 404, in 399 BCE.

For another thing, power flowed away from the assembly and toward other institutions. For example, new rules were put into place that made it impossible for the assembly to change the fundamental laws of the land, as it had been able to do previously. To do so now, the assembly had first to vote that the fundamental laws should be changed and then to empanel a group of legislators, chosen either from that year's jury pool or from the citizenry more generally (just which is a matter of scholarly debate). As it turned out, the assembly rarely used the procedure. The bottom line is that Athens' constitution became more stable. In other ways, too, the power of the assembly was delimited. Financial power was transferred from the assembly to government bureaus. Civil and military powers were each more carefully demarcated, and, unlike in the fifth century, the same man was no longer likely to serve as both orator and general. In the 340s BCE, in the face of the threat of Macedon's rising power under King Philip II, the authority of the Areiopagos was revived. On balance, institutionally there was no increase in the power of the masses.

Throughout the Classical period, the Athenian assembly published its decisions in inscriptions carved on stone. They were posted in a public place where any literate person could read them for himself or to others who couldn't read (cf. also chapter 27). These decrees are a model to rigor of procedure in the assembly. A good example of such inscriptions is the decree of 378/377 in which the assembly established a new naval confederacy to replace the league that Athens had presided over before it lost the Peloponnesian War. The decree begins with the following preliminaries: "In the archonship of Nausinikos, Kallibios the son of Kephisophon of the Paianian deme was the secretary. In the seventh, Hippothontid prytany [referring to the month of the year]. It seemed good to the Council and the People. Charinos of the Athmonian deme presided. Aristoteles spoke" (*IG II<sup>2</sup> 43*, my translation). After stating the date and the names of the secretary and temporary president of the assembly, the decree provides important information. It tells us that it was prepared by the Council of Five Hundred during the month in which a certain tribe took its turn to be in charge of the council. It also tells us that, after the council proposed the decree, it was then discussed and approved by the assembly. It also names the man who proposed the decree in the assembly, a politician named Aristoteles (no connection to the philosopher). In short, it points to a careful and meticulous system of government. Similar procedures are found in the surviving decrees of other fourth-century Greek democracies.

Alas for Athens, the naval confederacy established by the decree did not work out well. But that in turn points to yet another way in which fourth-century Athens grew more restrained: it began slowly to turn away from exercising military power abroad. Democratic Athenians began to think about cultivating their own garden, as their oligarchic brethren had long dreamed of doing (L. B. Carter 1986). For most of the decades of the 350s and 340s, Athens' leading statesman was Euboulos of

Anaphlystos. As chief commissioner of the Theoric Fund, he managed Athenian state finances more generally. Euboulos did such a good job that the state enjoyed a surplus without increasing taxation. Abroad, Euboulos avoided war. He recognized the threat of Macedon's rising power under Philip but he proposed a diplomatic solution: by uniting the Greek *poleis* in a "common peace," he would deter Philip. In the long run, Euboulos failed. Under Demosthenes, Athens engaged in the war with Macedon (340–338 BCE) that many considered inevitable. Philip won the war and started the process of subordinating Athens to Macedon. Ultimately, Macedon would snuff out Athenian democracy, but at Philip's death, in 336 BCE, that was still a long way off.

Unlike most modern democracies, Athenian *démokratia* was direct and participatory. Perikles once claimed that "an Athenian citizen does not neglect the state because he takes care of his own household; and even those of us who are engaged in business have a very fair idea of politics" (Thuc. 2.40.2). This is part boast, but only part. Each of Athens' governmental institutions was large, thereby offering every one of the adult male citizens (a number that fluctuated between about 25,000 and 50,000 in the two centuries of Athens' democratic regime) a chance to play at least a small part in self-government.

Most of Athens' government was housed in a series of buildings located around an open space in the heart of the city of Athens, a space known as the *agora*. Every *polis* had an *agora*, a public space for gathering, speaking, shopping, and otherwise doing business. The Roman equivalent, better known today in English, was the *forum*. The assembly met not on the *agora* but above it, on a nearby hillside known as the Pnyx. The council of the Areiopagos met on another nearby hill. But the most famous hill in Athens was the Akropolis, located just south of the *agora*. In Mycenaean times the site of a royal palace, the Akropolis was home to Athens' splendid temples, including the famous Parthenon. If the *agora* was the center of Athenian civil space, the Akropolis was the center of Athenian sacred space.

The instruments of government are easily sketched. The central institution was the assembly. Unlike Sparta, where assembly attendance began only at age 30, the Athenian assembly was open to all male citizens over age 20. Assembly meetings were held in the open air, on a hillside in central Athens, a place seating several thousand on benches. Those benches played a role far beyond their humble shape. As the Romans pointed out, they encouraged debate. Roman assembly-goers had to stand, which led to quick votes. In Rome, political debate consisted of speeches delivered in the forum beforehand. Greek assemblies took the give-and-take of politics much more seriously. The downside, of course, was the changeability and fickleness for which Athenian assemblies (especially in the fifth century BCE) were infamous. In the fourth century, the assembly gathered a minimum of 40 times per year, about once every ten days.

The assembly heard the great debates of the day. It made decisions about war and peace, alliance and friendship; it conferred honors and issued condemnations; it passed decrees relating to current issues and set up commissions to revise fundamental laws. In the assembly great orators addressed the people, but everyone, however humble, was theoretically entitled to speak. The judicial branch consisted of courts, which, with a few exceptions, were open to all citizens over age 30, no matter how poor. Aristotle or a member of his school comments that "for the people, having the power of the vote, become sovereign in the government" ([Arist.] *Ath. Pol.* 9.1). Juries were large,

commonly consisting of several hundred men chosen by lottery; small juries, it was felt, were easily bribed. Never composed of fewer than 201 men, juries offered plenty of opportunity for participation to the pool of 6,000 jurors chosen at random each year. After a preliminary hearing, cases were decided in a single day. The courts heard many cases that to us might seem improper. Charges and counter-charges of taking bribes, proposing unconstitutional bills, and engaging in treason flew freely. To the Athenians, though, it all made sense, as a way of reining in the assembly and individual politicians from violating either the letter or Athens' fundamental laws or the spirit of its constitution. The courts also heard charges of lesser crimes against the state, of course, such as tax evasion: a way of ensuring that a modicum of private wealth was used for the public good. The executive consisted of the Council of Five Hundred and some seven hundred public officials (also, under Athens' empire in the fifth century BCE, several hundred others living abroad). All male citizens over age 30 were eligible to serve. Terms were for one year.

The principles of participation and rotation were key features of public magistracies. No one could hold the same magistracy twice, and no one could serve as magistrate for two years in a row. That made it virtually certain that every Athenian citizen would serve as councilor or magistrate at least once in his life. The degree of participation in government by the ordinary person is amazing by our modern standards. True, a man could serve again in a different magistracy, which took some pressure off manpower needs, but only some. Another feature of Athenian magistrates is that they were amateurs. Like many an official even today, they depended on their staffs. They relied on secretaries and sub-secretaries, many of whom were metics or slaves. Most public officials (approximately 600) were chosen by lottery, which put rich and poor, talented and untalented, on an equal footing. About a hundred officials, such as generals and the major financial officials, were chosen by election. (The Athenians considered war too important to leave to the inexperienced and money too tempting to entrust to the poor.) The 500 members of the council, who also served annual terms, were selected by a combination of election and lottery. To guard against installing incompetents or criminals, every official faced a test before and after his term of office. Before taking office, he had to undergo a scrutiny by the council. After finishing his year in office, he had to submit to an audit. Most magistracies, moreover, were boards, usually of ten men, so there was safety in numbers. Even if a bad man managed to pass his scrutiny, he would be counterbalanced by his colleagues.

One of the purposes of the lottery was to emphasize the ordinariness of the people chosen. That in turn pointed back to the most important part of the Athenian government: the assembly. The magistrates served the people and not vice versa. The assembly made decisions that the magistrates merely carried out. The council drew up the assembly's agenda and served in several other executive functions. That being said, it is striking that assemblymen did not swear an oath of office. By contrast, jurors, councilors, and magistrates all swore an oath to the gods when they took office. Jurors made life-and-death decisions and they (probably) voted on basic laws – the equivalent, in modern terms, to a US constitutional amendment. Councilors and magistrates handled money and meted out punishment, so the oath seems appropriate. Another distinction of magistrates is that they wore a myrtle wreath when they carried out their public duty. Athens' magistrates fall into five main categories: (i) religious officials; (ii) army and navy

commanders; (iii) financial officials; (iv) inspectors of markets, buildings, roads, water and the countryside; and (v) officials of the assembly. Although they covered a wide variety of activities, the most striking thing about Athenian magistrates is what they did *not* do. It was neither a nanny state nor a welfare state.

Like many other *poleis*, Athens had a relatively weak executive, and rarely was power concentrated in the hands of an individual. There was no chief executive such as a president or prime minister. Generals and orators led assembly debates, and sometimes exercised great influence, but ordinary people set the agenda and made the decisions by taking votes at each assembly meeting.

For an adult male citizen of Athens, “government” meant a truly democratic and participatory experience. After the storm and stress of the regime’s childhood and adolescence, Athenian democracy finally found a mature and stable footing in the fourth century BCE. True, the majority of adults who were non-citizens were excluded from participation in the Athenian government, although naturally they were often the subjects of the government’s attention. But to look closely at what government meant for Athenian citizens is to understand why, for both admirers and detractors of democracy, Classical Athens represents a peak in the history of popular government. The other Greek *poleis* were not merely copies of Athens but most of them became democracies too, like Athens, by the fourth century BCE. Hence, the maturation of Athenian government speaks to a broader trend in Greek government as well.

## NOTES

- 1 On the family and political ideology in Athens, see Strauss (1993).
- 2 *IG* 12.9 189, as discussed in R&O 73.
- 3 For an introduction to Sparta, see Cartledge (2003). Cf. also chapters 8 and 10 in this volume.
- 4 It is true that the trial of Sokrates took place four years after the revolution of 403 BCE, which I count as the end of Athens’ adolescent era, but historical change is rather messier than schemes of periodization make it, so it is not surprising to see slippage at either end.

## CHAPTER 3

# Dynastic Courts of the Hellenistic Empires

*Rolf Strootman*

In the Hellenistic period, royal courts became an important focus of Greek politics. Of course, most peoples and cities in the eastern Mediterranean already were accustomed to dealing with monarchs, both the Achaemenid Great King as well as his various vassal rulers (for instance the Hekatomnid satrap-kings of Karia). However, for the *poleis* of mainland Greece, the necessity to deal regularly with supranational monarchy added a new layer of government to Greek politics, even though the Macedonian kings of the Hellenistic Age rarely interfered directly in the government of cities.<sup>1</sup> In the remainder of the Near East, the wider political constellation changed inasmuch that after Alexander the principal ruling dynasties had become Macedonian, and the imperial elites of their kingdoms were predominantly comprised of Greek families who came originally from *poleis* of both sides of the Aegean: the so-called Friends of the King. In this chapter, the courts of (mainly) the three major Macedonian dynasties of the Hellenistic period – the Antigonids, Ptolemies, and Seleukids – will be examined as instruments of empire and as the loci for the (re)distribution of power, status, and wealth.

A royal court may be defined as consisting of a king's immediate social milieu, the physical surroundings in which he lives and the public ritual of royalty is enacted, and the larger matrix of political and economic relations converging in the dynastic household (Adamson 1999: 7). From a social point of view, a court is basically the household of a dynasty complemented by, and entwined with, the households of the aristocrats belonging to the social circle around the king, for instance military commanders and court functionaries such as the majordomo or chamberlain. A court is not a place because it can – and often does – move from place to place (a notorious case in point is the court of Alexander). The number of people belonging to a particular court is variable; courts expand and contract throughout the year in accordance with the timetable for the aulic “great events” and religious festivals.<sup>2</sup>

Since Norbert Elias' seminal work *Die höfische Gesellschaft* (1969), a study of the French court of the Ancien Régime in the context of the development of absolutism and the rise of the centralized national state, historians have defined the royal court in socio-political terms. However, many of Elias' assumptions have been adjusted or even wholly abandoned in recent scholarship, in particular his essential comprehension of the court as a "gilded cage" for the nobility, an instrument of power manipulated by the monarch.<sup>3</sup> Early modern absolutism likewise has been revealed to have been more an ideal than a political reality (Henshall 1992; Burke 1992b). The same, I would argue, applies to the absolutist pretensions of Hellenistic kingship.

The court culture of the three Macedonian empires developed from the Argead household of Philip and Alexander, absorbing diverse Greek, Iranian, and other influences. The courts of the lesser kingdoms of the Hellenistic Age (Pontos, Bithynia, Kommagene, Judaea, Armenia, and others) in turn were exposed to the influence of the Macedonian, particularly Seleukid, courts. The Hellenistic courts also later profoundly shaped the development of the Roman imperial court.

Due to intermarriage, competition, the presence of Greeks in the imperial elites, and a shared Graeco-Macedonian background, the courts of the three Macedonian empires were strikingly similar. There were also noticeable differences, of course. The Ptolemaic court was firmly based in Alexandria while the Seleukid court moved around the empire almost continually. The Seleukids and notably the Ptolemies maintained an elaborate court culture while the Antigonid court after Antigonos Gonatas retained a more sober, traditional Macedonian appearance. Royal women played a more profound role at the courts of the Ptolemies and Seleukids than at the Antigonid court.

## Courts and Empires

The Macedonian kingdoms of the Hellenistic Age can best be understood when considered as empires, that is, relentlessly expansive polities based on conquest and composed of a diversity of localized communities, polities and ethnic groups. Especially in the ancient world, empires normally had a universalistic ideology that did not acknowledge any overlord or rival claimant to power – even if they were no longer successful in their expansionist endeavors.<sup>4</sup> Diversity was their essence. Hellenistic rulers were essentially the leaders of military organizations interested primarily in collecting tribute and gaining access to the resources needed to sustain their martial capabilities, and reluctant to become directly involved in the government of subject cities and territories.<sup>5</sup>

Maintaining good relations with cities was of vital importance for the practice of empire. Cities commanded the infrastructure and formed the loci where surpluses were collected, both of which were essential for the exercise of the empires' core business: war-making. In spite of the old truism that Chaironeia terminated the golden age of the independent *polis*, and the related formula that the slogan "freedom for the Greeks" upheld by Hellenistic kings was a hollow phrase, most cities within the hegemonic spheres of the Seleukid empire and the Ptolemaic maritime empire, were not only *de iure* but also *de facto* autonomous states (Strootman 2011b, with further literature).

Rather than coerce cities into submission at all costs, Hellenistic rulers preferred to seek peaceful cooperation with urban oligarchies. Consequently, there was much to gain for the cities, too. Rulers could offer protection and bestow on cities various benefactions, trading privileges, tax exemptions, and so forth. Thus, cities were allied to kings rather than wholly subjected to them.

Another priority of rulers was securing the allegiance of military leaders, whether centrally appointed officials or localized aristocrats, sometimes including, as in the case of the Seleukids, vassals and client kings. This required substantial rewards for success, such as land grants, booty, and honors (Sinopoli 1994: 167). This explains why many empires remain focused on conquest and military success (the Antigonid and Seleukid kingdoms are two notable cases in point) and why so many empires contract as soon expansion stagnates.

At this point it should be emphasized that the Hellenistic world was not primarily a Greek world – although contrary to a now popular view, Greek and Hellenized elites did constitute the ruling classes of the Seleukid and Ptolemaic empires and the Hellenism created and propagated at the courts did serve as a cohesive supranational elite culture, also for non-Greek civic oligarchs. Still, many of the cities and elites with which especially the Seleukid chancellery had to cooperate had a distinct non-Greek identity. The Ptolemies had to do business with the indigenous Egyptian priesthood, whose temples controlled the countryside in Egypt proper together with the Greek landholders protected by the monarchy. The large numbers of Thracian, Illyrian, Paionian, and Agrianian troops that were part of the field armies of the later Antigonids suggest that they, too, had more regular dealings with non-Greek military leaders than the Greek (epigraphical) sources imply.

The court was the focal point for all these relations. Before a process of “going out of court” began in the seventeenth century CE – that is, the gradual separation of dynastic household and government – royal courts served as the point of contact between the dynasty and the various ruling classes at the local level of the kingdom (Asch. 1991: 4; Duindam 1995: 92). The courts of Alexander and the Seleukids, on the other hand, while peripatetic, could be split if the king went on campaign while his wife (or mother) stayed put in a core region of the kingdom. Negotiations took place during the great events of the court and the dynasty, such as coronations, birth and marriage festivities, anniversaries, and various religious festivals. Newly created international festivals such as the Ptolemaia of Alexandria, the Seleukid festival at Daphne, or (to include the Attalids) the Nikephoria at Pergamon, seem to have been expressly designed to turn the court into a worldwide social magnet on a regular basis. At such occasions the core of the so-called “inner court” (the king, his family, attendants, and closest followers) expanded to include a larger “outer court” of temporary residents. As not even the Ptolemaic court was entirely static – at least as early as the reign of Ptolemy Euergetes the Ptolemies visited Egypt regularly – kings also actively approached cities and local elites. The courts of the Argeads, Antigonids, and notably the Seleukids were by nature peripatetic, following not only seasonal demands and military logic, but perhaps also civic festival calendars, since it was through personal participation in local and regional cults that the royal presence in a city was structured.

## The Hellenistic Royal Court

Ancient Greek displays a variety of words for “court.” Most terminology used in the sources confirms the tendency in present-day scholarship to define a court primarily in sociopolitical terms. The fact that a court is in essence a household is reflected by the use of *oikos* in Greek historiography to denote a Hellenistic royal court. This word connotes the house, property, members, and (political and economic) interests of an extended family, and could in the context of monarchy by extension mean “kingdom” (Polyb. 2.37.7).<sup>6</sup> The more specific term was *aulē* (e.g., Polyb. 4.42.2; Diod. 31.15a.1–3; 1 *Macc.* 2.46). Athenaios (189e) explains that this word, which generally signifies the courtyard of a mansion, came to indicate in the Hellenistic period a royal palace “because there are very spacious squares before the house of a king.” Archaeology confirms that the structural design of Hellenistic palaces has as its focus one or more open courtyards, and that sometimes there were large squares in front of a palace, for instance at Demetrias, an Antigonid capital, where a Sacred Square (*hiera agora*) separated the city proper from “royal space.”<sup>7</sup> The immediate social milieu of Hellenistic kings was therefore frequently designated with the terms “people of the court” (Polyb. 5.26.13; App. *Syr.* 45; Jos. *AJ* 12.215) or *aulikoi* (literally “courtiers”: Polyb. 16.22.8; Plut. *Demetr.* 17). Another term often found is *therapeia*, “retinue.” Bickerman (1938: 36) maintained that this was the *terminus technicus* for the (Seleukid) court, but the word is not used this way in official royal correspondence. Moreover, *therapeia* can indicate both the king’s bodyguard (Diod. 33.4a) and his retinue in a wider sense (Polyb. 5.39.1). The term for “courtiers” appearing most often in both historiography and contemporary official documents, is “the friends of the king” – although strictly speaking this was a wider group than courtiers, also comprising relations of the king who were not present at court.

## The Background to Hellenistic Court Society

Hellenistic court culture originated in fourth-century Macedon. The social composition and organization of the Argead household drastically changed as Macedon expanded and the monarchy became more autocratic. In pre-Hellenistic Macedon, the king still shared power with local barons, the so-called *hetairoi*, or companions of the king, a class of landowning, horse-riding warriors. Although official ideology presented the king as an absolute ruler, he was in practice a *primus inter pares* among the high nobility. Philip II (359–336 BCE) took the first steps in breaking the dominance of the *hetairoi*. First, he levied infantry among the common Macedonians (the *pezhetairoi*, “foot companions”), who constituted the phalanx. They were directly answerable to the king and could be used politically to counterbalance the nobility. Second, he attracted to his household men from beyond the *hetairoi* class. Philip’s military successes allowed him to promote his own personal friends and followers whom he recruited not only from the ranks of the Macedonian nobility but also among Thessalians and other Greeks. Theopompos (*FGrH* 115 F 225a) expresses how the old nobles felt when finding themselves replaced by non-Macedonian favorites at court and in the army: “From the entire Greek and barbarian world men of debauched, villainous and servile character flocked to Macedon and

obtained the title Companion of Philip.” The upsurge of Greeks, notably Thessalians, at Philip’s court was also a means to bind Greek states to his person. Occasionally an “outer court” came into existence, consisting of representatives of Greek *poleis* and neighboring princedoms and tribes, and even Persian guest-friends.

Alexander the Great (336–323 BCE) continued his father’s policy of bestowing benefices, honors, and favors upon his personal friends – some of whom were lesser Macedonian nobles, some outsiders – and of eliminating his opponents within the aristocracy in cooperation with these favorites. Because of his military successes, Alexander disposed of a vast array of riches and land to distribute among his followers. This allowed him to systematically manipulate the composition of the court and the command structure of the army, and to enforce his decisions without the consent, or even against the wishes, of the high nobility. Various anecdotes containing verbal exchanges between Alexander and Parmenion, the principal leader of the aristocratic opposition against Alexander’s pursuit of absolutism, bear witness to this process (e.g., Plut. *Alex.* 29.4).

Alexander’s initial strategy was to advance to prominent positions certain young men who had been royal pages together with him and now were among the seven *sōmatophylakes*, (“bodyguards”), responsible for the king’s safety and personal well-being. Against tradition, Alexander promoted his *sōmatophylakes* to important positions in the army; in 325 he even broke with the traditional number of seven bodyguards by creating an eighth post for the officer of the infantry guard, Peukestas, a favorite, whose role was to support Alexander’s introduction of Achaemenid court ceremonial. Thus Alexander was able to gradually remove the leaders of the old nobility and members of the former entourage of his father from senior positions at court and in the army, and replace them with his protégés. The increasingly harsh conflicts with the Macedonian aristocracy culminated in the execution of Parmenion and his sons in the winter of 330 BCE.

After the final defeat of Darius in 330, Alexander adopted aspects of Achaemenid court culture in order to transform his household into a court more befitting his status as world ruler, and in order to increase his autocratic power by ritually distancing himself from the growing number of courtiers and commanders (see Spawforth 2007). Part of this process of transformation was the creation of the chiliarchate, presumably in continuation of the Achaemenid office of the *hazarpat* (Sancisi-Weerdenburg 1980: 176). The chiliarch can perhaps be compared with the *grand-maître de l'hôtel* of the Ancien Régime (rather than with a modern prime minister), that is, a key dignitary responsible for the daily affairs of the royal household who helped regulating access to the king’s person (Strootman 2007: 152; see also Meeus 2009). The introduction of Persian ceremonial furthermore helped bind the Iranian nobility to his person.

After the battle of Gaugamela (331), Alexander also promoted Persians to senior positions, most famously Darius’s brother Huxsathres (Oxyathres) and the former Achaemenid grandee Mazday (Mazaios), who became satrap of Babylonia. They were allowed to call themselves *suggenes* (“relative”) of the king, an honorific title also in use at the Achaemenid court, and had the right to greet the king with a kiss. Of course, Alexander initially may not have been able to remove all Iranian nobles from their positions even if he had wanted to. But the king probably benefited from the presence of these powerful outsiders at his court, too, as indeed the irritated reactions of several Macedonian aristocrats reveal (Arr. *Anab.* 7.11.6; Plut. *Alex.* 43). However, various

Achaemenid officials who at first had been left in office were replaced by Macedonians from Alexander's inner circle upon the king's return from the east. For instance, Orxines, the satrap of Persis, was accused of maladministration and summarily executed to make place for Peukestas.

## The Friends of the King

Like Philip and Alexander, the Diadochs tried to select their closest collaborators on the basis of loyalty and merit. Lysimachos, Antigonos, Seleukos, and Ptolemy all benefited from warfare and conquest, which supplied them with land, wealth and honor to distribute among their followers.

The transition from pre-Hellenistic Macedonian court society to the Hellenistic court societies was marked by the replacement of "companion of the king" by "friend of the king" as the genuine Greek term for someone belonging to a social circle connected with the monarchy.<sup>8</sup> "Friend" (*philos*) in the course of time acquired a somewhat more formal connotation in some contexts, but up until the end of the Hellenistic period the most powerful Friends remained attached to the royal household by means of informal ties of ritualized friendship known to the Greeks as *philia*. Royal *philia* is a broad term indicating any friendly relationship between the king and private persons, including those not present at court. The *philoī* of the king were of varied ethnic origin, though they were primarily citizens of Greek *poleis* (Habicht 1958; O'Neil 2003, 2006; Strootman 2007: 124–134). They were drawn into the orbit of the court from an immense area, coming even from cities beyond the empires. For instance, at the court of Antiochos the Great (223–187 BCE), out of a total of 41 friends whose place of origin has been recorded by Polybios and Livy, more than 50 percent came from cities outside the actual Seleukid sphere of influence (Strootman 2007: 126). The Seleukids relied particularly on Greeks from Asia Minor and the Aegean, even after their Anatolian empire had been lost in 188 BCE. That said, it is also noticeable that within the open and cosmopolitan social framework of the Hellenistic courts, a minority of Macedonian nobles continued to dominate the highest stratum of the court societies of the three major dynasties, although their number continually decreased even in the Antigonid kingdom.

As we have seen, Alexander left many former Achaemenid grandes in crucial positions following the defeat of Darius in 330, but attempted to replace them after his return from Baktria and India. The indigenous elites reacted to their exclusion from the center of power by retreating to their provincial power bases in relatively peripheral regions like northern Anatolia, Armenia and the Zagros Range. From there, Iranian principalities such as Pontos, Atropatene, and Parsa gradually emerged, states initially forming part, one way or other, of the Seleukid imperial superstructure. The foundation of this was Seleukos Nikator's good relations with Iranian aristocracies, who presumably helped him pacify conquered territories and gave him access to the manpower resources of the Iranian east, where heavy cavalry was recruited.<sup>9</sup> The number of Iranians that formed part of the social circles surrounding the royal family must have been substantial – also as a result of constant intermarriage with lesser Iranian dynasties. At the Ptolemaic court of the second and first centuries BCE, Egyptians turn up as favorites, that is, outsiders promoted to high office to offset the power of the established court society. This said,

it remains noticeable that the formal *phili* even of the Seleukids and Ptolemies were Greeks or men who cultivated an Hellenic identity.

## The Paradox of Power

By sharing power with others, kings inevitably risk losing power. This is the recurring dilemma of all despotic, personal forms of rulership: handing out favors and land will initially create a group loyal to the king, but almost as a rule this will eventually burden the ruler with newly established interest groups defending their own privileges instead of working in the interest of the king (Duindam 1995: 50–51).

Kings needed helpers who were both competent and controllable. Ideally, they chose as their closest collaborators men who could not themselves claim positions of importance by right of birth or otherwise, as such men are least difficult to remove from high office and thus more loyal. In other words, kings tend to select their courtiers as much on personal grounds as for their military or other professional capabilities. In practice, however, kings rarely had full control over the social composition of their courts. The first generation of Diadochs may have had exceptional opportunities to “hand-pick” their friends, but not even they had at their disposal the absolute power needed to appoint men of their own choosing to all crucial posts at court and in the army. The loyalty of the *phili* therefore always remained a matter of constant concern for kings. The principal danger was not revolt. Rebellion against the legitimate monarch was difficult to conceive of or foment and furthermore hazardous, since the armed forces were normally loyal to the dynasty. In the east there are examples of non-dynastic rebels from within trying to replace the (Seleukid) dynasty with their own *basileia*, most notoriously Molon and Diodotos Tryphon, but they failed. Malcontent courtiers could however unite with a dynamically legitimate claimant to the throne or join a rival court, taking their personal satellites, influence, and even troops with them. Most threatening for kings was the situation in which powerful men remained devoted adherents of the dynasty but acted completely at their own discretion, without the king’s consent or even against the king’s wishes. This persistent problem will be further discussed later on.

## The Royal Council

The upper crust of the *phili* at court had a seat in the royal council, or *synedrion*, granting them access to the person of the king on a regular basis, and hence influence on political matters. Especially at the Argead, Antigonid, and Seleukid courts, the members of the council were military commanders before anything else. In all accounts of the informal meetings of the royal council at Alexander’s court, its members invariably discussed military matters (Hammond 1989: 143–144). Polybius (4.87.7) calls the counselors of Philip V alternately the king’s “courtiers,” “commanders,” and “co-generals.”

The council advised monarchs on important matters, especially concerning war and foreign relations. In the Ptolemaic kingdom, the council at various occasions managed the affairs of the monarchy in the name of a minor successor (e.g., Polyb. 4.76.1; Caes. BCiv. 3.105), with sometimes one of the council members being appointed

guardian (*epitropos*) of the child-king (Polyb. 15.25.21; Diod. 30.15.1; 2 *Macc.* 3.7; Caes. *BCiv* 3.108). Members of the *synedrion* were often present when kings received foreign ambassadors. Yet the authority of the royal councils was unofficial and informal. In historiographical sources the *synedrion* appears as the single most important body in the Hellenistic kingdoms, but the word is absent from inscriptions. A fundamental aspect of the ideal of equality among the *philioi* who were present at the council was forthrightness, *parrhēsia*, an aristocratic ideal and a pivotal virtue in the moral complex of *philia* (Konstan 1997: 93–94; Raaflaub 2004). In the context of Hellenistic monarchy this finds expression in the *topos* of the ruler going towards his doom after ignoring the advice of his friends (e.g., Ptolemy Keraunos in Diod. 22.3.1), and the *topos* of the king who is corrupted by power and surrounds himself with sycophants never disagreeing with him (Philip V in Liv. 35.17.3–4; cf. Polyb. 15.24.4). Moreover, in case of disagreement influential persons or factions could sometimes enforce a decision against the king's wishes, so that a king needed to secure support for his plans in advance. To the world outside the court, however, king and council always presented an image of harmony and unity.<sup>10</sup>

## The Royal Pages

One interesting group around the ruler, attested for the courts of all Macedonian kingdoms, are the royal pages (*basilikoi paides*) – an age group consisting of youths between the ages of about 14 and 18 and functioning as “a training school for the commanders and officials of the Macedonians” (Curt. 8.6.6). They were the sons of nobles, including the king's own sons. They were educated and trained at court, waited on the king, and guarded him. It was originally an Argead institution, dating back to the late fifth century BCE (Hammond 1990: 261–264), and was continued by the Antigonids, Seleukids, and Ptolemies “until the kings from whom the Romans many years later took away all power” (Curt. 8.6.6). There is some evidence that a similar institution for girls existed at the Ptolemaic court.<sup>11</sup>

In the Macedonian kingdoms after Alexander *basilikoi paides* presumably came from leading families of the kingdom's provinces, and/or were the sons of courtiers and foreign *xenoi*. The king's own children, too, were *basilikoi paides* during their adolescence. It is not known on what grounds boys were admitted to the pages corps. Neither is it possible to say whether non-Macedonian, non-Greek magnates sent their sons to court, as one would expect especially in the Seleukid empire.

The king's sons and the other pages received an education under the supervision of a court dignitary usually called *tropheus* (foster-father). The office of *tropheus* had been a position of great honor already at the court of Philip II (Plut. *Alex.* 5). Even after their accession to the throne, kings normally held their former *tropheus* in esteem, addressing him as “father” (Polyb. 31.20.3; Plut. *Ant.* 5.31; OGIS 148, 256; 1 *Macc.* 11.1; Jos. *AJ* 12.127; Diod. 33.4.1). Illustrative in this respect is the career of Krateros, a courtier of Antiochos IX, who had been the king's *tropheus* and was honored by his former pupil with impressive aulic titles: “Foster Father of Antiochos Philopator; First Friend of King Antiochos; Chief Physician and Chamberlain of the Queen” (*RIG* 1158; cf. App. *Syr.* 68; Jos. *AJ* 13.271). Men who had been brought up together with the king as pages

were afterwards honored as the king's *syntrophoi* (foster-brothers), and addressed one another as "brother."

Detailed information concerning the pages' duties is provided only for the court of Alexander the Great (see Heckel 1992: 237–298). The classic text is Curtius 8.6.2–6:

They took turns keeping watch at night at the door of the king's bedchamber, and let in his women through an entrance other than that watched by the armed guards. They also took the king's horses from the grooms and presented them for the king to mount; they accompanied him in the hunt and in battle; and they were educated in all aspects of the liberal arts. They regarded it as a great honor that they were allowed to wait on the king at his table.

The presence of pages at court is an all-time monarchical phenomenon. It was a means to pacify the nobility. Royal pages may have been hostages of sorts, but bringing up the children of powerful men in the royal household cut off from their families and under the custody of the king was, first of all, a means to create a loyal elite and to manipulate noble identity. Indeed, kings often recruited their closest collaborators from the ranks of their former fellow pages – their boyhood friends, so to speak. However, the presence of pages may have endangered the domination of the king over his court. If the *paides* were indeed (in part) the sons of *phili*, the page system was tantamount to the emergence of an hereditary aristocracy at the royal courts, and thus may have gradually undermined the kings' freedom in choosing their friends.

## Friendship

The principal arrangement underlying the relation between king and courtiers was *philia*, the Greek moral complex of ritualized friendship. *Philia* may be defined as a personal, reciprocal bond of loyalty and solidarity between two or more individuals of approximately equal status who share roughly the same interests; they were committed to each other by mutual obligations, and could rely on each other for help (Goldhill 1986: 82; Herman 1996: 116–117). The objective of *philia* normally was to achieve a common goal, and united action towards that end was a means to strengthen and display the bond (Herman 1996: 612; Konstan 1997: 97). *Philia* moreover had traits of fictive kinship. In the *Iliad* it is said that a good friend is "in no way less than a brother" (8.584–586; cf. van Wees 1992: 44–48). This may be associated with Aristotle's dictum that a *philos* is "one's other self" (*Eth. Nic.* 1169b6), which in turn is reminiscent of a famous anecdote, related by Curtius (3.12.17), in which Alexander exclaimed that Hephaestion "is Alexander too." This explains why royal *phili* are sometimes honored as the *syggeneis* ("relatives") or *adelphoi* ("brothers") of the king (*OGIS* 148 and 259; Polyb. 4.48.5; Plut. *Mor.* 197a; 1 *Macc.* 3.32; 2 *Macc.* 11.12; Liv. 30.42.6). Honor was a driving force of the court's face-to-face social dynamics, and violation of friendship was considered highly dishonorable, even impious (Belfiore 2000).

Royal *phili* came from a wide range of Greek cities, even from beyond the boundaries of the empires. A partial explanation of this has been offered by Gabriel Herman (1987) who placed Hellenistic court politics in the context of the Greek tradition of *xenia* (or *philoxenia*), a form of interactive ritualized personal relationships usually translated

as “guest friendship.” *Xenia* relations constituted supranational elite networks linking men of approximately equal social status but of separate social units (notably *poleis*), thus uniting the Greek world at its highest level. It was an aristocratic ideal, an archaic legacy, prominent for example in the *Odyssey*. Through participation in a social sphere outside the city, civic elites distanced themselves from their inferiors at home and linked up with their equals elsewhere. *Xenia* was believed to be perpetual, passed on in the male line from generation to generation (Herman 1996: 116). By availing themselves of preexisting *xenia* networks, Hellenistic kings could connect with Greek elite families and this “account[s] not only for the preponderance of Greeks among the newly recruited Hellenistic court members, but also for the increasing similarities between the three courts” (Herman 1987: 208).

Since *phili* joining a royal household normally retained links with their hometowns and families through several generations (Savalli-Lestrade 1996; Muccioli 2001), *xenia* networks connected the royal families indirectly with oligarchic families in the cities. At court, members of governing elites acted as mediators between the dynasty and their own communities of origin, “deriving substantial benefits from both systems” (Herman 1996: 613; cf. Bringmann 1993). In cities we therefore find both honorific decrees for kings dedicated by *phili* (e.g., *OGIS* 128, 171, 255) and decrees in honor of *phili* dedicated by the king (e.g., *Syll.*<sup>3</sup> 462; Welles 45; *OGIS* 317).

This web of relations bound the empires together. Kings could influence civic politics through their *phili*, whose families in turn derived status from royal favor and thus acquired a decisive advantage over other factions in the internal political struggles of the cities. As members of oligarchic families dependent on royal support, *phili* ideally represented the interests of the cities at court, and the interests of the court in the cities.

## Gift Exchange

The key to creating and maintaining bonds between king and *phili*, was the exchange of gifts and favors (*charites*; cf. Konstan 1997: 4, 78). Gift exchange moreover was tantamount to the royal virtue of generosity, directly related to royal euergetism and the public display of wealth known as *tryphē*. In *Idyll* 17, the court poet Theokritos praises Ptolemy Philadelphos as a man who is “generous with gifts, as a king befits, generous to cities and loyal friends” (lines 124–125), and Plutarch skeptically remarked that “kings hunt for men by attracting them with gifts and money, and then catch them” (*Cleom.* 13.5). The most rewarding gift for the king to give was land. The distribution of landed estates, often including buildings, laborers, and slaves, provided the *phili* with status as well as a steady source of income.

The exchange of gifts is instrumental in creating or affirming social relations, and is normally a highly ritualized process (P. Burke 1992a: 69–71). In his seminal essay on the gift, Marcel Mauss (1925) theorized that all gift exchange is subject to three rules: the obligation to give, to receive, and to reciprocate; reciprocity however is not balanced because the person with the highest status is obliged to offer the most valuable gifts or favors. In an anecdote retold by Plutarch (*Mor.* 127b), a courtier who asked Alexander for dowries for his daughters was offered the astronomical sum of 50 talents; when the courtier replied that 10 talents would suffice, the king retorted: “Enough for you

to receive, but not enough for me to give.” Such unbalanced gift exchange affirmed status hierarchies but also had the practical consequence that the lesser-ranking person remained indebted and dependent because he would never be able to reciprocate fully. Thus, the exchange of gifts created not only horizontal bonds of loyalty but also vertical bonds of dependence to offset the formally egalitarian ideal of *philia*.

Norbert Elias (1969) hypothesized that the requirement of status expenditures drained courtiers of their financial resources to the benefit of the absolutist monarch because it made them reliant on royal generosity. In reaction to Elias’ thesis, Duindam (1995: 86, 95) asserted that the king, too, was the prisoner of the spending pattern because the obligation to validate one’s status through extravagant expenditures placed a heavier financial burden on the king than on anyone else. Over-consumption on the part of the king could eventually erode the financial foundation of his military power, or even lead to dependence on wealthy *philoī*, as happened notoriously to Antiochos III at the beginning of his reign (Polyb. 5.50.7). Kings however could forestall this danger by distributing symbolic gifts as a public means to allocate favor and establish the receivers’ place within the court hierarchy. The value of a gift was not only determined by its exact worth, but also by the fact that through a gift the status of the giver reflected upon the recipient. To be received and rewarded by a king increased one’s own social status enormously (Jansen 1984: 58; cf. Allen 2005). Typical monarchical gifts such as golden crowns and purple clothing – and the right to wear them – were visible tokens of such intangible rewards as protection or favor. When Hellenistic kings allowed their guests to take home after banquets the tableware from which they had drunk and eaten, this provided the recipient with concrete evidence, in other social contexts, that he had been a guest at the royal table. A royal gift moreover served as a *symbolon* – an inheritable material reminder of a *xenia* bond. It is also important to note here that relations between kings and cities were structured in the same manner as those between kings and individuals, that is, as an exchange of gifts and honors, bartering for instance divine honors or tribute for the military protection of a city’s autonomy.

## Court Titles

In the Seleukid and Ptolemaic kingdoms, court hierarchy was regulated and explicated by means of court titles and offices. The distribution of titles was a form of gift exchange, too. Titles were awarded in combination with material gifts, in particular purple clothing, crowns, or horse’s trappings, so that the recipient could show his rank to others and derive status from that. Plutarch relates how a man who had received the title of *philos* with the accompanying gifts from Mithradates Eupator, “put on the purple robe, leaped upon the horse and rode through the city, crying: ‘All this is mine!’” (Pomp. 36.5).

Although most evidence for court titulature stems from the Ptolemaic empire in the second century, where indeed the most sophisticated titles system seems to have developed, the system of titulature at the Seleukid court was in essence similar, albeit rather less elaborate. The Antigonids in Macedon were content to stick to old Macedonian titles predating Alexander, retaining for instance the honorific office of *sōmatophylax* at the heart of the inner court (Diod. 30.10.2, 30.11.1). Because of the disparate nature of the evidence, the meaning of most court titles remains elusive. In the context of

the Ptolemaic court, Mooren (1975: 2) distinguishes “honorific titulature” and “real aulic titulature,” i.e. titles indicating concrete aulic functions, such as majordomo or chamberlain.

At the Ptolemaic and Seleukid courts, the word *philos* (in itself a title of honor) was at the basis of the complex of honorific titulature. After around 200 we hear of such titles as First Friends, Honored Friends, and First and Highly Honored Friends at the Ptolemaic court (Walbank 1984: 70; Mooren 1975: *passim*); the first two also turn up in a Seleukid context (Jos. *AJ* 12.53; 1 *Macc.* 11.27). How exactly these titles related to each other can only be guessed. Two other notable titles of honor attested for all Macedonian courts are *syggenēs* (kinsman of the king) (e.g., Arr. *Anab.* 7.11.1; 1 *Macc.* 11.31; 2 *Macc.* 11.12; *OGIS* 148, 259; Liv. 30.42.6; Polyb. 4.48.5; Plut. *Mor.* 197a; Jos. *AJ* 16.288) and *syntrophos* (foster-brother of the king: Polyb. 5.9.4; 15.33.11; *OGIS* 247, 1–3; 2 *Macc.* 11.22). The latter title indicated that the man had been a royal page together with the ruling monarch. The title *syggenēs* may have had a similar connotation but could also be awarded *honoris causa*.

The category of “real aulic titulature” comprises first of all titles connected with the domestic affairs of the household. At the early Ptolemaic court the principal dignitary was the *dioiketes*, the majordomo, and “finance minister” of Egypt; he was aided by a steward, who was responsible for the reception of guests and the progress of symposia and banquets (Jos. *AJ* 12.2.12). Two more examples of court officials are the chamberlain (Porphyrr. *FGrH* 260 F 20; *RIG* 1158) and captain of the bodyguard (Polyb. 7.16.2; Jos. *AJ* 12.17). The chancellery was led by a (chief) secretary known variously as *grammateus* (Polyb. 15.27.7), *epi tou grammateus* (Polyb. 4.87.8) and *epistolographos* (Polyb. 31.3.16). Military titles such as *stratēgos* (general), *elephantarchos* (commander of the war elephants) and *nauarchos* (admiral) were part of this category, too, because the higher military offices were monopolized by members of the court. Because it could be done on an ad hoc, temporary basis, the distribution of military commands was a potential instrument of power of the king.

## Proximity to the Throne

Since the king was the central figure within the court society, a courtier’s relative status was determined by the principle of proximity to the throne, or “favor” – that is, the degree to which he was able to gain access to the person of the king, or to persons near the king, or to persons near the persons near the king. Gift exchange, court titulature, and etiquette, too, helped to determine a courtier’s position within the subtle hierarchy of the court.

Like so many autocratic monarchs, Hellenistic kings attempted to regulate access to their own persons as an instrument to manipulate the court’s function as a center for the redistribution of power and status. Prohibiting most people from approaching the king directly accentuated the privilege of the few individuals who did have routine access to him, for instance *syntrophoi*, royal women, the king’s personal servants, his physician, or his bodyguards. Such individuals acted as brokers between the king and others. Queens and royal concubines especially played a crucial role in this respect (Strootman 2007: 141–2).

Behavior and “good manners” distinguished courtiers from non-courtiers and could be a means to maintain social hierarchies within the court society.<sup>12</sup> Polybios (22.22.1–5) gives a rare description of an “ideal” Hellenistic courtier, in his portrayal of the Ptolemaic *philos* Aristonikos: “He was a born soldier and spent most of his time in the company of other such men, and studying military matters. He was also very good in the art of conversation. In addition to that he was by nature benevolent and generous.”

Erudition and esprit were essential qualities in the competition for favor and status (e.g., Jos. *AJ* 12.2.12, 12.4.9). Philip II enjoyed being surrounded by men “who could say funny things” (Athenaios 435c). The image of the courtier as a flatterer, although topical, testifies to the importance of the art of conversation at the Hellenistic courts, especially during banquets and symposia. The complexity and learnedness of court poetry, with its references to obscure versions of myths and ingenious literary allusions, give some idea of the level of sophistication that was required to take part in table talk at court.

## Conflict

Theoretically, the *philioi* depended on the king’s grace for obtaining and preserving status at court. As Polybios says, kings “measured friendship and enmity by the sole standard of expedience” (Polyb. 2.47.5; cf. Plut. *Mor.* 183d). In practice the monarch rarely was the sole source of income and prestige for nobles: “The monarch bestowed favors upon parts of the elite to bind them, and subsequently eliminated troublesome opponents in cooperation with those elites. The elite in turn interceded at court for its own clientele” (Duindam 1995: 79).

Philip and Alexander had been relatively successful in pacifying the hereditary nobility of old Macedonia. In the course of the third century, however, new landowning aristocracies with hereditary prerogatives came into existence, and ancestry again became a condition for status at court. The longer the kingdoms existed, the more the families of leading *philioi*, who were rewarded for their services to the crown with riches, estates, and status, acquired independent sources of wealth and status. Powerful *philioi* maintained retinues of their own (Plut. *Cleom.* 32.2; Diod. 34.3.1; Athenaios 245a). The size of one’s personal following both created power and was indicative of power. But being a patron created obligations to act in the interest of one’s clients; *philioi* furthermore acted as mediators in the interest of their cities of origin (cf. Savalli-Lestrade 1996), or at least of the oligarchic factions to which they belonged. Thus various, often opposite, interests were represented at court.

Rivalry among the *philioi* was not the only cause of discord. Because Macedonian kings were polygamous, succession strife was a recurring source of conflict at the Hellenistic courts, as was argued by Ogden (1999: ix) who maintained that the “amphimetric disputes” resulting from the supposed failure of the kings to formally hierarchize the royal wives and their sons caused the decline and fall of the Macedonian dynasties. However, kings had at their disposal various informal means to overcome the problem of unhierarchized offspring, including the installation of a favorite son as *basileus* during the father’s lifetime and the Ptolemaic practice of brother–sister marriage. It is furthermore difficult to ascertain whether succession strife may sometimes have been due rather to a

deliberate policy on the part of the ruling monarch to control the household by keeping it divided.

To secure their positions and overcome their rivals, *philioi* joined forces in factions round powerful men or women – queens, princes, leading men from the *synedrion*. Faction leaders in turn tried to gather around themselves a following as large as possible, as both a source of power and as a tangible sign of their importance at court (see for instance Polyb. 15.25.31–34). Thus, conflicts between courtiers could become interlinked with rivalry for the throne. Through involvement in the struggles between wives and half-brothers, *philioi* could win a lightning career if the prince they supported succeeded to the throne, but risked exile or death when this was not the case. The career of the philosopher Demetrios of Phaleron, former leader of Athens and trusted counselor of Ptolemy, ended abruptly when he supported the wrong candidate for the succession after Ptolemy's death (Diog. Laert. 5.77–78).

Kings tried, for better or worse, to benefit from these rivalries through the principle of “divide and rule.” Often, however, kings failed to remain lofty arbiters but themselves became participants in factional conflict. This happened when Philip V succeeded to the Antigonid throne in 218 BCE (Polyb. 5.25–29) and when Antiochos III became Seleukid king in 223 (on these events, see Herman 1997; Strootman 2011a).

## The Promotion of Favorites

To deal with the growing power of the established *philioi* class, Ptolemaic and Seleukid kings from about 200 BCE increasingly resorted to the promotion of “favorites.” Promoting favorites is an all-time principle of monarchical rule. The ideal favorite was elevated by the ruler to a position of power to which he had no title through noble descent or acquired social status, and which he could never have obtained without the king's grace, so that he was entirely reliant on the king for the preservation of his status. Preferably, a favorite would have no children to whom he could transmit his power, at least not officially (Burke 1992a: 48). By making such individuals their closest advisors kings tried to bypass the *synedrion* and screen themselves off from the *philioi*. The favorite would take responsibility for unpopular measures, or take the blame when things went wrong – hence the generally negative reputation of favorites, who are typically stereotyped as a wicked advisor controlling the king (a good example of this is the description of Herakleides, the Greek favorite of Philip V, in Diod. 28.2; cf. Polyb. 13.4).

Hellenistic kings employed various types of favorites: exiles, defectors from rival courts, foreigners, eunuchs and, last but not least, women (see Strootman, forthcoming). The most exemplary instance of an exile is Hannibal, who sought refuge at the Seleukid court in 196 BCE and became a senior advisor of Antiochos III during the king's war with Rome (191–188); he is described as an anomaly within the *synedrion*, constantly disagreeing with the other *philioi*, hated by them, but enjoying the full confidence of the king who deliberated with him behind closed doors (Liv. 34.14.4–5, 42.5–14, 36.41.2–3; Diod. 29.3). The career of Demetrios of Pharos at the court of Philip V provides another example. Exiles were not by definition outcasts: violation of the rules of *philoxenia* by a king could induce a *philos* to transfer voluntarily to a rival court,

accompanied by his own followers (see e.g., Polyb. 5.70.10). Another type of favorite was the social outsider. At the Seleukid and Ptolemaic courts of the Late Hellenistic period eunuchs and non-Hellenes were employed as favorites. An Egyptian eunuch named Aristonikos (the ideal courtier we encountered earlier in this chapter) became the foremost *philos* of an unknown Ptolemy in the second century BCE (Polyb. 22.22.1–5). From 169 to 164, Ptolemy VI patronized an Egyptian called Petosarapis, who was also known by the Greek name of Dionysios. Diodoros (31.15.1–4) claims that Petosarapis wielded greater influence at court than anyone else; he also characteristically accuses him of trying to win control of the kingdom. Among the Seleukids, Demetrios II relied on a general called Dionysios the Mede (Diod. 33.28.1), perhaps a eunuch, and both Antiochos VII and Antiochos IX favored a eunuch called Krateros (*RIG*: 1158).

But the ideal favorites in the Hellenistic kingdoms were neither foreigners nor eunuchs, but women. Queens held an ambiguous position in the Macedonian dynasties. On the one hand they were outsiders in the male spheres of government and army, on the other hand they were central figures in the royal families and households. Because of polygamous marriage the mother of the heir apparent could be expected to be a loyal ally of the reigning king, and to regard the interests of her husband's family as her own. A queen presumably was promoted to this cardinal position by conferring on her a diadem and the title of *basilissa* (on this title see Carney 1991). The role of queens was not confined to traditional female responsibilities such as the public-and-private cult or the internal management of the household. As temporary regents they necessarily took over the male duties of their husbands or sons, transgressing the traditional borders between the feminine and the masculine. For instance, when Antiochos III was campaigning in the Aegean, taking his eldest son with him, his principal consort Laodike represented him as monarch elsewhere, maintaining diplomatic contacts with the cities of Asia Minor on his behalf and having authority over the royal treasury (Austin<sup>2</sup> 198; *SEG* 26.1226).

## Summary

At the Hellenistic courts, *philioi* functioned as intermediaries between monarchy and city. The court society constituted the locus of a complex and far-reaching network of patronage relations. The tentacles of this network “reached into every section of the kingdom, so that the king's power was manifested to his subjects through the members of his court” (Herman 1997: 200). The system, however, worked the other way round also, permitting cities and elite families to exert influence at court. Moreover, royal courts were not the only source of political power in the Hellenistic world. As long as the king was successful and wealthy, he could bind powerful men to his person and with their help control cities and territories. But when a monarchy became impoverished or lost charisma (usually the result of military failure), regional leaders turned away readily to join a rival court or become political rivals themselves.

The court was instrumental in creating cohesion by integrating the dispersed elites of the kingdoms. The *philioi* who had risen to power in their home towns precisely because they were the friends of the king and were able to exert influence at court on behalf of their cities, at the same time were dependent on the monarchy and the empire for

the continuation of their elevated positions. This disconnected them from their peers at home but also connected them with royalist aristocrats from other cities so that an empire-wide elite commonwealth came into being, a sense of being connected with the empire as well as with one's city. Thus the court did not merely use preexisting supranational elite networks, but actively promoted their establishment and growth.

## NOTES

- 1 See O'Neil (2000), discussing the epigraphic evidence for Hellenistic kings' interventions in Greek civic politics, and concluding that they did so mostly in the capacity of mediators, taking care that their decisions were embedded in civic law; cf. Kosmetatou 1997, showing that the Seleukids despite a strong military presence in Pisidia rarely interfered in the domestic affairs of the towns of that region.
- 2 See also below; for a discussion of these and other characteristics of dynastic courts consult the introduction in Duindam (2003).
- 3 For the present approaches of the royal court see Duindam (1995; 2003) and Butz *et al.* (2004).
- 4 Definition after Sinopoli (1994: 159); Pagden (2001: 7–11); Howe (2002: 13–15); for the Hellenistic ideology of world empire see Strootman (2012).
- 5 For the circular interrelationship of civic markets, surplus exaction, and a monarchy's coercive means see Tilly (1997: 1–37).
- 6 A more common designation for “kingdom” was *ta pragmata*, the “affairs” or rather “interests” of the king; *basileia* meant “kingship” rather than “kingdom.”
- 7 For an overview of the evidence consult Nielsen (1994); on Hellenistic palace architecture see further Brands and Hoepfner (1996). The *hiera agora* at Demetrias: Kramolisch (1989: 191). The Romans adopted the word as *aula* and via this route it reached its present use in modern European languages (“cour,” “court,” “Hof”), cf. Tamm (1968). The customary word for a Hellenistic royal palace is *basileion* (Polyb. 10.27.9; Diod. 19.18.1; Plut. *Luc.* 29.8; Athenaios 654b; Jos. *AJ* 13.136) or *basileia*, the name of the royal district in Alexandria (Strabo 17.8–9).
- 8 Modern literature on the various *philioi* societies is still not very substantial; for general discussions see Herman (1980/1981 and 1997); Le Bohec (1985); G. Weber (1997); Savalli-Lestrade (1998); O'Neil (2003, 2006); Strootman (2011a).
- 9 Iranian loyalty to the Seleukid house remained intact well into the second century BCE: the armies of Antiochos III at the battle of Magnesia (190 BCE) and Antiochos IV at the Daphne festival (*c.*165 BCE) included thousands of Iranian noble cavalry (Liv. 37.40.1–14; Polyb. 30.25.1–11).
- 10 In continuation of former Argead practice, the Hellenistic *synedrion* also acted as a tribunal in cases of treason against the king, though not as a formal judicial court: counselors tried their peers because treason was first of all violation of *philia* and because it was a noble prerogative to be tried by equals.
- 11 Polyb. 15.33.11, mentioning “some young girls who had been (Queen) Arsinoe's *syntrophoi*.” In the Grand Procession of Ptolemy Philadelphos there were 500 girls dressed in purple chitons with gold girdles (Athenaios 200c). For evidence and literature concerning post-Argead pages in general: Strootman (2007: 181).
- 12 The significance of courtly behavior as an hierarchizing mechanism was recognized by Elias (1969: 135), although he wrongly attributed to the king a free rein in manipulating court etiquette to his own discretion (Duindam 1995: 97–101).

## CHAPTER 4

# Hellenistic Cities

## *The End of Greek Democracy?*

*Hans-Ulrich Wiemer*

The conquests of Alexander the Great mark a caesura in the history of the ancient world. Before Alexander, the Eastern Mediterranean, including many Greek cities in western Asia Minor, was part of a vast, multiethnic empire ruled by the Persian dynasty of the Achaemenids. In this empire, Greek cities were subjugated to monarchs who – while respecting local autonomy everywhere – had no reason to accord Greeks preferential treatment or to encourage the foundation of Greek cities within their realm. After Alexander, what had once been the Achaemenid empire was ruled by kings of Macedonian descent who favored Macedonians and Greeks in many ways and actively promoted the diffusion of Greek cities throughout lands where the *polis* as a way of organizing public life had not until then taken root. Alexander's successors founded many cities, the majority of them in Asia Minor and in Syria, whose institutions were similar to those known from the “Old World” of the Greeks, and most of these new cities soon became members of the international community of Greeks that now stretched from the Iberian peninsula to Afghanistan. But, monarchical *fiat* was not the only factor that caused this proliferation of cities claiming the status of a *polis*. In many cases, especially in Asia Minor, the initiative was taken by local communities that, by adopting the *polis*-model, hoped to gain their share of the benefits that Hellenistic kings commonly bestowed on Greek cities. And there were cities that, while much older than the Greek cities themselves, saw fit to proclaim their adherence to Greek values and norms by adapting already existing institutions to Greek forms of conducting public affairs. Seen in this light, the history of the *polis* in the Hellenistic period is remarkable for the success it enjoyed. In a process of quantitative growth and spatial expansion the Greek *polis* and its governing bodies transformed regions that had previously been barely touched by Greek culture and thus laid the foundations for the city-based culture of the Roman Empire in the Eastern Mediterranean.<sup>1</sup>

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While the unprecedented diffusion of the *polis* is an uncontested fact, the political character of the communities that named themselves *polis* in the Hellenistic period is the subject of considerable debate. Outside the circles of those specialized in the history of the three centuries between Alexander and Augustus, the Hellenistic period has often been seen as a period in which the *polis*, defined as a state with an urban center and run by its own citizens, went into decline. Having lost the power to influence the course of events on a more than local level, so the argument goes, the democratic city-states of the Classical period degenerated into towns under the sway of small elites, as the masses no longer participated in the governmental decision-making process and instead willingly submitted to the patronage of the wealthy. Loss of sovereignty and “aristocratization” of political life are thus regarded as the crucial features of the history of the *polis* in the centuries after Alexander, and the two phenomena are often thought to have been closely linked to one another.<sup>2</sup>

In what follows, my aim is twofold: to demonstrate that, contrary to what used to be the common opinion, popular rule was alive and well in many *poleis* during the Early Hellenistic period, and to analyze the processes by which democratic governance was slowly replaced by other forms of government. First of all, however, I need to stress the enormous differences between these communities. On the one hand, we have the cities in the “New World” of the Greeks. Most of them owed their very existence to kings, and many remained part of the realm of those kings for a century or even longer; as long as the monarchies with which these cities were affiliated were viable they showed no aspirations to independence. Moreover, they were implanted in a culturally foreign environment and thus sharply separated from their hinterland. On the other hand, we have the cities in the “Old World” of Greece where the transition from the Classical to the Hellenistic period created new rules for power politics, but did not deeply affect the patterns of social or political life within. Here, city and territory were fully integrated within a community of citizens sharing a common culture and enjoying equal rights. Other distinctions must be taken into consideration, however, before one can begin to define the political character of Hellenistic city-states. No less important are the disparities in size, population, and resources that existed. At the top of the spectrum stood royal residences like Alexandria in Egypt or Antiochia in Syria which seem to have had populations of several hundred thousand inhabitants. Even the biggest among the old cities, Athens or Rhodes, for example, were far smaller, with hardly more than 100,000 inhabitants, even if one includes the rural population living on the city’s territory. Moreover, only about a tenth of the possibly 1,000 *poleis* that may have existed seem to have had more than 10,000 inhabitants, while more than three-quarters had a population of between 1,000 and 10,000 and a sizable minority was even smaller than that.<sup>3</sup>

Change over time is the third variable that needs to be considered when dealing with the Hellenistic *polis*. The notion of “the Hellenistic Age” is a modern construct that is easily misunderstood as an essentially static period of history; it is often considered as basically homogenous and also in sharp opposition to the Late Classical and the Early Imperial periods. But the Hellenistic Age was, if anything, a period of fast social and political change, and many developments that have been regarded as characteristically Hellenistic had either already begun in the fourth century BCE or continued well into the first century CE. Applied to the history of many Greek cities, the label “Hellenistic”

both overstates the change brought about by the emergence of new monarchies after Alexander's death and masks a decisive break engendered by Rome's rise to hegemony in the Eastern Mediterranean. In the Early Hellenistic period, the city-states acted within a multipolar system of power that left considerable scope of action for many of them even if the leading powers were now monarchies or federal states and not city-states. This is particularly true for the cities bordering on the Aegean where a fierce competition between the great monarchies with overlapping spheres of influence led to the cities being courted as allies from many sides. In the Late Hellenistic period, however, all relations between states in the Eastern Mediterranean quickly became centered on Rome, which had risen to be the hegemonic power of the area in only half a century. This new unipolar system of power left no room for any sort of independent foreign policy for the city-states, regardless of their legal status *vis-à-vis* Rome, and thus considerably curtailed the field for competitive politics both between city-states and within their body politic. To differentiate within the period commonly labeled Hellenistic is thus crucial for a proper understanding of how Hellenistic cities were governed.<sup>4</sup>

A few words about the sources are necessary. One of the things that is fascinating about Hellenistic history is that we do get a concrete sense of diversity and change. It is only in the period after Alexander that the great majority of small and mid-sized city-states become visible through public documents produced by themselves and published as inscriptions on stone. The epigraphic evidence available for the Hellenistic period thus provides insights into the internal workings of all those Greek city-states that never had the means to pursue hegemonic aims and were always struggling to preserve their autonomy and territorial integrity. But this epigraphic evidence has its limitations, too. Not only are inscriptions often fragmentary and of uncertain date, they are also often widely scattered in space and time. Moreover, those who produced the public documents that we read as sources often took for granted the constitutional rules that we are trying to reconstruct.

## *Dēmokratia:* The Political Character of Hellenistic City-States

Modern debate about the political character of Hellenistic city-states has often been bedeviled by preconceived notions of what democracy really is or should be. While nowadays many would agree that modern concepts of democratic government are unsuited for a proper understanding of the *polis*, the notion that Classical Athens provides the model for Greek democracy *par excellence* dies hard even among specialists. Classical Athens, however, was in many ways unique, a hegemonic *polis*, second only to Sparta, and with a constitution that was a specific variety of what contemporaries regarded as democracy. In fact, Aristotle, in an empirical study of existing constitutions that we read as books IV–VI of the *Politics*, distinguished several types of democracy according to the degree by which the masses actually participated in government. For him it made perfect sense to classify a constitution as democratic in which the daily business of government was carried out by elected magistrates, provided that all or most issues of major significance were decided in the assembly of the people. In Aristotle's view Athens was a radical democracy in which the people claimed the right to rule

everything as they saw fit, thus raising themselves above the law. His famous analysis of the principles and practices of democracy applies to this specific variety of democracy and is not meant to fit all or even most constitutions that he subsumed under the general category of democracy. Rather, it describes the characteristic features of radical democracy (*Pol.* 6.2.1317a–b):

(1) Elections to office by all from among all. (2) Rule of all over each and of each by turns over all. (3) Offices filled by lot, either all or at any rate those not calling for experience or skill. (4) No tenure of office dependent on the possessions of a property qualification, or only the lowest possible. (5) The same not to hold the same office twice, or only rarely, or only a few apart from those connected with warfare. (6) Short terms for all offices or for as many as possible. (7) All to sit on juries, chosen from all and adjudicating on all or most matters, i.e. the most important and supreme, such as those affecting the constitution, scrutinies, and contracts between individuals. (8) The assembly as the sovereign authority in everything, or at least the most important matters, officials having no sovereign power over any, or as few as possible... (9) payment for services, in the assembly, in the law-courts, council, and the sovereign meetings of the assembly, or in the offices where it is obligatory to have meals together.

There is more than enough evidence to show that in the Early Hellenistic period the majority of Greek city-states, at least in the “Old World,” would qualify for being regarded as democracies according to Aristotle’s criteria, though of a more moderate kind than that of Classical Athens. The *polis* was still basically a community of citizens who had equal rights and claimed to govern themselves – for them democratic government was a way of managing one’s own affairs. All political issues of general interest were voted on in an assembly that was open to all citizens – property qualifications were exceptional – and their decisions were regarded as expressing the will of the people. The assembly thus was still the sovereign authority of the state. In the early Hellenistic period, the word *dēmokratia*, far from being a term that had come to mean nothing more than republic as opposed to a monarchy, still was a political concept that referred to a particular type of constitution based on political equality and popular rule. Here is an example coming from c.200 BCE, the oath sworn by all citizens of the *polis* of Kos to confirm their adherence to the terms of the political union (*homopoliteia*) with the neighboring island of Kalymna, which had become a sub-unit of the Koan state:

I will abide by the established *dēmokratia*, the restoration of the *homopoliteia*, the ancestral laws of Kos, the resolutions of the assembly and the provisions of the *homopoliteia*; I will also abide by the friendship and alliance with king Ptolemy and the treaties ratified by the people with the allies; I will never set up under any pretext an oligarchy or a tyranny or any other constitution apart from democracy, and if anyone else establishes (such a regime) I will not obey, but I will prevent (him) as far as possible, and I will not take over under any pretext any of the forts on the acropolis, whether for my own possession or in collaboration with someone else, and I will not allow the territory of Kos to be diminished, but I will increase it to the best of my ability; I will be a just judge and a fair-minded citizen, taking part in elections and casting my vote without favoritism, according to what seems to be in the interest of the people.... (StV III 545/Austin 153)

The word *dēmokratia* here clearly has a precise constitutional meaning, as it is set against both tyranny and oligarchy. Being a citizen is equated with participation in the

decision-making process both in the general assembly and in the law courts, with service and devotion to the public good, and with obedience to the laws and decrees passed by the assembly of the people. In fact, we know from other sources that the Koan assembly was regularly convened twice a month; it passed decrees, dozens of which have been preserved, that deal with matters ranging from warfare and diplomacy to the erection and upkeep of buildings, the organization of cults and festivals, the food supply, and public health. Aristotle would not for a moment have doubted that the Koans were fully justified in calling their *polis* a democracy, even though they filled most offices not by lot as was customary in Classical Athens, but by election as Hellenistic city-states usually did.<sup>5</sup> He rightly refrained from considering the use of the lot a necessary feature of democracy, as it had never been universal among the states that claimed to be ruled by the people. Pay for those attending the general assembly or serving on a jury had likewise been an exception even in the Classical period, as only the richest city-states were able to cover the expenses thus incurred. In Hellenistic city-states, political pay is rarely attested; only the Rhodians are known to have been paid both for attendance in the general assembly and for service as a juror all through the Hellenistic period. Payment for office-holders, on the other hand, seems to have been fairly widespread in Hellenistic city-states.<sup>6</sup>

As Aristotle was well aware, the character of a political system cannot adequately be assessed on the basis of constitutional rules alone. The decisive factor is the degree to which the citizens are actively involved in the running of their common affairs. Unfortunately, however, the evidence at our disposal does not allow exact answers to some of the basic questions that need to be asked when trying to gauge the level of political participation. For a start, because we usually lack sufficient information as to the total number of citizens, it is impossible to be precise about the percentage of citizens that actually attended political assemblies even though the number of votes cast was sometimes recorded on inscriptions – a few of which are still preserved. But the figures we do have – and in mid-sized cities like Halikarnassos and Magnesia on the Maiandros they run up to four thousand or more – at least serve to show that Hellenistic assemblies could be very large indeed and that participation in political decision-making was still seen as worthwhile by ordinary citizens. And the fact that counter-votes were also recorded proves not only that unanimity was not always achieved, but also that the right to dissent was recognized and valued. Another indicator of political activity is the frequency with which assemblies were regularly convened. Here we stand on firmer ground, even if it is dangerous to generalize from a few attested cases. One general assembly per month seems to have been fairly common, with two per month being the highest number attested. Hellenistic assemblies thus were convened much less frequently than those of Classical Athens, which met four times per month. Here again, however, one has to bear in mind that Classical Athens was exceptional for its size and for the role it played in interstate politics. The affairs of small or mid-sized states were much more restricted, and so was the amount of business to which their assemblies had to attend.<sup>7</sup>

As the assembly was the central decision-making body of Greek city-states, much effort has been put into reconstructing the rules of procedure that framed the way in which the will of the people was formed. Greek city-states normally had a council, a body consisting of several dozen, sometimes several hundreds of members (depending on the size of the citizen body as a whole), that prepared all business that was to be debated

and finally voted upon in the assembly. The rule that no matter could be voted upon unless it had been put on the agenda by either the council or its executive committee applied in most Hellenistic city-states as it had in Classical Athens. And there is reason to believe that the motion proposed by the council could either be detailed and explicit, especially if the affair to be dealt with was technical and complicated, or open and purely formal, if the controversial nature of the affair made it advisable not to anticipate the assembly's decision. That motions proposed by magistrates or councilors were amended on the motion of ordinary citizens was not unknown in Hellenistic city-states either. Much more often, though, we find that decrees were proposed by members of the council or by office-holders either individually or as a board, and on the basis of this observation it has been argued that the initiative normally lay not with the ordinary citizens attending the assembly but with people holding positions of authority. The significance of this observation can easily be overrated, however, if it is taken in isolation, as it seems natural for ordinary citizens wishing to make a proposal to prefer an approach to the council with a plea to work out a formal motion over an address to the assembly in person; several cases of this procedure are actually attested. As this type of individual initiative was seldom recorded, we simply lack the means to assess how many of the decrees passed on a motion by the council or leading magistrates were actually initiated by ordinary citizens.<sup>8</sup>

## Executing the People's Will: Institutions and Their Functions

Greek democracy was based on the belief that the people should govern itself. For that reason, the task of carrying out the people's will was divided among many officials with limited competences who served for only a short period of time, rarely longer than one year, and mostly as members of a collegiate board held accountable to the people as a whole. The accumulation of offices was forbidden, and re-election was subject to strict rules from which few exceptions were made (mostly for military functions). Both direct appointment by the people and accountability to them prevented a hierarchy from developing among the office-holders, even if some offices were clearly much more important than others. A fixed career pattern resembling that of Republican Rome did not and could not exist, either. These principles were still in force in the Early Hellenistic period, even if the extent to which they were applied varied according to the size of the *polis* and was subject to change over time. One may take it as a rule that smaller city-states had fewer offices with less specialized responsibilities than larger ones, as the number of their citizens was smaller, their social structure simpler, and the range of their external contacts more restricted. But it is hardly possible to go beyond that: only in very few cases can the total number of offices in a particular *polis* be determined exactly. To classify the offices in the executive sphere that are attested is fraught with difficulties, too, since their competences often overlapped and in many cases are poorly known. For a broad classification, it is possible to distinguish officials appointed for a fixed period of time from those whose mandate expired when the particular task they were commissioned to undertake was completed, such as ambassadors or members of a committee charged with drafting the text of a law or

overseeing the construction of a building. Another way of bringing order to these phenomena is to classify offices according to the functions they fulfilled. In Hellenistic *poleis* we find a broad range of officials with administrative functions: financial officers (*tamiai*, *poletai*, *oikonomoi* etc.), city wardens (*astynomoi*), market wardens (*agoranomoi*), officials concerned with education (*paidonomoi*, *gymnasiarchoi*, etc.), with record-keeping (*chreophylakes*, *mnēmones* etc.), with the construction and upkeep of public buildings (*neopoiai*, *teichopoioi*, *architektones* etc.), with the food supply (*sitophylakes*, *sitonai*, etc.), with the organization of contests and festivals (*agonothetai*, *lampadarchai*, *choregoi*, etc.). In many cases, their scope of action was limited by a law that laid down the rules which holders of a particular office were bound to respect. Technical knowledge was not normally a precondition for being elected, and there was no staff of professional public servants on which they could have relied.<sup>9</sup>

Finances are crucial to the workings of any state, and public expenditure tended to grow as Hellenistic cities competed with each other in many fields, ranging from defense and public building to the celebration of festivals. Traditionally, Greek city-states had no institutional apparatus to extract resources from their citizens. Farming out the collection of whatever taxes and duties they raised was one of the means that allowed them to dispense with a salaried bureaucracy. Moreover, the strong aversion to the concentration of power in the hands of office-holders required the division of financial tasks between many boards of officials that were responsible for particular aspects. This distribution of competences buttressed the sovereignty of the people by ensuring that the total amount of income and expenses was known to nobody but the council and the assembly, though this had the grave disadvantage of preventing any serious attempt at balancing the city's budget and at building up reserves for emergencies like wars or bad harvests. Hellenistic city-states reacted to this problem in different ways. Public loans helped to raise money for purposes of general interest that could not have otherwise been procured within a short period of time, but were apt to create social tensions and provided only a temporary expedient. In addition, asking the well-to-do to contribute to a public subscription brought no structural improvement to the city. Thus, in some Hellenistic city-states attempts were made to centralize the administration of public finances at least within a few branches or accounts, even if they never went so far as to create something like a ministry of finance.<sup>10</sup>

As the Greeks distinguished sharply between human affairs and the affairs of the gods, the funds used for cultic purposes were considered to be the property of the gods and administered separately from other sources of income. There was, however, no sharp distinction between officials responsible for the cult of the gods and those charged with other tasks. Priests and other officials with cultic responsibilities (*neokoroi*, *hieropoioi*, etc.), though often set apart from their fellow secular officials, could also be considered and treated as executives of the *polis*. Many of them were elected by the assembly, some for a short duration only, others, for life. In Hellenistic Asia Minor priesthoods were regarded as an asset that a *polis* could use as a means of raising revenues: priesthoods were auctioned like other public functions and given to the highest bidder. Even if the duties of the incumbents were defined by the assembly, this practice entailed a departure from democratic principles as it enabled members of wealthy families to reach a position of life-long prominence.

Another central function of Greek citizen-states was the administration of justice. With the emergence of democracy the right to pass judgment as a juror had come to be considered an essential element of citizenship, and, as we have seen, this was still true in the early Hellenistic period. Cases that could not be settled by arbitration were tried before large courts comprised of very many, often hundreds of jurors drawn by lot from all citizens who volunteered for this task; examples are known from all over the Hellenistic world. The evidence also shows, however, that those large courts were not always able to deal with the number of cases that were brought before them, especially if a social crisis led to a sudden increase in the quantity and intensity of conflicts between citizens or if a military emergency made it impossible to reach the required quorum of jurors. A way out of this impasse was to invite judges from another *polis*, which seems to have become fairly widespread from the early third century BCE onwards; some *poleis* even had recourse to their services on a regular basis. This practice is not, however, a symptom of a complete breakdown of the judicial system, as has often been thought, since foreign judges were entrusted with adjudicating a clearly defined range of cases and bound to apply the laws of the city to which they were invited. In the long term, however, the practice of partly entrusting the administration of justice to small boards of judges coming from outside the citizen body must have been detrimental to the belief that every citizen was to have an equal share in jurisdiction as it contributed to spreading the idea that being a good judge required virtues not available to everybody.<sup>11</sup>

Last but not least, the citizen-state still had a military function. Most Hellenistic *poleis* were able to raise a citizen army, if need be; many kept up forts on the borders of their territory that were permanently garrisoned; and some, like Kos, Miletos, or Rhodes, even had navies. The commanders of armed forces (*strategoi*, *polemarchoi*, *hipparchoi*, *phrourarchoi*, *nauarchoi*, etc.) did their duty as members of a board of officials that was elected by the people for a short duration (usually a year) and was fully accountable to them. Far from becoming demilitarized, Hellenistic citizen-states made efforts to strengthen their military potential and maintained armed forces until the end of the first century BCE. Military training was professionalized, and the *gymnasion* as a training ground for young men was transformed into a public institution. In fact, it was only in the Hellenistic period that the *ephebeia* as a preparation of the children of citizens for their role as citizens and soldiers became fully institutionalized, being funded by the *polis* and supervised by officials elected by the assembly of citizens.<sup>12</sup>

## Cities, Leagues and Rulers: The *Polis* in Interstate Politics

In the early Hellenistic period, international politics was dominated by the new dynasties whose resources were vastly superior to those of even the largest city-states. The Antigonids, the Ptolemies and the Seleukids were the superpowers of the third century BCE, fielding armies many times bigger than the citizen militias of even the most populous city-states, and they were constantly engaged in warfare against each other. Under these circumstances, most Greek cities struggled hard to retain their independence and autonomy, and many came under some kind of informal influence or institutionalized control

by the kings. This was not, of course, an entirely new situation, as many – perhaps the majority – of Greek cities had already been subordinated to a stronger power, whether the Persian king or *poleis* like Athens, Sparta, or Thebes. However, after Alexander these city-states were no longer able to take part in the great game for power and glory, and the vast multiethnic empire of the Achaemenids was succeeded by a plurality of kingdoms that were in intense competition with each other. The new system of power thus was much less stable and put enormous pressure on city-states trying to retain full control over their own affairs, a goal that could only be achieved by maneuvering between the constantly warring superpowers.

Under these circumstances, only a small minority of Greek cities was able to remain free of any kind of foreign influence and to determine its own course of action in interstate politics. Rhodes, for example, stayed formally neutral for much of the third century and even led a hegemonic alliance in the early second century. Athens, too, pursued a policy of neutrality after the end of Macedonian domination in 229 BCE, and stuck to it until the First Mithridatic War. The city-states on Crete carried on their endless internecine wars well into the second century BCE, while those of western Asia Minor quickly resumed the habit of warring against their neighbors whenever they managed to free themselves from monarchical control.<sup>13</sup>

The majority of Greek city-states, however, had to adapt themselves to the existence of monarchical superpowers in ways that limited their freedom of action more or less profoundly. The cities of Macedonia, while internally autonomous, had no foreign policy of their own, being fully integrated into the military system on which the royal army was based. In southern and central Greece, the third century BCE saw processes of federalization that led to the majority of city-states being incorporated into federal states with common institutions and a common right of citizenship. These citizen-states gave up the right to conduct a foreign policy of their own while retaining self-government in their internal affairs with their own institutions, laws, cults, and military. A *polis* that belonged to the Achaian or Aitolian league, for example, was no longer independent, but still autonomous, and its citizens enjoyed full political rights as citizens both of their *polis* and of the federal state.<sup>14</sup> In western Asia Minor, there were no federal states, and city-states had to find other ways of holding their own against superior powers. In many cases, there was room for negotiation. Kings did not insist on formal surrender if they saw no chance of having their way by force or needed help against common enemies. Often, they tried to win the goodwill of those who could not be forced by deigning to conclude an alliance on a legally equal footing. It goes without saying that legal equality is not to be confounded with equal power. The actual dynamics of power between partners to a treaty would naturally depend on their relative strengths and the political situation as a whole. Thus, in practice, an alliance with a king might well open the way to more direct means of interfering in the internal affairs of a *polis*. Still, from the point of view of a citizen-state, being forced formally to acknowledge a king's suzerainty was clearly the least desirable option, and not only for psychological reasons. Even in that case, however, freedom was not necessarily lost once and forever. Kings were expected to be benefactors, and among the benefactions kings could and did bestow was the privilege of freedom and autonomy.

What freedom and autonomy meant both in legal and in political terms has for decades been the subject of considerable debate, and no consensus has yet been reached.<sup>15</sup>

Alfred Heuss (1937) argued that Greek cities were never formally integrated into the Hellenistic kingdoms and thus always kept their legal freedom. He was not blind to the fact that city-states often were firmly in the grip of kings, but insisted that their control was never formally recognized or exercised through institutions implanted within the constitutional apparatus of the *polis* itself. Freedom was, according to Heuss, something absolute and indestructible and thus could never be granted, but only recognized by the kings. Almost simultaneously, Elias Bickerman (1938) presented another model of the relations between cities and kings that in many ways is the exact opposite of that developed by Heuss: Bickerman demonstrated that many cities were indeed formally subordinated to the royal administration and enjoyed freedom only as a privilege granted after formal surrender that could be revoked at the king's discretion. Their legal status was thus very different from those that regarded themselves as independent and were recognized as such by the kings. Only with such city-states did the kings enter into relations that implied legal equality such as military alliances or other mutually binding treaties. Heuss' case was weak at the time, and since then evidence has constantly been accruing that goes to show that Bickerman was right in distinguishing between cities that were legally free from the intervention of any external power and those that were not. A short letter of an Attalid king addressed in the 160s BCE to the council and people of Olbasa in Pisidia may serve to illustrate the point. It was written in response to an embassy from the city that had requested permission to honor two royal officials, the provincial governor (*strategos*) Aristarchos and a man called Sotas who was in charge of the city itself, for services he had rendered to fellow-citizens during a recent war. The text runs as follows:

Menis and Pisdes, whom you sent as ambassadors, gave me two decrees in which you wrote that you wished to honor both Aristarchos the *strategos* and Sotas the one in charge of the city, and you requested that I should concede it to you. Since, therefore, we also judge that they are worthy, put into effect these edicts in accordance with the things you earlier stated to me. Farewell. (SEG 44.1108)

The king took no pains to conceal that Olbasa was subject to his rule, and the content of his letter leaves little doubt that Olbasa was formally part of the Attalid province over which Aristarchos presided: the city was under the control of a royal supervisor and fully aware that every political step it took needed royal approval. In fact, royal control presumably extended to many more aspects of Olbasa's existence as a city than this short letter discloses. From other sources we know that being subordinated to a king could imply not only supervision of the decision-making process by a royal official but also the permanent or temporary loss of revenues, the obligation to pay tribute or taxes to the king, or the imposition of a royal garrison. Cities that belonged to a king's realm were severely restricted in the diplomatic contacts they were able to build up or maintain and would ask for the king's permission before entering into relations with foreign powers of uncertain allegiance. In subordinated cities the king's will ruled supreme; his commands, as a rule communicated by his officials, were acted upon without hesitation and incorporated into the laws of the city if he so wished. Adherence to a king's realm could find open expression in the adoption of a dynastic system of dating instead of using a civic calendar and civic eponyms.

The evidence suggests that the legal status of subordinated cities varied considerably even within a single realm, let alone between the major kingdoms, even though it is

mostly impossible for us to determine the precise conditions of subordination in any particular case. The original charter accorded to a subordinated city presumably differed according to the circumstances under which it had come under the rule of a king, and is unlikely to have remained unchanged over many decades since cities naturally tried to improve their legal position and rulers might find it to their advantage to rally support by granting their subjects privileges that were eagerly coveted. In fact, several cases of a city negotiating its legal status with a ruler are attested. No matter how the legal status of a city *vis-à-vis* the kings was defined, as long as it remained a *polis* it took part in the network of Greek cities that spanned the whole Hellenistic world. Provided the royal administration granted permission, they appointed *proxenoi*, sent out embassies or judges to other city-states, recognized claims to the status of *asylia* (territorial inviolability), or awarded the right of citizenship.<sup>16</sup>

## The Rise of Notables and the “Aristocratization” of Political Life

In the year 37 CE, five citizens of the *polis* of Assos in western Asia Minor returned from an embassy to Rome, sent on the occasion of Caligula’s accession to the throne, and dedicated a bronze tablet that contains several texts relating to this embassy. The dossier consists of five elements: (i) a prescript with a dating formula; (ii) a decree passed by “the Assians” to the effect that an embassy was to be sent; (iii) an oath of loyalty to Caligula sworn by “the Assians”; and (iv) the formal declaration of five men from that city volunteering to undertake the journey to Rome; to which is appended a note (v) saying that while in Rome they had offered prayers and a sacrifice in the name of the city (*Syll.*<sup>3</sup> 797). The first three parts read as follows:

(1) When Gnaeus Acceronius Proclus and Gaius Pontius Petronius Nigrinus were consuls, decree of the Assians, proposal of the people: (2) Since the rule of Gaius Caesar Germanicus Augustus that all men have hoped for in their prayers has been proclaimed and the joy of the world knows no limit as the most happy age has now begun, the council, the Romans who do business among us and the people of the Assians have resolved to appoint an embassy from among the foremost and best Romans and Greeks. This embassy is to meet and to congratulate him, asking that he remember the city and take care for it, as he promised to do when with his father Germanicus he first entered our city in the province. (3) Oath of the Assians: We swear by Zeus the Saviour, by the god Caesar Augustus and by our ancestral chaste virgin to be well-inclined towards Gaius Caesar Augustus and his whole household and to regard as friends those whom he chooses, and as enemies those whom he puts forward. If I abide by my oath it shall be well, if I shall not abide by it, the opposite.

What we see in this dossier is the result of a process that had radically transformed the political character of the *polis*: what had been a democratic citizen-state had become nothing more than a provincial town dominated by a small group of wealthy and influential citizens. The community called the Assians declares its absolute loyalty to Rome in terms that by the standards of former times could only be called obsequious. In fact, they even referred to Roman consuls instead of using their own dating system. But the decision-making process that led to the decree being passed is no less revealing.

The assembly that voted on sending an embassy to Rome was not a community of fellow-citizens; as we learn from the prescript, the decision had been taken by the council, the Romans doing business in Assos, and the people of Assos, with the ordinary citizens in third place. And the ambassadors themselves were chosen from among the “foremost and best Romans and Greeks.” That they were wealthy, too, went without saying; in fact, the five ambassadors finally appointed were eager to stress that they had paid for the trip to Rome out of their own pockets. One could hardly ask for a more telling expression of the fact that the concept of a self-governing citizen body based on political equality was no longer in force.

By the end of the Hellenistic period, the *polis* was evidently no longer a democratic city-state. As Paul Veyne (1990) has brilliantly demonstrated, its governance was based on the symbolic exchange of honors in response to material benefactions that presupposed and continually reaffirmed a gulf between the people who received benefactions and those who were able and willing to spend time and money on a city they effectively controlled. Euergetism was a reciprocal, yet asymmetrical relation between partners that not only were unequal but gave public expression to the fact. If this is true, the question inevitably arises as to how and when this system had come into being. Or to put it the other way around: when and how did democratic government give way to a political system dominated by the happy few? The view that this had happened early in the Hellenistic period no longer seems tenable; as we have seen above, the *polis* as a democratic city-state remained vital in many parts of Greece and western Asia Minor into the second century BCE. But to extend the life-span of popular rule into the Early Imperial period, as others have suggested, seems to err in the other direction. After the middle of the second century BCE, symptoms of a gradual erosion of the principles on which popular rule was based begin to multiply in many areas where democratic government seems to have been real before. Many cities can now be seen to be heavily dependent on small groups of wealthy and influential citizens who took a leading role in managing the common affairs of all and were publicly recognized as benefactors of the people. Whereas before democratic ideology had imposed severe limitations on the ways private wealth and influence were displayed in public and insisted on virtues that every good citizen could aspire to (like justice and devotion to the public good), in the Late Hellenistic period the assemblies of Greek city-states accorded members of the local elites honors and privileges that raised them over and above their fellow-citizens. In doing so, the citizen body as a whole adopted the image that members of the local elites created for themselves, even to the point of conceding that those benefactors were possessed of virtues inherited from their forefathers. It became possible for an assembly of the people to utter the wish that the offspring of such men would follow in their footsteps or to express their condolences if one of their sons had died before he came of age. The discourse of political equality thus was superseded by one of paternalistic benevolence, as the ideal of a citizen was redefined so that only the rich and powerful could ever hope to fulfill it. For being a good citizen it was not enough any longer to obey the laws and have a sense of justice; what was now required were the aristocratic virtues of integrity and generosity (Gauthier 1985; Wörrle 1995; Gehrke 2003a; Hamon 2005; Fröhlich 2005).<sup>17</sup>

How exactly this erosion of democratic values had come about is controversial. What seems clear is that the beginnings of this process roughly coincide with Rome's rise

to hegemony over the Eastern Mediterranean. Within a few decades the Romans first destroyed the kingdom of the Antigonids (168 BCE), turned Macedonia into a Roman province (148 BCE), subdued the Achaian League (146 BCE), and established the first Roman province in Asia Minor after the dynasty of the Attalids had become extinct in 133 BCE. As the multipolar system of power characteristic of the Early Hellenistic period was succeeded by one that was centered on Rome, the citizen-states lost the room for maneuvering they had had until then. Even if it took more than a century for the Eastern Mediterranean to be integrated into the slowly developing system of Roman provincial administration, the city-states had to learn much earlier that their fate now entirely depended on the goodwill of Rome.

Several ways of linking these sets of phenomena to each other have been suggested. Some scholars have pointed to constitutional changes that were brought about by the influence of Rome. In fact, we know that Rome sometimes imposed or introduced constitutions that were more or less weighted in favor of the local elites; examples can be cited from Thessaly, Macedonia, and Achaia (Greece), and from Bithynia and Pontos. Overall, however, the evidence for direct interference in the constitutions of Greek citizen-states is limited to particular areas and periods and seems insufficient to account for the process as a whole. Others have tried to establish a more indirect link between the demise of popular rule and Rome's rise to world power. They argue that loss of independence drained the life-blood out of Greek politics: no longer being able to wage wars or conclude alliances, the citizens saw no use in exercising their political rights any longer and willingly acquiesced in rule by the local elite. This approach seems vitiated by the assumption that popular rule was possible only as long as a *polis* was fully independent – which is manifestly untrue – and seriously underestimates the importance that local affairs had for the citizens of a Greek city. Civic finances, public buildings and festivals, education and health, security and border conflicts, all this may seem unimportant to modern historians, but certainly was not for those immediately concerned. And subjugation to Rome should not be confused with peaceful seclusion: during the wars fought by Roman aristocrats in the first century BCE, Greek cities were often faced with choices of the utmost importance.<sup>18</sup>

A more satisfactory explanation can only be reached if internal and external developments are connected in a less simple and mechanical way. As Philippe Gauthier (1985) and others have shown, the rise of the great benefactors of the Late Hellenistic period is not merely a passive reaction to the emergence of a unipolar system of power. To be sure, the Romans, regardless of whether or not they altered a city's constitution (and as long as everything went to their satisfaction, they did not normally do so), openly favored members of the local elites over their fellow-citizens. No Greek city could do without citizens who were acceptable as hosts to Roman knights and senators; and being known to be on good terms with Romans greatly increased one's standing among fellow-citizens. Roman rule also contributed to the devaluation of citizenship by claiming the right to judge cases in which the death penalty could be imposed since the courts had been one of the arenas where democratic values had been publicly proclaimed and practiced. Nevertheless, the influence of Rome would not have made such an impact on the political life of Greek city-states if it had not corresponded to tendencies active within the citizen body itself. In fact, the driving force behind internal

processes of “aristocratization” is not hard to identify. The local elites were the ones who gained most when democratic government was gradually replaced by a system in which few families of noble birth and great wealth held sway over a passive majority of citizens.<sup>19</sup>

The symptoms of this process are manifold, and there is every reason to believe that it took different courses in different cities as the causes that made the “aristocratization” of political life possible were themselves dependent on a set of internal conditions that varied from *polis* to *polis*. Due to the nature of our evidence, it is easier to trace the transformation of political discourses and social practices than to chart institutional change. We can, however, at least identify some of the means by which the local elites gradually changed the rules that had governed political behavior for as long as the democratic ideology had been fully accepted. One of them was the ever-increasing presence of statues and other honorary monuments to members of the leading families within public spaces. Festivals and ceremonies were another medium that could be made to advertise aristocratic notions of civic virtue and social order if one could afford to pay for them out of one’s own pocket. A wedding, the inauguration of a building or the entry into an eponymous office might serve as an occasion to pose as the benevolent patron of the whole population. The benefactors staged celebrations to which citizens, foreigners, and slaves alike were invited, but saw to it that invitations to banquets were reserved for office-holders and councilors. The boundary between citizens and non-citizens thus became increasingly blurred, while at the same time hierarchical distinctions within the citizen body gained in visibility. On the death of such a man, his family would insist on his being duly honored with a public funeral, and some were even interred in the *agora* or the *gymnasium* where their graves would be the site of ritual commemoration. We observe a tendency to accumulate offices and to centralize functions within a few offices that were held either by a single person or by small boards of magistrates. The gradual weakening of restrictions on re-election also worked to the advantage of those wishing to stabilize their influence by public recognition. The same wish expresses itself in the relaxation of rules that minimized a person’s chances of being appointed to particular offices by prescribing that offices had to be filled in rotation or according to fixed quotas from all subdivisions of the citizen body. As public services were increasingly provided by those who could afford to waive state funding, public influence could be wielded without being restrained by effective civic control: benefactors were no longer held to accountability by boards chosen from the whole citizen body. In Greece proper, the leading role of the local elites seems to have been institutionalized soon after Roman rule was established. In Asia Minor, on the other hand, hard evidence for life-long membership in the council is not found before the Augustan period. By that time, the participation of the people in local government could be purely formal, as a striking example from early in the first century CE shows. In Maroneia, a *polis* in Northern Greece, members of the local elite were formally entitled to send an embassy to the emperor that represented the city without having to consult the people at all.<sup>20</sup> That may have been an exception, as the power of the local elites could be exerted in ways that preserved the illusion of maintaining ancestral traditions. The general trend, however, is clear: under the emperors, the political role of the people was reduced to rubber-stamping decisions made beforehand by small groups, and democracy was dead in all but name.

## NOTES

- 1 Hellenistic settlements: G.M. Cohen (1995, 2006); Mueller (2007). Important case-studies are Gauthier (1989: 151–170), on Sardis; Schuler (1999); Benveniste (2003: 333–356), on Tyria: *SEG* 47.1745; and Savalli-Lestrange (2005, 2006), on Antiochia on the Pyramus: *SEG* 12.511. Spread of the *polis*-model over the Eastern Mediterranean: A.H.M. Jones (1940: 1–58). Sympolities: Walser (2009). Self-hellenization in Phoenicia: Grainger (1991). I do not deal here with non-Greek cities under the rule of Hellenistic kings, such as Jerusalem, Memphis, Uruk, or Babylon.
- 2 Decline of the *polis*: A.H.M. Jones (1940: 170); Ehrenberg (1969: 190–204); Green (1990: 196–198); Veyne (1990). Hellenistic *polis* ruled by a bourgeoisie: Rostovtzeff (1941: II, 1115–1130). Nature of the *polis*: Ehrenberg (1969: 88–102); Hansen (2006c: 56–66).
- 3 Number of *poleis* known from the Archaic and Classical period: Hansen and Nielsen (2004). Population figures: Hansen (2006b); Hansen (2006c: 73–84). On the urban fabric of Hellenistic cities see Lauter (1986); Hoepfner and Schwandner (1994: 188–298); Hoepfner (1999: 455–489, Alexandria and Antiochia); for Pergamon see Radt (1999), for Priene Raeck (2009). Ptolemaic Alexandria: Fraser (1972). On Seleukid capitals in general see Held (2002).
- 4 For the political history of the Hellenistic period the masterly exposition of Will (1979) is unsurpassed. In English, there is now Errington (2008).
- 5 Aristotle's views on democracy: *Pol.* books 4–6, esp. 4.4.1291b–1292a; 4.6.1292b–1393a; 6.4–5.1318b–1320b with Schütrumpf (1991ff). See also chapter 7 in this volume. Polybius on democracy: Walbank (1995) and chapter 8 in this book. On Hellenistic democracy in general, see Quass (1979); Gauthier (1993). For Hellenistic Kos, Sherwin-White (1978) is fundamental, though new evidence has allowed some additions and corrections to be made: Buraselis (2000); Wiemer (2003); Habicht (2007). *Dēmokratia* as self-designation of the Koan state: *Syll.*<sup>3</sup> 398; StV III 545.
- 6 Political pay outside Athens: Ste. Croix (1975); Gauthier (1990b, Iasos); Wiemer (2002: 22).
- 7 Voting figures: Gauthier 1990a; R&L 509–512 (but beware that *SEG* 41.687 is not from Kos but from Halikarnassos and, for the latter, add *SEG* 48.1108). Frequency of meetings: R&L 503–505. Two regular meetings a month at Samos: *Syll.*<sup>3</sup> 976/Choix 34, A, l. 2–3; at Kos: Wiemer (2003: 278). Size of councils: Müller (1995: 43; add *SEG* 48.1108).
- 8 Gauthier (2005). Initiative monopolized by officials: A.H.M. Jones (1940: 168–169); Sherwin-White (1978: 176–177).
- 9 The synthesis of Busolt (1920: 303–513) has not yet been superseded. Eponymous officials are listed in Sherk (1990–1993). On women as office-holders see Bremen (1996: 11–40). City administration in western Asia Minor: Dmitriev (2005: 34–108, 140–188).
- 10 There is no comprehensive account of the public finances of Greek states to supersede that of Busolt (1920: 587–629). Migeotte (1984, 1992) presents the sources for public loans and subscriptions, Migeotte (1995) surveys later scholarship. On centralization and planning see Schuler (2005); Migeotte (2006).
- 11 On priests, their recruitment, functions, and privileges see Dignas (2002, Asia Minor); Wiemer (2003, Kos). The administration of justice in Hellenistic city-states is now dealt with by Cassayre (2010) and Walser (forthcoming). On foreign judges the sketch of Robert (1973) has not yet been superseded (despite Crowther 1992).
- 12 Transformation of the *gymnasion*: Gauthier (1995). Military training: Kah (2004). The most detailed evidence comes from the *gymnasiarchikos nomos* of Beroia: Gauthier and Hatzopoulos (1993, *SEG* 43.381). See also chapter 20 in this volume.

- 13 Rhodes: Wiemer (2002); Athens: Habicht (1997). Warfare between city-states: Crete, Chaniotis (1996); western Asia Minor, Ma (2000), Baker (2001); Chaniotis 2005.
- 14 The standard work for Hellenistic federal states is still Larsen (1968), but a new reference work on the topic is being put together by Hans Beck and Peter Funke.
- 15 The most important contributions to this debate are Heuss (1937); Bickerman (1938: 133–210); Bickerman (1939); Gauthier (1989); Grainger (1990); Ma (1999); Capdetrey (2007: 191–217), all of which are focused on the Seleukid empire. For the cities within the Attalid empire see the excellent survey of Savalli-Lestrade (2001, to be modified in the light of Müller 2003), for Ptolemaic cities outside Egypt see Bagnall (1976); Mueller (2007). The legal status of cities in Macedonia proper: Hatzopoulos (1996). Organization of the Antigonid army: Hatzopoulos (2003, *SEG* 49.722, 855). Kings as benefactors: cults, Habicht (1970); ideology, Préaux (1978: I, 181–270); donations, Bringmann and Steuben (1995); discourse of euergetism, Ma (1999: 179–242); Bringmann (2000); Virgilio (2003: 47–86).
- 16 On interaction between *poleis* in general, see Ma (2003). On *proxenia* see Marek (1984); on *asylia* Schlesinger (1933), Gauthier (1972), Rigsby (1996). Interstate arbitrations: Ager (1996); Magnetto (1997). Public construction: (walls) Maier (1959/1961, reviewed by Robert 1970); Migeotte (1995b). Military expenses: Baker (2000a); Migeotte (2000). Festivals: Boesch (1908); Chaniotis (1995); Perlman (2000); Vial (2003); Wiemer (2009a); Wiemer (2009b).
- 17 Gauthier (1985); Wörrle (1995); Gehrke (2003a); Hamon (2005); Fröhlich (2005). Consolation decrees: Strubbe (1998).
- 18 Roman interference: Jones (1940: 120); Ste. Croix (1981: 300–326, 518–537); Quass (1984); Bernhardt (1985); Ferrary 1987/1989; Kallet-Marx (1995: 65–74, 330–331). Demoralization under foreign rule: Grieb (2008, reviewed by Hamon 2009). Continuity into the Roman period: Quass (1993); Habicht (1995); Dmitriev 2005.
- 19 On urban elites in general, see Gauthier (1985); Savalli-Lestrade (2003); Hamon (2007). On people mediating between cities and kings, see now Paschidis (2008). The kings' friends have been studied by Le Bohec (1985, Antigonids); Savalli-Lestrade (1996, Attalids); Savalli-Lestrade (1998a, Seleukids and others).
- 20 Occupation of public space: Raeck (1995, Priene). Public funerals: Chiricat (2005). Public banquets: Schmitt Pantel (1992). Councils and councilors: Quass (1993: 382–394); H. Müller (1995); Hamon (2005). Accountability: Fröhlich (2004). Maroneia (*SEG* 53.659): Wörrle (2005).



PART II

## Ancient Templates and Typologies

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## CHAPTER 5

# Archaic and Classical Greek Reflections on Politics and Government

*From Description to Conceptualization,  
Analysis, and Theory*

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*Kurt A. Raaflaub*

The primary purpose of this chapter is to investigate the beginnings of Greek reflection on politics, institutions and constitutions. My main focus will therefore rest on the Archaic period (*c.*750–480 BCE). A briefer section will sketch developments in the fifth century and provide an “outlook” for those in the early fourth. My main question is how and why the Greeks began to think in new, specific, increasingly focused, and eventually even abstract and theoretical ways about politics and government, and how this is related to the emergence, first, of the *polis* as a specific form of community (a citizen-state rather than city-state; see Hansen 1993b: 7–29; Hansen 1998) and, second, with the breakthrough of democracy as an unprecedented, extreme, and provocative form of constitution.

## A Case Study: Creating a New Community (Kleisthenes of Athens)

In 510 BCE the Peisistratid tyrants were expelled from Athens.<sup>1</sup> Their rule of 40 years deeply affected the community and prepared future changes. Elite rivalries and factional strife were suppressed. Exile and enforced passivity weakened aristocratic influence and traditional power structures. The tyrants’ religious, building, and cultural policies focused on Athens, which now became fully the center of the large *polis*. Economic, judicial, and other measures fostered prosperity and peace; non-elite citizens profited from this. Hence the recurrence, after the tyrants’ expulsion, of fierce rivalries between factions led by Kleisthenes and Isagoras was not popular. Kleisthenes, sensitive to the

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popular mood, turned defeat into victory by announcing reform plans and securing the people's support (Hdt. 5.66). Isagoras' attempt, with outside assistance, to establish his own faction in power, failed when the people rose up in arms, forced the invaders to leave, and executed many of Isagoras' supporters. Kleisthenes now realized his reforms (508–507 BCE). No personal statements or laws of Kleisthenes survive. Herodotus' claim that he introduced ten new tribes and gave the Athenians their democracy (6.131) does not explain how one was connected to the other. Still, painstaking scholarship has clarified the essentials of this reform (Traill 1975, 1986; Whitehead 1986; Ostwald 1988; C. Meier 1990; Welwei 1999: 1–27; Ober 1996: ch.4; Ober 2007).

A territorial reorganization stands in the center, where 139 local units were constituted as demes. Combining these in various ways, Attika's three regions (central plain, coast, and interior hill-country) were each divided into ten "thirds" (*trittyes*) with similar citizen numbers; three *trittyes* (one from each region) formed a "tribe" (*phylē*) for a total of ten *phylai*. Each tribe thus comprised citizens from all three regions of the large Attic territory. They collaborated in providing teams for competitive performances at *polis* festivals, one regiment of the reorganized army (Siewert 1982), and 50 members of the newly created "Council of 500," selected proportionally from the demes and thus evenly representing the citizen population; this is the first representative council known in world history (Larsen 1955b: ch.1). Moreover, the 50 councilors of one tribe served for one-tenth of the year as the council's executive committee. The quota of representation (c.1:60) was dense. Councilors carried information from their demes to the *polis* center and back, not only representing the citizens but virtually making them present in Athens (C. Meier 1990: ch.4). Citizens were thus strongly oriented toward Athens, while emphasizing their deme affiliation by the *dēmotikon* attached to their names (Socrates son of Sophroniskos from Alopeke). Tenure in the council was annual and restricted to two non-successive terms. It served crucial functions in the *polis'* government, including the preparation of motions for the assembly. Eventually, therefore, an extraordinary proportion of citizens had intensive and immediate experience of politics and the way government worked (Hansen 1999: 249). The demes in turn had their own officials, assemblies, cults, and cultural events: their grassroots democracies provided another arena for learning politics.

The purpose of this system was to make the citizens present and active in the community, and to mix them, inducing them to collaborate and share their knowledge (Ober 2008b), thus fostering familiarity and solidarity. This was achieved through a complex and sophisticated administrative reform that was embedded in a host of other changes in virtually every sphere of communal life (Anderson 2003). Importantly, it resulted from an effort at radically redesigning, virtually on a drawing board, the entire structure of the civic community and relations among citizens, across the country, radiating out from and focusing in toward Athens. The challenge had been to eliminate the scourge of destructive factional and regional rivalry. What emerged was an integrated community encompassing all of Attika (Anderson 2003). This reform not only was apparently accepted by the citizens without resistance, but also changed their identification with their *polis*, which in turn made spectacular successes in outside relations possible, culminating in the decision to fight the invading Persians at Marathon (490 BCE).

Herodotus perceived this connection, although he linked the Athenians' successes to their liberation from tyranny. Equality, he says, proved decisive. As long as the Athenians

were oppressed by tyranny, like slaves they shirked their duty, but with freedom won, they pursued their own interest in their common cause (5.78). The word Herodotus uses for equality is *isēgoria* (equality of speech), closely related to *isonomia* (equality before the law, political equality: Ostwald 1969; C. Meier 1970: 7–69; 1990: ch.7; Vlastos 1981, 1995c). Both terms are attested (directly and indirectly) in the late sixth century (Raafalaub 1996a: 143–148). Equality was thus probably used to propagate Kleisthenes' system. How far it extended and whether this system really instituted democracy remains contested (Ober 2007; Raafalaub 2007) but it certainly represents a crucial step toward the full realization of democracy half a century later. By the late sixth century, “isonomic constitutions” were quite frequent (Robinson 1997).

Moreover, every year the Athenians voted on whether they wanted an ostracism. If so, a vote was held later, without announced candidates, in which every citizen wrote on a potsherd (*ostrakon*) the name of the person he wanted banished. If the necessary quorum was met the “winner” was exiled for ten years, without loss of citizenship or any other harm. Ostracism was thus most likely a negative election, a means to choose between alternatives offered by two political rivals, especially when their contest became destructive or ended in a stalemate (Hansen 1999: 35–36; Dreher 2000; Forsdyke 2005). Had this device been in place when Kleisthenes himself battled with Isagoras it could have spared the Athenians much grief.

This too is a creative innovation, resulting from sophisticated analysis and constructive, rational, and abstract political thinking. Kleisthenes' entire reform program shows that the citizens had assumed control over their communal order and their government structures. Everything could be changed, even profoundly, if the citizens wanted it and voted for it. Although designed and advocated by individuals, such changes were enacted by a citizen community that was able to understand their purpose, to look beyond tradition and short-term interests, and, if necessary, to back its will up with arms.<sup>2</sup> Only two hundred years earlier, the *polis* had barely emerged from the mist of the Dark Ages with vague structures and informal institutions. The evolution and transformation in this period of the *polis* as a form of community, and of reflections on politics and constitutions, are most impressive. We now trace the development of such thinking, focusing on a few highlights.

## The Archaic Period (c.750–480 BCE)

### *Homer*

References to politics and institutions are frequent as early as the Homeric epics. The most explicit concerns the giant one-eyed Cyclopes: “These people have no common norms, no meetings for counsels; rather they make their habitations in caverns hollowed among the peaks of the high mountains, and each one is the law for his own wives and children, and cares nothing about the others” (*Od.* 9.112–115, trans. Lattimore).

The Cyclopes live in a natural state with features reminiscent of a golden age and are characterized as completely uncivilized: they have no social, political, or legal commonalities, do not use ships and communicate with the outside world, despise the gods, and eat their guests (9.105–115, 125–130, 170–479). Hence to have communal norms

and assemblies for deliberation and decision-making is typical of civilized society – as the poet exemplifies with the Phaiakians (books 6–8, 13), an ideal society marked as polar contrast to the Cyclopes whose neighbors they once were (6.4–6).<sup>3</sup> Their *agorē* for communal meetings is paved, with polished stones as seats for the council members (6.266–2667; 8.4–7; cf. *Il.* 18.503–504). Leader, council, and assembly interact properly, they honor gods and guests and are the ultimate sailors.

An arbitration scene on the marvelous shield of Achilles (*Il.* 18.497–508; Edwards 1991: 213–218) shows a dispute about a murder and, apparently, the compensation the killer has promised the victim's family. The two men are arguing their case in the *agorē* before a panel of elders. They are surrounded by noisy supporters, held in check by heralds. In the shield's conceptual design, this scene characterizes peace. Hence, in peace justice rules; conflicts are resolved through arbitration in public, amidst an assembly of people; although elite judges – the leaders (*basileis*), “men who safeguard the laws on behalf of Zeus” (1.238–239; cf. 2.205–206; 9.98–99) – debate and propose verdicts, ordinary people let their opinions be heard.

Typically, the poet comments not explicitly (as he exceptionally does on the Cyclopes) but implicitly, through narrative and description or through similes. For instance, he compares Penelope's fame with that of a just king whose community Zeus rewards with prosperity (*Od.* 19.109–114). Another simile speaks of “men who, by force, judge crooked law cases in the *agorē*, and drive out justice,” only to be punished by Zeus (*Il.* 16.385–392). Homeric evidence on our topic is thus primarily indirect but it is plentiful. It is part of the poet's description of the social environment in which the heroically elevated events take place and which is essentially realistic and historical (Raaflaub 1997a). It represents a world of early *poleis*, with assemblies, councils, and leaders, that *in nuce* already reflect the principle of “the men are the *polis*” (Thuc. 7.77.7, cf. Hdt. 8.61; first attested around 600 by the poet Alkaios (112.10; 426 Campbell; Hansen, ed. 1993: 7–105). Into his dramatic narrative the poet weaves political issues, such as: what makes a good leader, how do leaders and community relate to each other, what happens when this relationship breaks down, and how it can be restored? The leader is no more than a *primus inter pare*; his position is based on preeminence in wealth and achievement, and firmly embedded in the community. He owes his privileges (materially and ideally) to the community and must justify them through good leadership (*Il.* 12.310–321). His duty is to make sure that his “people be safe, not perish” (1.117; 2.233–234).

One of the political threads running through the *Iliad* and focusing on the initial mistakes and eventual success of Agamemnon and, conversely, on the initial excellence and ultimate failure of Hektor, illustrates precisely this aspect (Raaflaub 2000: 29–31). The poet's narrative enables listeners to observe the qualities and behaviors typical of good and bad leadership, and their consequences (see 1.1–7). Remarkably, Agamemnon is praised in the end for having reached a higher level of justice: “in the future, you will be more just in the eyes of every other man” (*Il.* 19.181).<sup>4</sup> Every leader makes mistakes; the community rewards the man who is able to overcome them and re-establish unity as a condition for communal success. Leader and community depend on each other. They interact politically in council and assembly. Although these are collectivities that cannot act in a drama, the poet highlights their importance and comes close to conceptualizing them as institutions. The *agorē* represents “the middle” of the community (*to meson*)

where important communal acts take place. The men filling the assembly's ranks play a crucial role in the army as well. Descriptions of meetings and scattered references illustrate procedures from the herald's call to the assembly's dissolution (Hölkeskamp 1997; Ruzé 1997; Raaflaub 2001: 73–89; Raaflaub 2010). Though not regulated, the assembly clearly is an indispensable part of communal life. There is no vote but the men express their opinion unmistakably by voice or feet. The leader is not formally obliged to heed their opinion but if he ignores it and fails he is in trouble, and it is difficult to act against their firmly expressed opinion (*Od.* 13.239; cf. *Il.* 15.721–723; Raaflaub 1997b: 19, 22–23). A good leader listens to his peers' advice and follows the best proposal. The establishment of consensus and resolution of conflicts are important; hence the ideal leader is best in fighting and speaking (*Il.* 1.274; 3.216–224; 9.440–443; *Od.* 8.169–173).

When Telemachos tries unsuccessfully to sway public opinion against the abuses of his mother's suitors, an old man speaks up: "I blame the rest of the people, for the way you all sit in silence, that you do not address these few suitors with speeches, and restrain them, being yourselves so many" (*Od.* 2.239–41). This suggests that public action might be possible. Indeed, after trying to murder Telemachos, the suitors fear that the people will expel them from their community (16.376–382; cf. 424–430). The assembly, and the people in general, are thus forces to be reckoned with. Overall, then, the poet shows us citizen communities in which council and assembly are firmly established fora for the performance of politics (Hammer 2002) and the centers of political life. The poet takes them for granted and usually thinks *with* these institutions (rarely *about* them). In its selection and choice of emphasis, his narrative is not only descriptive and entertaining but also critical, thought-provoking, exemplary, and even normative. Though depending on the elite's patronage and thus highlighting their qualities and achievements, the poet is also a voice of communal conscience and responsibility. Hence the epics reflect the beginning of Greek political thinking (see Raaflaub 1988; Raaflaub 2000: 27–34; Raaflaub 2001: 73–89; Hammer 2002; Balot 2006: ch.2; Cartledge 2009: 29–40).

## Hesiod

Hesiod comes from a different milieu (Millett 1984; van Wees 2009). He presents himself as an average farmer, distrusts the town's *agora* with its brawls, shows little concern for politics or war, and relies on good relations with neighbors rather than elite or family. In *Theogony*, he weaves into a cosmogonic and theogonic web a purposefully composed story of the emergence of Zeus's just rule, based on alliance-building, fair leadership, and general consent (Brown 1953; Clay 2003; Raaflaub 2008). This is clearly intended as a model for human leaders who in *Works and Days* are characterized as "gift-devourers," violating justice by passing "crooked decisions." Justice or its neglect, by commoners and leaders, are recognized as the most important causes of individual or communal well-being and suffering. Although the community's influence on such matters remains unclear and the poet's resources are limited, he urges high and low to act justly, and trusts the ultimate power of Zeus's justice.

Hesiod's political reflection is intense and influential but it does not focus on institutions. Like Homer's, his arguments are not abstract or openly systematic but

suited to the possibilities offered by his poetic genres. Thus in *Theogony*, Hesiod uses a list of Zeus's numerous wives and offspring (886–917) to conceptualize political values and connections. For example, through his marriage with Themis, Zeus unites an old order based on conventional norms (*themis*) with his new order that is created or enacted; their daughters are Good Order, Justice, and Peace – primary conditions of communal well-being. Another wife is mother of the three Graces – grace is crucial for political success (C. Meier 2000). Mnemosyne recalls the importance of memory in leadership; she is the mother of the Muses who bless the leader with persuasive speech (81–93). This represents an indirect but important early contribution to reflection on government (Raaflaub 2000: 34–37).

## *Early laws*

By their very nature, laws do not reflect on something but they reflect something that matters in our context: structures, issues, concerns, and consciousness. Some early *polis* laws date to the seventh and sixth centuries and deal with government and institutions.<sup>5</sup> They are complemented by laws attested in literary sources. Institutions must have developed over time, and laws regulating them reacted to negative experiences. Hence the formalization of institutions and of the *polis* itself must have begun much earlier.

The earliest extant law, from Dreros on Crete (c.650), begins with “this was decided by the *polis*” (K 90, ER 81, M&L 2, trans. Fornara 11; echoed by other laws: ER 32, 34, 47, 64). It is thus the community, the collectivity of citizens, that enacts laws.<sup>6</sup> A law from Gortyn mentions the city’s own law or citizens’ law (ER 1, K 120), perhaps contrasting it with that of foreigners (ER 7). Apparently, in Crete young men customarily memorized and recited communal laws even in song (K 368–369): the law was central in the citizens’ education. The law from Dreros prohibits reappointment within ten years to the chief magistracy, imposes on violators a fine and loss of active citizenship, and mentions as witnesses under oath three types of officials. This small *polis* thus not only had an established apparatus of officials but regulated rotation in the chief office by law. Other laws mention a variety of officials (e.g., ER 87, 88, 100), a council of elders, civic subdivisions, public funds (e.g., ER 63, 70, 78), and, by 550 on Chios, a “popular council” (*boulē dēmosiē*), apparently juxtaposed to a “non-popular” and thus aristocratic council, consisting of 50 members per tribe and having specific responsibilities and powers (M&L 8, ER 62, K 61, Fornara 19).

Within decades of the earliest *polis* law we thus find evidence for communities that had a differentiated structure and governmental apparatus which they were trying to regulate and control, acted with a communal will and voice, enacted and valued laws, and defined their membership and relations with others within and beyond their boundaries. Such laws, reacting to specific problems and needs, represented an instrument to realize the community’s collective will and to change its order and institutions. They presuppose political reflection and analysis and a consciousness of the potential, power, scope, and consequences of political thought and action.

Laws were inscribed on durable materials (Gagarin 2008), often placed in sanctuaries, and thus intended to be visible and lasting. Such monumentalization may have served the ideological purpose of demonstrating respect for the law as much as instructing a public

that generally was still illiterate (R. Thomas 1996; Whitley 1998: esp. 322–323). Still, enacted and inscribed, law was fixed and made accessible, which improved the security of law (Eder 2005). It also became changeable. Communities eventually understood that the law (like their political and social order, their way of life, *politeia*) was under their control. Political thought could thus be realized through legislative action.

### ***Sparta's "Great Rhetra": the first polis constitution***

In the mid- to late seventh century, in a time marked by a difficult war, the Spartans enacted a comprehensive reform, the “Great Rhetra” (Pronouncement), summarized in a poem of Tyrtaios (4W) and in Plutarch's *Life of Lykourgos* (6; ER 61, Fornara 12). Sanctioned by the Delphic oracle and buttressed by new cults, it divided the citizens into subunits (perhaps for military purposes), institutionalized the assembly (with monthly meetings at a predetermined place), and regulated communal decision-making: the council of 30 elders (*gerousia*), including the two “kings,” formulated proposals that were discussed in the assembly. The mass of the people was “to have victory [*nike*] and power [*kratos*],” that is, to make the final decision, even if the *gerousia* apparently retained some kind of veto power.

Details are much debated (van Wees 1999; Cartledge 2002c: 115–117; Welwei 2004: 59–69; Nafissi 2009: 126–128) but it seems clear that this is the first *polis* constitution known from ancient Greece. The *dēmos* in Sparta were the Spartiates, full citizens defined by landed property and military service in the *polis'* army of heavily armed infantrymen (hoplites). The war mentioned above was waged against the rebellious Messenians whom Sparta had conquered earlier and (according to tradition) enslaved (Cartledge 2002c: chs. 9–10). Sparta's hoplite army was crucial to keep this large slave population (the helots) under control. This plausibly explains a constitutional reform that formally placed communal decision-making in the hands of the very citizens who manned the communal army.

### ***Solon of Athens: eunomia and the breakthrough of political thought***

In 594 BCE Solon was elected chief official (*archōn*) and given extraordinary powers as a mediator and lawgiver to resolve a crisis that was apparently caused largely by economic and social abuses on the part of elite families, centered on rampant debt and debt bondage, and had brought the *polis* to the brink of violent conflict. Such arbitrators (Faraguna 2001; Wallace 2009) represented a peaceful alternative to civil strife (Lintott 1982; Forsdyke 2005) or tyranny. They were closely connected with Apollo's oracle in Delphi (famous for advocating moderation), stood above the conflicting parties, thus representing a “third position” (C. Meier 1990: 40–52), and as sages (*sophoi*) enjoyed far-reaching authority. Importantly, they were appointed and empowered by the community – Aristotle calls Pittakos of Mytilene, another lawgiver installed by the people, an “elected tyrant” (*Pol.* 1285a35–b1) – and thus acted from within the citizen community. Solon speaks as an Athenian (“our *polis*”) and addresses his fellow-citizens

(4.1–8, 30; 36.1–2W), occupying a position between the conflicting parties (roughly, elite and *dēmos*) and preventing either from hurting the other or profiting unjustly (5; 36.20–27; 37W).

Solon is crucial in our context because his extant poetry reflects his analysis and justification.<sup>7</sup> Although holding the elite responsible for the community's suffering, he does not aim at depriving them of leadership but at restoring balance and justice and protecting the people from future abuses (5–6W). Observing empirically what typically happens as a consequence of such abuses (civil strife and war, individual and collective loss of liberty), he establishes a compelling chain of cause and effect that links sociopolitical wrongdoing by citizens with harm suffered by the community (4.1–25W). Unlike Homer and Hesiod, who see the god-sent evil consequences of human wrongdoing in the realm of natural disasters, he places such consequences entirely on the sociopolitical level. Unlike Hesiod, who for the realization of justice has to trust the power of Zeus through whom his daughter, Dike, the goddess of Justice, exacts her revenge (*Works and Days* 256–262), Solon sees Dike as an independent power and demon of revenge, almost as an abstract principle: “They [the leaders of the people] do not observe the solemn norms of Justice [Dike], the silent one, who knows what is and has been done, and comes at last with certainty to seek her revenge. This comes as an inescapable wound to the entire *polis*” (4.14–25W).

Dike’s punishment is inevitable (17) and hits everybody without fail (26–29). Justice will prevail with certainty! The firm link between sociopolitical cause and effect is comparable to laws of nature such as the sequence of lightning and thunder (9W; cf. 11, 13.17–32). Understanding this link, one can prevent the consequences by eliminating the causes, that is, by political intervention. Hesiod’s appeals were founded on myth and belief; Solon’s admonition proceeds from a theory based on empirical knowledge and political analysis. His advice therefore is compelling. The community, afflicted by “bad order” (*dysnomia*) and “taught” by the mediator (4.30), really has no choice but to re-establish “good order” (*eunomia*, 30–39). Moreover, since the aristocracy will be equally affected, it is in their own interest to change their ways and help turn the community around (Eder 2005). Solon’s ideas represent a breakthrough in political thought (C. Meier 2011: ch.21).

Both in Tyrtaios’ Sparta (4W) and Solon’s Athens (4W), community and lawgiver confronted with crisis aim at restoring “good order” (*eunomia*); the concept of “order” emerges as the focus of early Greek constitutional thought (C. Meier 1990: 160; Raaflaub 2006b: 392–404). *Eunomia* also evokes *nomos* (law), and Solon emphasizes his enactment of straight and equitable laws (36.18–20W). Derived from *nemein*, “to distribute” (Chantraine 1974: 742–743), *eunomia* initially means “good distribution,” recalling the fair distribution of privileges among the gods by Zeus and among the citizens by the lawgiver. Combined with equality, this value will define the key value in Kleisthenes’ new constitution: *isonomia*.

Solon resolved the immediate crisis by debt relief and the prohibition of debt bondage, thus guaranteeing the Athenian citizens’ personal freedom (Raaflaub 2004a: 45–53). In the political sphere (Welwei 1992: 178–198; Bleicken 1994: 18–28; Hansen 1999: 29–32), he refined an older system that linked political functions on several levels to military capacity; the latter was tied (perhaps as yet informally) to economic capacity and thus also to social status. This chain of capacities helped separate political function from

elite descent and determined the citizen's political status. Essentially, Solon's timocratic system, like the Spartan Rhetra, established a "hoplite republic" (Ste. Croix 2004: 5–72; Raaflaub 2006a: 404–423). A new popular "Council of 400" (if authentic), complementing the aristocratic "Areiopagos Council" (Wallace 1989) and presumably serving annually, must have had a probouleutic function, preparing motions for the assembly (Rhodes 1972: 208–209). If so, the assembly must also have been regulated at least minimally, as it was in Sparta. Moreover, Solon created a form of assembly serving as a court, gave third parties the right to sue, and not only outlawed any attempt to seize tyranny but made it mandatory for citizens to take sides in the event of *stasis*. All these measures served three purposes: to stabilize the community by eliminating abuses and establishing a firm system of justice; to balance elite power by creating avenues for political participation by non-elite citizens; and to prevent civil discord, with the potential result of tyranny.

Since Sparta's Rhetra juxtaposes *kratos* (power) and *dēmos* (above), recalling *dēmokratia*, and in both Sparta and Athens the assembly passed final decisions, some scholars date democracy to this early period (Hansen 1994: 33; Ruschenbusch 1995; Wallace 2007c). This seems mistaken in both cases (Raaflaub *et al.* 2007: 39–40, 142–144). Solon's own statements leave no doubt that he did not consider the *dēmos* capable of leading; democracy in any meaningful sense was far beyond his horizon. Yet he certainly brought the *dēmos* into politics, and some of his measures set Athens on a path that eventually led to democracy.

In sum, in a severe social crisis a person of exceptional political insight developed a theory and program of reform, convinced his fellow citizens, and used the power he was given to realize a broad legislative agenda that intervened deeply in the *polis'* government, constitution, and administration of justice to fix the problems. Although Solon was unable to prevent the recurrence of factional strife and eventually Peisistratus's tyranny, he demonstrated what individual laws had only suggested: that the community both provided the framework within which the citizens performed politics and had itself become the object of political action by the citizens: through legislation enacted in the assembly or the delegation of power to an elected lawgiver, they could change and improve their communal order: they were in control of their community. After the fall of tyranny, Kleisthenes took this a giant step further.

### *The contribution of early philosophy*

Greek philosophy originated in the sixth century in the Greek cities of western Anatolia that had long cultivated close trade relations to the Near East with its impressive accomplishments in astronomy, mathematics, medicine, and other sciences (M.L. West 1971).<sup>8</sup> In Greece, physics, ethics, politics, and religion were not yet divided into separate disciplines. Man was part of nature and subject to its laws. Conversely, natural processes could be explained by applying ethical and political concepts. The physician Alkmaion of Kroton (early fifth century) wrote: "Health is the equality of rights (*isonomia*) of the functions wet–dry, cold–hot, bitter–sweet, and the rest; but single rule (*monarchia*) among them causes disease" (DK 24 B4). The application of political opposites (*monarchia, isonomia*) to medical theory confirms the existence of *isonomia* at

the time. Similarly, Anaximander of Miletos (sixth century, DK 12 B1) conceptualizes the cosmos as a system regulated by principles of balance and justice, which presupposes a concept of social and political order based on justice and equality; this too requires the existence of *isonomia* (Vernant 1965: 185–206; Vlastos 1995a).

Among the extant fragments of the early philosophers' works little is specifically pertinent to our present topic; their most important contributions apparently lay elsewhere. Pythagoras (*c.*570/560–480) apparently used philosophical and mathematical principles to create a tightly regulated social community. Since no texts survive, it is impossible to be precise about his political views and the goals and organization of his “order” (Riedweg 2005). Xenophanes of Kolophon (*c.*570–475) was critical of aristocratic society and traditional religious views. Nothing suggests, however, that he applied his radically abstract thought (DK 21 B23–26; Lesher 1992) to human society or institutions as well. Herakleitos of Ephesos (*c.*550–480; Kahn 1979) expressed a strong preference for the middle (*meson*) and moderation (*metrion*), and urged respect for the law and common good: “The people should fight for the Law (*nomos*) as if for their city-wall” (DK 22 B44; cf. 43, 94). Aristocratic (even perhaps monarchic) tendencies are unmistakable (33, 49, cf. 121), and disdain for the *dēmos* (104, cf. 29, 121) may reflect reaction to egalitarian tendencies spreading at the time. All this suggests a potential for critical comparison of constitutions but no systematic argument is visible.

### *Summary and explanation*

Greek political reflection begins with concerns about leadership which is always envisaged in its relation to the community in which it is firmly embedded, and from the perspective of communal values. The beginnings of explicit conceptualization, too, are rooted in the community: its crucial role as a condition for civilized society and the qualities that enable a *basileus* to lead (not to rule), and to persuade (not to dictate). Early written laws and “constitutions,” decided upon collectively by the citizens, define citizenship, powers of officials, political functions, and the interplay between institutions in governing the *polis*. Political reforms are enacted by lawgivers elected by the people and thus acting from the middle (*meson*) of the *polis*, with the purpose of restoring a (lost) ideal of “good order” that is based on just law, equitable distribution, and popular participation. A clearly visible line of development leads from potential to full awareness, from description of (informal) institutions and their problems to political conceptualization, intellectual and theoretical penetration, regulation, and conscious intervention for the purpose of improvement and, eventually, realization of an anticipated ideal.

To some extent, the explanation for these developments must be identical with that of the beginning of political reflection in general. It essentially lies in the social and cultural conditions in the Greek world before its confrontation with the great eastern empires, and in the nature of the *polis* that became the politically and culturally predominant form of Greek community.<sup>9</sup> The Aegean world developed outside the power sphere of major empires. Features typical of the ancient Near East, such as centralized states, strong and religiously sanctioned monarchies, and vassal systems, were unknown in Archaic Greece. In general, *polis* wars were waged about land and booty; they threatened the community's honor more than its survival or independence. The paramount leader in a

*polis* was weak: a *primus inter pares*, whose position depended on his personal resources and qualities. Authority was therefore not unassailable; critical independence was valued and encouraged. Although differentiated in various ways, the members of emerging aristocracies were essentially equal. Despite their ambitions and pride, only a relatively small gap separated them from the majority of citizens, the independent farmers. From very early on, the *dēmos* played an indispensable role in the communal army and assembly. Hence *polis* society contained a strong egalitarian component (I. Morris 2000; Raafalaub and Wallace 2007). Elite and commoners depended on each other, and criticism of elite behavior was frequent (Donlan 1999: 237–247); the early poets – critical voices – stood below or outside the ruling circles. In stark contrast to early Rome, lack of external pressure and the limited role of war obviated the need for a strong, disciplined, and cohesive elite. Instead, elite competition was intense and often destructive; it mobilized resistance among the *dēmos* and opened the way to tyranny.

In a period of rapid social change, the communal element in the *polis* was strengthened at the expense of powerful families; power and political procedures were formalized. Overseas trade and emigration offered opportunities for gain and social mobility, challenging traditional values and aristocratic leadership (Stein-Hölkeskamp 1989; Donlan 1999: 35–111). Social and economic crisis and violent confrontations between elite and large parts of the non-elite necessitated new ways of resolving conflicts. Uniquely in Greece, in such crises the citizens often appointed mediators and lawgivers who, although given full power, acted from their midst. In addition, variations among *polis* institutions and customs encouraged comparison and reflection, and the foundation of new communities abroad, with settlers of different origins, stimulated experimentation that in turn influenced developments in Greece as well. The result was a highly developed and respected culture of political thinking that was able to generate remarkably complex, radical, and sophisticated solutions.

All this explains why political reflection was not only possible but broadly based, not limited to ruling circles. If one were to define one factor that was decisive in prompting such thinking and continued to stimulate it I would suggest, as I did long ago (Raafalaub 1988: 22; Raafalaub 2000: 59), dissatisfaction with shortcomings of elite leadership and clashes between interests of community and individual.

I would now add two more factors. One concerns Greek understanding of human responsibility in relation to the gods. True, in early Greek thinking the gods play an important role, not least in legitimizing leadership and enforcing justice. Homeric *basileis* invoke Zeus' validation of their functions; even Agamemnon's staff (*skēptron*), symbol of communal authority, is Zeus' gift. Yet, especially in comparison with the ancient Near East, relations of these leaders with their gods are vague and weak. Moreover, as reinforcers of justice, the Greek gods are needed only as long as no sufficiently powerful human agency can take on this role. The emergence of legislation, backed by communal authority and enforcement, and Solon's understanding of justice as a more abstract, autonomous concept, essentially puts the gods out of commission in both the political and legal spheres – at least for political thinkers, though certainly not in the realm of popular politics and morality (Raafalaub 2005: 255–260; Raafalaub forthcoming).

This development depends on the understanding – crucially different from Near Eastern perceptions – that not the gods but the humans themselves cause their misfortune, at least beyond the fate allotted to every person. This view is expressed forcefully by

Homer (*Od.* 1.28–43), Hesiod (*Works and Days*, above), and Solon (4.1–6W): the gods do not want to harm the *polis*; rather, “the citizens themselves in their ruthlessness are bent on destruction of their great city.” Logically, then, humans must also be responsible for their fortune, a message Hesiod emphasizes tirelessly. The next step is to realize that citizens can be in control, especially as a community, which leads to early legislation – the *polis* enacts laws – and the appointment of lawgivers. Government in Greece is not a suffered reality but a communal project, the object of political reflection, analysis, and action.

The other factor concerns the role of the *dēmos*. The *Odyssey* illustrates the potential inherent in this role: it is on the brink of realization and disturbing to the elite. The emergence of intercommunal wars and citizen armies, already reflected in the *Iliad*, enhanced the community’s dependence on its farmer-soldier-citizens. This trend reached an early climax in Sparta, due to the conquest of a large territory and difficult wars that resulted (in much debated ways) in a huge slave-class (helots) with unusual characteristics (Cartledge 2002c: chs. 8–10). Henceforth Sparta had the enemy within its boundaries and needed constant military preparation to keep them down. Such dependence on the citizen-soldiers explains Sparta’s uniquely militarized system (M.I. Finley 1982; Cartledge 2001: 21–38), involving elite citizens called *homoioi* (“peers,” Cartledge 2001: 68–75), whose sole purpose was to maintain the supreme capacity of the *polis* army, and an early *polis* constitution based on these citizens themselves. Elsewhere, the alienation of parts of the citizen body by elite abuses, as the case of Athens shows, could have disastrous effects for all involved. Hence it was in the interest of all, and especially of the elite, to contain the potentially ferocious beast called *dēmos* by including it in civic responsibility, expanding its communal role, and formalizing and adjusting the institutions. As a consequence, the *polis*, placed on a broader foundation, was institutionalized and stabilized (C. Meier 2011: ch.14).

For all these reasons, I suggest, political reflection that initially concentrated on leadership and communal values and looked at *polis* government only from this limited angle, increasingly focused squarely on the interaction of elite and *dēmos* and the institutions through which they collaborated. Institutions and their interplay, and constitutions in a broader sense, even *politeia* as the entire way of life of a *polis*, became the focus of political thought and soon of political theory, and laws the means by which such ideas and theories could be realized. The interactive process by which *polis*, government, and political thought developed from very early on reached a first climax in Solon’s comprehensive reforms (preceded by the less clearly visible ones in Sparta) and a second in the even more complex ones realized by Kleisthenes.

## The Fifth Century

### *The breakthrough of dēmokratia*

The Persian Wars of 490 and 480/479 thrust the Greeks on to the stage of world history and represented a watershed in their political experiences, confronting them for the first time directly with a giant eastern empire that featured very different structures, values, and mentalities. Comparing relations between the Great King, endowed with absolute

power, and his subjects with their own relations in their independent citizen communities, the Greeks discovered liberty as a political value (Raaflaub 2004a). Continuing the war to liberate and protect the Greeks in Asia Minor, the Athenians founded a new alliance, but soon turned leadership into rule, the league into an *archē* (empire), the allies into subjects. The Greek world, familiar with hegemonic alliances but not forms of imperial control (Raaflaub 1994), provided no models for how to organize an empire. The Athenians therefore adapted some of the Persian “instruments of empire” (Meiggs 1972: 205; Raaflaub 2009c). Control over the *archē* – and with it Athenian security, power, and prosperity – was guaranteed by the fleet. Thousands of lower-class citizens who did not qualify for the hoplite army were employed to help row this fleet, thereby assuming a permanent and important communal role. This changed the distribution of military responsibility among citizens and made political adjustments possible.

Reforms enacted in 462/461 by Ephialtes enhanced the powers of the Council of 500, assembly, and law courts. Subsequent measures, realized partly by Perikles, introduced pay for certain offices, lowered census requirements for the archonship, and redefined citizenship (C. Meier 1987; Rhodes 1992b; Raaflaub 2007). Overall, the institutions that directly represented the citizen body were placed in charge of the entire political process. The *dēmos* now ruled (Eur. *Supp.* 352, 406). Although democracies emerged in other *poleis* as well (Robinson 2011), most of these lacked the specific conditions prevailing in Athens and were thus probably more moderate.<sup>10</sup>

Several features suggest that the reformers of 462 and 450 BCE were driven by an explicit concept, an ideal blueprint: pay for time-consuming offices (Bleicken 1994: 534–538; Hansen 1999: 240–242); extensive use of the lot (Bleicken 1994: 530–533; Hansen 1999: 230–237), including a refined allotment machine (Boegehold 1995: 230–231) and a double-allotment procedure for the archonship; “term limits” for councilors (Rhodes 1972: 3), and the distribution of executive and administrative responsibility among a great number of sizable committees (Hansen 1999: 237–240). The intention clearly was to secure the broadest possible citizen involvement in government (“ruling and being ruled in turn”: Eur. *Supp.* 406–407) – many thousand citizens were needed every year to run this system – and to exclude as far as possible manipulation, group interests, and bribery. All this required a strong belief in civic equality and every citizen’s ability to serve in communally useful functions. Such ideas appear as well in explicit discussions of democracy.

For this system the Athenians coined the word *dēmokratia*, probably in the mid-460s (Hansen 1999: 69–71). Resistance was strong and in part violent, and *stasis* a real threat. Unlike those of Kleisthenes, these reforms were thus perceived as the victory of one faction over the other and serving the interests of only part of the citizen body. This constellation gave rise to intense debates that influenced Aeschylus’ tragedies of the time (C. Meier 1990: ch.5; C. Meier 1993: ch.5), terminological differentiation, ideological contrasts (especially between democracy and oligarchy), constitutional conflicts, and constitutional theory (C. Meier 1972a, 1972b; C. Meier 1990: ch.7; Sealey 1974; Ostwald 2000; see also chapter 10, this volume).

The success, despite occasional setbacks, of democracy’s imperial policies, and the long dominance of a compelling leader (Perikles) stifled opposition. Leadership in democratic politics offered great gains even to those who were opposed in principle. Their time came when defeats, mounting losses, and financial pressures in the Peloponnesian War

(431–404) caused democracy to lose its legitimization through success. In the aftermath of the Sicilian disaster (413), democracy was replaced by oligarchy (411) but the violent regime of the “Four Hundred” soon lost credibility and was overthrown by a more moderate oligarchy that in turn yielded to democracy again (411/410). After Athens’ capitulation, the victorious Spartans imposed a narrow oligarchy of 30 men but their oppressive regime was overthrown by an army of exiled democrats, and in a remarkable compromise democracy was restored (404/403). A series of reforms ushered in a more moderate form of democracy that with few exceptions (Rhodes 2010) remained unchallenged until the late fourth century.<sup>11</sup>

### *The contribution of philosophers and sophists: the emergence of political theory*

Several fifth-century natural philosophers paid considerable attention to the human world and political aspects.<sup>12</sup> In particular, Demokritos (*c.*460–370) “was engaged with the wide-ranging contemporary debates on individual and social ethics” and concerned with “how the individual should live, how the political community should be organized, and how the individual should contribute to that organization” (Taylor 2000: 124–125). He rejected the *nomos–physis* antithesis (below) and advocated the pursuit of enlightened self-interest in a life that combined moderation and serenity of spirit (DK 68 B3) with responsible involvement in communal life. He considered communal well-being the most important good (DK 68 B252), condemned *stasis*, and argued for civic concord and solidarity (DK 249–250, 255), for voluntary acceptance of the law (DK 248, cf. 47), and for careful education toward civic responsibility and leadership (DK 51, 157, 179–181, 183), while enemies of the social order were to be punished or eliminated (257–262). Correspondences with Protagoras’ and Thucydides’ thought (Hussey 1985) are obvious (Farrar 1988: ch.6; Procopé 1989–1990–1990; Vlastos 1995b; 1995c; C.W. Taylor 1999, 2000).

The sophists were itinerant philosophers and teachers. Some of their views survive, often polemically distorted, in the dialogues of Plato whose hostile refutation caused the loss of their works. They were individualists, each with his own specialty and ideas, skeptics and rationalists, and questioned traditional values. They all focused on human society and politics; many taught rhetoric (for which there was much need in democracy) and politics and claimed to enable their pupils to succeed in leadership.

Protagoras (*c.*485–410), designer of the constitution of a new Panhellenic colony, defines in Plato’s *Protagoras* (318e–319a) the subject of his teaching as *euboulia* (practical wisdom) concerning “one’s own affairs, how best to run one’s household, and the management of public affairs, how to make the most effective contribution to the affairs of the city both by word and action” – in other words, “the art of running a city” (*politikē tekhnē*) and being “a good citizen” (trans. Taylor). In response to Sokrates’ objection that this art cannot be taught, Protagoras argues in a myth (320c–322d) that man is given by nature the seeds of the qualities needed for communal life (*aidōs* and *dikē*, respect for others and justice) but such seeds need to be developed through thorough education (322d). Protagoras’ myth is important not least because it formulates a theoretical justification of democracy. Gorgias (*c.*483–376), famous

rhetorician (Kennedy 1963; Fuhrmann 1984) and skilled in the art of sophistic argument (DK 82 B6, 11, 11a), claims to teach “the greatest good, which confers on everyone who possesses it not only freedom for himself but also the power of ruling his fellow-citizens” by convincing everybody to do one’s will (Plato, *Gorg.* 452d–e). Protagoras taught to “make the weaker cause the stronger” (DK 60 B6b). Challenging Gorgias, Plato’s Sokrates focuses on the moral justification of this skill, reflecting intense debates, echoed in Thucydides, Aristophanes, and Euripides, about the role of rhetoric in democracy.

The *nomos–physis* debate illustrates the theoretical potential and impact of sophistic thinking (Heinimann 1965; Guthrie 1962–1969–1969: III.1, ch.IV; Kerferd 1981: ch.10; on Antiphon, Gagarin 2002). Xenophanes, Herakleitos, and Hekataios, followed later by Herodotus, had pointed out the infinite diversity of customs and norms among different peoples. Some sophists, focusing on the contrast between the validity of *nomos* (“norm,” “law,” “custom”) within a community and its absence in nature (*physis*) and international relations, further relativized *nomos*. Archelaos pronounced that concepts such as justice or vice existed only by convention (*nomos*), not nature (*physis*; DK 60 A1). Protagoras said: “Of all things the measure is Man, of the things that are, that they are, and of the things that are not, that they are not” (DK 80 B1). This line of thinking had various consequences: deeply ingrained social distinctions (free–slave, noble–common, Greek–barbarian) were challenged as merely the result of historical development and convention, or emphasis was placed on certain *nomoi* that corresponded to *physis* or were sanctioned by long tradition or broad acceptance across *poleis* and peoples and were thus called “Hellenic,” “god-given,” or “unwritten” (reverence toward the gods, loyalty to family, respect for parents, suppliants, and outsiders: Ostwald 1973; Wallace 2007b).

Most importantly, since in nature the idea of justice was meaningless and the strong subjected the weak or devoured them, *polis* laws and the *polis* itself were seen as products of mere convention or a social contract (Lykophron, in Arist. *Pol.* 1280b6–12). To obey laws and principles of justice was thus unnatural, self-serving injustice natural and good (Glaukos, in Plato, *Rep.* 2.358–359). Hence in public one ought to obey the laws but otherwise act in accordance with nature (Antiphon, DK 87 B44, col. 1.6–2.23). Such utilitarianism (Spahn 1986) is applied to politics in the Old Oligarch or Thucydides’ Mytilenian Debate (3.36–50). Others interpreted the *nomoi* as an instrument of power created by one group to oppress another. The author of the satyr play *Sisyphos* (Kritias or Euripides) proposes that religion was invented to prevent people from ignoring the laws in private (DK 88 B25; Snell 1981–2004: I.43 Fornara 19; V.2: 658–659). Thrasymachos argues in the first book of Plato’s *Republic* that justice is but the advantage of the strong (338c). Since every political regime enacts laws that serve only the interests of its supporters, the individual is justified in seeking his advantage without considering the supposed injustice of his actions. Tyranny, commonly seen as the greatest injustice, is in fact the epitome of justice because it makes the tyrant the most powerful, wealthy, and happy individual (338e–339a, 343b–344c). Kallikles takes this further in *Gorgias*. Equality is a means helping the weak to control the strong. “But if a man arises endowed with a nature sufficiently strong, he will . . . shake off all these controls, burst his fetters, and break loose. And trampling upon our scraps of paper . . . and all our unnatural conventions, he rises up and reveals himself our master who was once our slave, and there shines forth nature’s true justice” (483b–484). Life in accordance with nature therefore consists of satisfying one’s desires and ambitions with bravery and

intelligence (491e–492c). Alkibiades (democratic leader turned oligarch and traitor), Kritias (leader of the Thirty), Euripides' Eteokles (*Phoen. Women*: 503ff.), and many young aristocrats involved in a “rebellion of youth” (Forrest 1975) exemplify the same dissatisfaction with democratic egalitarianism; Thucydides' analysis of the civil war in Korkyra (3.82) and Melian Dialogue all illustrate the application of such views in oligarchic and imperial policies.

Such theoretical debates took place in a culture of intense intellectual interaction and competition among representatives of various branches of knowledge and emerging sciences. Ideas that seem to us typical of sophists (but may not be exclusively or originally theirs) pervade the extant literature of the late fifth century and are clearly visible in medical writings of the school of Hippokrates (Jouanna 1999); the tragedies of Euripides (J.H. Finley 1967) and comedies of Aristophanes (Patzer 1993; Konstan 2010); the geographical and historical ideas of Herodotus (R. Thomas 2000; Raaflaub 2002); and the theoretical interpretation of political history by Thucydides (Nestle 1914; J.H. Finley 1942: ch.2; Hornblower 1987: ch.5; Farrar 1988: ch.5; Ober 2001, 2006). Sophists developed new ways of thinking not only on justice but also war and peace (Raaflaub 2009a) and especially government and constitutions. The latter needs to be placed in a larger context.

### *Constitutional thought and theory*

Archaic constitutional thinking had focused on the concept of order and the contrast between *eunomia* and its opposites. The modification of this concept by equality (*isonomia*) resulted from opposition to tyranny, and the extension of such equality to broader citizen classes helped conceptualize the development toward democracy. Liberty was adopted as a second slogan of democracy only when the latter was opposed by oligarchy after the mid-fifth century (Raaflaub 1996a; 2004a: ch.6). By then the antinomy between good and bad order had long been replaced by a three-way categorization of constitutions – first attested around 470 (Pind. *Pyth.* 2.86–88): tyrant, “wise men” (*sophoi*), and the “unruly host” (*stratos*; see C. Meier 1968, 1970; C. Meier 1990: ch.7) – that emphasized the number and quality of those who ruled: one (monarch or tyrant), a few (aristocracy, oligarchy), or many (democracy, “ochlocracy,” rule by the masses).

The isonomic constitution introduced by Kleisthenes and the democratic one enacted by Ephialtes and Perikles were based on sophisticated planning that aimed at realizing specific goals. In both cases the constitutional reform proposals were adopted by the assembly after public debate. Constitutional change thus became a matter of politics and popular vote: the ultimate realization of what Euripides later called “the popularization of power” (*kratos dedēmeutai: Cyclops* 119). This had several consequences.

Constitutions (ideal or for immediate application) could now be designed from scratch: the city planner Hippodamos of Miletos (Arist. *Pol.* 1267b24–1268a16), Protagoras, and others did so from the mid-fifth century, followed in the fourth century by Plato and Aristotle. Constitutional change could be instrumentalized for partisan purposes, an objection raised against Ephialtes' reforms. A result was the characterization, palpable in the Old Oligarch, of democracy and oligarchy as irreconcilably opposed constitutions

that each served the interests and rule of one part of the citizenry over the other, or the instrumentalization of natural law to support claims of individual excellence against those of democratic egalitarianism (above). All this provoked an intense discussion of the virtues and deficiencies of constitutions and particularly of democracy that crystallized in explicit “constitutional debates” (Hdt. 3.80–82; Eur. *Supp.* 399–455) or comparisons between constitutions (e.g., Thuc. 6.38–40); it permeated virtually all genres of literature (Raaflaub 1989; Ober 1998; Balot 2006: chs. 3–4), including tragedy and historiography (Leppin 1999a; Winton 2000; Raaflaub 2002, 2006c), anticipating more systematic analysis in Plato’s and Aristotle’s political philosophy.

Since the tension between democracy and oligarchy caused frequent *stasis* (Thuc. 3.82–84), political thinkers were challenged to find ways of overcoming this tension. Efforts along those lines (Raaflaub 1992; 2001: 99–117) ranged from moral appeals to proposals stressing the role of those in the middle (*mesoi*) and to constitutional constructs located in an idealized past (“ancestral constitution”: Fuks 1953) or realized through experimentation and theory. The reforms enacted in Athens after the Peloponnesian War undoubtedly resulted from such discussions (e.g., Rhodes 1979/1980, 2010; Hansen 1999: 330–334). The late fifth century was thus a period in which constitutional theory flourished. This is visible particularly in Thucydides’ characterization of the “Constitution of the Five Thousand” (briefly installed in Athens in 411 after the overthrow of the oligarchy of the 400) as “a reasonable and moderate blending of the few and the many” (8.97.2). “Mixture” (*krasis*) anticipates the theory of the “mixed constitution” developed by Plato, Aristotle, and Polybios (von Fritz 1954; Nippel 1980; Hahm 2009). Similarly, Herodotus’ observation that both democracy and oligarchy in their contentious forms tend to change into monarchy (3.82) anticipates more elaborate schemes of constitutional change (*metabolē politeiōn*) developed in the fourth century (Ryffel 1949).

## Outlook: New Departures in the Early Fourth Century

The disastrous end of the Peloponnesian War had a deep impact on the political immediacy and depth of Athenian intellectual life. Soon the philosophers would teach their pupils in the depoliticized think-tanks of their schools. Democracy had lost the war, and it killed Sokrates. Intellectual hostility thus continued unabated (Roberts 1994; Ober 1998). Still, although democracy continued, it was somewhat deradicalized and gave much less cause for intensive public debate. Oligarchy, at least in the Athenian versions of 411 and 404/403, had thoroughly discredited itself, and the alternative offered by Sparta, long admired by frustrated opponents of democracy, quickly lost its luster. Moreover, strong personalities dominated the political landscape, and in the larger Greek world (from Macedon to Cyprus and Sicily) monarchs played an increasingly important role.

In the decades immediately after the war, political thinkers thus focused on two related topics that had been relatively neglected in the fifth century: the training of aristocrats to be effective leaders (Eder 1995), and monarchy as a form of government.<sup>13</sup> What united these topics was a deep concern about the quality of leadership, fueled not least (as Xenophon suggests in several conversations in *Memorabilia*) by the many failures of democratic leaders. Such concerns agitated Thucydides as well (Raaflaub 2006c) and

prompted sophistic and philosophical debates. Isokrates, eminent rhetorician, committed to an “education through speaking and writing” that prepared pupils to play their part in domestic and international politics” (Gray 2000: 142), composed essays eulogizing and advising kings (Euagoras and Nikokles of Cyprus). Xenophon, historian and amateur philosopher, a pupil of Sokrates, wrote a biography of King Agesilaos of Sparta, discussed tyranny in *Hieron*, and substantiated his views in *Kyropaedia*, a fictional work on the education and leadership of Kyros the Great. Both authors emphasized the crucial importance of proper leadership or management that mattered even more than the type of constitution.<sup>14</sup> Xenophon himself clearly endorsed oligarchy (*Hell.* 5.2.7; Cartledge 2009: 96–97, 100–101), and the principles guiding his enlightened king in *Kyropaedia* could be applied by aristocratic leaders. The strands of thought developed by these two thinkers were paralleled and taken much farther by Plato’s theories of ideal monarchy and the philosopher-king in *Republic* and *Statesman*, and continued in works of the *Fürstenspiegel* genre throughout the Hellenistic and into the Roman period (Hadot 1972).

Finally, the early historians, focusing on war and international relations, were aware of the importance of constitutions but neglected to pay close attention to constitutional developments. The fourth century made up for this. A series of “Atticographers,” preserved only in fragments, focused on the local history of Athens and its constitution (Pearson 1942; Jacoby 1949; Harding 1994). To some extent preceded in the extant record by the Old Oligarch and Xenophon’s *Constitution of the Lakedaimonians* (two works that deal with *politeia* in a much broader sense), Aristotle organized in his school a collection of 158 city constitutions (*politeiai*; cf. *Eth. Nik.* 1181b 16–22; Hose 2002) that provided him with the empirical raw material for his comprehensive constitutional analysis and theory in *Politics*. The *Athenaiōn politeia*, the only one preserved, offers an invaluable description of both the history and working of Athens’ government and constitution (Moore 1975; Rhodes 1981, 1984; Chambers 1990; Piérart 1993).<sup>15</sup>

## Conclusion

Political and constitutional thought in the Archaic period had been prompted by the conflict between elite and communal aspirations, based on the centrality of the community in the *polis* from as early as we can see it. In the late sixth and fifth centuries, the interactive development of *polis* institutions and political thought was carried as far as was conceivable under the conditions of the ancient world, culminating, in a uniquely favorable constellation prevailing in post-Persian War Athens, in democracy. Especially in its Athenian realization, this democracy was unprecedented, extreme, provocative, and offensive to most Greek aristocrats and many others – not least since its emergence and self-presentation were inseparably tied to naval and imperial policies that negatively affected large parts of the *polis* world. Democracy fostered a type of citizen who was active and developed a strong political identity; it encouraged a specific way of life and pursued aggressive policies – features that all differed profoundly from those in an oligarchic *polis*. As we observed in the second part of this chapter, it was the reaction to this democracy and the sharp confrontation between its claims and those of oligarchy that provoked the intensification of political thought and the emergence of political

theory and constitutional thinking in the fifth century, the consideration of monarchical alternatives in the early fourth, and eventually the comprehensive systems of Plato's and Aristotle's political philosophy.

## ACKNOWLEDGMENT

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## NOTES

- 1 Tyranny represents the monopolization of power by an individual or family. It often resulted (even with popular support) from factional strife among aristocratic families. See Berve (1967); McGlew (1993); Stein-Hölkeskamp (2009); on Peisistratid tyranny, Kolb (1977); Andrewes (1982a, 1982b); Stahl (1987); Lewis (1988); Shapiro (1989); Lavelle (2005).
- 2 According to Herodotus, the challenges of the Persian Wars prompted radically new solutions as well, such as the proposals of Thales of Miletos and Bias of Priene to maximize the resources of all East Greek *poleis* by uniting into one mega-*polis* (1.170; see also 7.140–144; 9.106).
- 3 Juxtaposition of contrasting pairs is a frequent conceptualizing tool in epic thought: two *poleis* in peace and war on Achilles' shield (Hom. *Il.* 18.483–608), the just and unjust *polis* in Hesiod (*Works and Days* 225–247).
- 4 The interpretation of this line is debated: Edwards (1991: 257); Coray (2009: 87). I follow Ameis and Hentze (1906: *ad loc*).
- 5 The evidence is accessible in two collections of early Greek political and legal inscriptions: K; ER. On early Greek laws: e.g., Gagarin (986; 2008); Gehrke (2000); Hölkeskamp (1994; 1999).
- 6 If the fourth-century inscription from Thera with the contract of the founders of Kyrene is indeed based on a late-seventh-century original this would show the community in action in an elaborate way (ER41, M&L 5, Fornara 18).
- 7 Solon's poetry: M.L. West (1992: 139–165; 74–83W). Laws: Ruschenbusch (1966; 2010); see also [Arist.] *Ath. Pol.* 5–12 (comm. Rhodes 1981; trans. Rhodes 1984); Plut. *Sol.* (trans. Scott-Kilvert 1960: 43–76). On Solon's time and reforms: Andrewes (1982a, b); Stein-Hölkeskamp (1989); Welwei (1992: 133–206); Raaflaub (1996b; 2000: 39–42); Blok and Lardinois (2006); Wallace (2007c); Stahl and Walter (2009).
- 8 The fragments of the Presocratic philosophers are cited with their numbers in DK. For interpretation, see generally Guthrie (1962–1969); Fränkel (1973); Barnes (1982); Kirk *et al.* (1983); Long (1999); C. Meier (2011: ch.22).
- 9 On the Archaic period, see Snodgrass (1980); Osborne (2009); Fisher and van Wees (1998); Hall (2007). On the conditions of Greek cultural development, see now C. Meier (2011). On the origins of political thought: Vernant (1982); C. Meier (1990: 1–52); C. Meier (2001); C. Meier (2011: ch.21); Raaflaub (2000); Balot (2006: ch.2); Cartledge (2009: chs. 3–4). Space limitations prevent me from examining possible Near Eastern influences; for some thoughts along those lines, see Raaflaub (2008, 2009b, forthcoming).
- 10 Under the conditions generally prevailing in the ancient world, this democracy took slave labor and the exclusion of women from political participation for granted: Cartledge (2002b: chs. 4–5); Raaflaub (1998a: 26–36).
- 11 Democracy in the fifth century: e.g., Hansen (1999: ch.3); Ober (1989: 75–94); detailed discussion: Ostwald (1986). Fourth century: Ober (1989: 95–103). On the working of

- democracy: Bleicken (1994); Hansen (1999). *Stasis*: Lintott (1982); Gehrke (1985). Athenian oligarchies: Krentz (1982); Ostwald (1986); Lehmann (1997); Bleckmann (1998); Munn (2000).
- 12 On this section, see n.8. In addition: Kerferd (1981); Farrar (1988); Winton (2000: 89–101).
- 13 Typically, Herodotus, dealing with the Near Eastern prehistory of the Persian Wars, pays much attention to monarchy and tyranny (e.g., 1.96–101.1); on the origins of monarchy see M. Meier *et al.* (2004) and Dewald (2003) on Herodotus’ “tyrannical template.”
- 14 See Frolov (1974); Walbank (1984); Eder (1995); Gray (2000); Azoulé (2006); Cartledge (2009: ch.8). Specifically on Isokrates: Bringmann (1965); on Xenophon: Tatum (1989); Gray (2007); Leppin (2010).
- 15 On Pseudo-Xenophon’s pamphlet, which has an anti-democratic, polemical purpose: Bowersock (1968); Flores (1982); Osborne (2004b); Xenophon’s *Lak. Pol.*; Marchant (1968).

## CHAPTER 6

# Plato's View on Greek Government

*Luc Brisson*

Plato defends a philosophical doctrine that is characterized by two reversals. The first reversal is that the things amongst which we live and which are perceived by our senses are mere images of separate intelligible forms (*ideai*), which constitute genuine reality. Unlike those things perceived by the senses, the forms possess their principle of existence within them. The second reversal is that man cannot be reduced to his physical body, and his genuine identity coincides with what we designate by the term soul (*psyche*). In both mankind and the rest of the universe, *psyche* accounts for all motion, both material (growth, locomotion, etc.) and immaterial (feelings, sense perception, intellectual knowledge, etc.). Throughout history, Platonism has continued to be characterized by these two reversals. They account for Plato's positions in the fields of epistemology, ethics, and politics.

For Plato, politics must take into consideration the body and its environment. On earth, the soul sets in motion a body that has specific needs; the satisfaction of those needs, however, must be re-situated within a hierarchy of "goods" to be pursued. This hierarchy places the soul at the summit of divine goods, which guides the intellect so that it may practice the four virtues of moderation, courage, wisdom, and justice. This outlook is clearly manifested in Plato's political works: the *Republic*, the *Statesman*, and the *Laws*.

## Criticizing Athenian Democracy

Plato proposed a revolutionary project with regards to fourth-century Athens (see Hansen 1991). He attacked Athenian democracy (which was very different from contemporary representative democracy) because he viewed it as being responsible for Sokrates' death. He wanted to overthrow the Athenian political system and reconstruct a just city, in which philosophers in general, and Sokrates in particular, would not risk death.

To achieve this objective, Plato sought to design a city where the conflicts which took place within the assembly and the court could not occur.

In the fifth century BCE, a direct democracy was established in Athens. The center of expression and decision-making within this new political environment was the assembly (*ekklēsia*). Here, for several days per year, hundreds of citizens met, the less wealthy amongst them receiving a remuneration (*misthōn*), which enabled them not to work on these days. A bill was introduced and defended by an eminent citizen. It was debated if divergent opinions were expressed, it went to a vote, and was either adopted or discarded. *Mutatis mutandis*, the procedure was the same for the election of magistrates, in particular for the most important ones, the generals (*strategoi*). In the context of this direct democracy, the power of persuasion by speech was crucial, whether it was a matter of getting oneself elected, or of getting a bill adopted, which might sometimes commit the city to an important war.

In addition, Athenian citizens personally defended their rights in court. Opposite the litigants, who were assisted by *synēgoroi* – silent witnesses motivated by solidarity – was a magistrate. He was in overall charge of the trial; he had lost the right to judge, and fulfilled instead the function of moderator alongside a popular jury, which settled the debate by vote during the preliminary deliberations. In this context, the Athenian trial remained, in certain respects, a joust between two parties. The role of the judicial authorities was to supervise this joust, to ensure its rules were respected, and to ratify its results. The role of the judges was restricted to pronouncing a judgment in agreement with the law or with what was perceived as justice, without any autonomous action regarding the establishment of the facts or the application of punishment.

One can therefore understand why citizens would pay high prices for the services of so-called sophists, who taught the art of speech, enabling the resolution of conflicts in court and in the assembly by influencing popular opinion. One can also easily understand why Plato opposed these sophists, seeking to give power instead to the philosophers, who presented the truth, rather than the plausible.

## A New Definition of Politics

The starting point for all reflection on Plato's philosophical approach to politics depends on his unusual definition of politics.<sup>1</sup> In Book I (650b) of the *Laws*, the Athenian Stranger declares: “So this insight into the nature and disposition of a man's soul will rank as one of the most useful aids available to the art that is concerned to foster a good character – the art of statesmanship (*politikēs*), I take it?” This presupposition introduces the thesis that is propounded throughout the entire work: the goal of the law is to make the city as a whole achieve virtue in all of its aspects. This is affirmed explicitly in 630d–632d, where this mission is made into legislation. The passage further presents the hierarchy of goods that must preside over the evaluation and choice of conduct in the city. In the course of its terrestrial existence, the soul lives in a body that requires an environment favorable to its birth, its harmonious development, and its reproduction. This is why politics must also take the body and its environment into consideration, re-situating them within a hierarchy of goods to be pursued, a hierarchy that places at

its summit the divine goods constituted by the four cardinal virtues. This view can be observed in the dialogues, and particularly in the *Gorgias* (464b).

## The *Republic*

We can therefore understand why, in the *Republic*, the organization of the city is associated with the structure of the soul.<sup>2</sup> The soul corresponds to a text written in small print, where the city is written in large print (*Rep.* II, 368c–369a). One cannot speak of the city without speaking of the soul, which has three faculties. Plato maintains that the city will be excellent, just like the soul of an individual, when each of its faculties or parts accomplishes its proper function (*Rep.* IV, 427e–445e). The parts of each citizen's soul must be understood as agents in a bi-/univocal relation with the functional groups in the city. The members of each of the three functional groups that make up the city are chosen as a function of the part of the soul that exercises a specific activity: appetite (*epithymia*) among the producers, spirit (*thymos*) among the guardians, and intellect (*nous*) among the philosophers. Excellence in the exercise of these activities, that is, self-restraint (*sōphrosynē*), courage (*andreia*), and good judgment (*phronēsis*), will ensure concord, or justice (*dikē*), in the soul of the citizen and in the city as a whole. The producer must display self-restraint. The guardians must also display courage, while the philosophers must display excellence through self-restraint, courage, and good judgement. If each part achieves excellence at that which it aims, justice and concord will reign in the soul, as in the city.

In order to make conflict impossible, Plato attacks both the nuclear and extended family (*oikos*; cf. Natali 2005), which competes with other families to gain wealth and power from generation to generation. Such competition is a source of conflict, both internal and external. Internally, it gives rise to a gap, more and more accentuated, between the rich, who want to become more rich, and the poor, who necessarily become more poor. This is the major obstacle to concord within the city. What is more, this competition generates external wars, for in order to obtain more wealth and territory, the city is forced to attack its neighbors. Rejecting the family both in the strict and the broad sense, Plato turns the city into a big family, by telling two myths which he considers to be “noble lies” (III, 414b): the myth of autochthony (III, 414d–e), in which all the citizens are born from the earth, and the myth of the metals (III, 415a–c), which explains why the citizens must be distributed into three functional groups.

Within this city, the producers produce what is necessary for the subsistence of the other two groups, who do not work. The guardians ensure the security of the inhabitants. Education enables the training of the guardians, some of whom, as a result of specific tests, will be chosen to become philosophers, who lead the city. Those who are chosen will then have to follow a cycle of higher studies (VI, 502a–VII, 541b), especially including mathematics. These studies will enable them to understand the structure of the world of the senses, and to go beyond it through dialectic, thereby providing them with access to the world of genuine realities (forms), which is oriented toward the Good. The philosophers will thus be able to lead the city according to the immutable, universal values that pertain to the forms.

Yet how can unity be achieved on the basis of three functional groups, the first of which does not communicate with the other two? This is done through the “noble lie,” mentioned above, which considers the city as a large family. Once unity and concord have been established, it becomes possible to seek excellence in the city, whose first task is to care for the soul of the citizens. The well-being of the body and wealth follow.

It is very hard to know what Plato proposed for the producers, but as far as the group of guardians is concerned, it is clear that they, together with the philosophers, were to form the ruling class. Plato separates the governing class, which contains the warriors and the philosophers, from the producers, who provide both warriors and philosophers with the necessities of life. Plato reserves the use of force for one functional group alone, that of the guardians; he intends to give supreme power to knowledge, represented by the philosophers, who are chosen from among the guardians. The members of the ruling class cannot possess either property or family (V, 461c–471c), and this rejection of the family implies a redefinition of the status of women (V, 451c–461d).

In fourth-century Athens, the opposition on which all others depended was that between man and woman, which was related to the dichotomy of public and private. This opposition was not arbitrary, and did not necessarily derive from man’s intention to dominate women. Rather, it was the inevitable consequence of defining human beings by their bodies, from which the distribution of social roles between men and women followed. Women are defined by their sex, which enables them to bear children. Pregnancy makes them incapable of engaging in either manual work or combat. Since children must be fed, protected, and educated for several years before they become autonomous, women become bound to these tasks. They are therefore relegated to the private sphere. Men, in contrast, who are generally physically stronger than women, engage in manual labor and war, and therefore are necessarily political actors at the same time. Compared to women, men reserve the public sphere for themselves. This has been a common criticism of Athenian citizenship. Men were the only ones able to possess land and to vote in the assembly and at court; in exchange, they were obliged to fight. Plato is aware that his propositions will give rise to three “waves” of protest: against the integration of women into the group of warriors, the community of women and children, and the establishment of philosopher kings.

In short, Plato sought in the *Republic* to establish a conflict-free society based on the practice of justice in the soul and in the city; justice alone was capable of establishing concord and unity. To do this, he subordinates the body to the soul within the soul, reserving the most important place for the intellect, whose object is knowledge; in the city he gives power to the philosophers, who possess supreme knowledge. Plato thereby sought to take on the role of those legendary legislators whom Sokrates described to Homer in this passage from Book X:

Homer, . . . then tell us which cities are better governed because of you, as Sparta is because of Lykourgos, and as many others – large and small – are because of many other men? What city gives you credit for being a good lawgiver who benefited it, as Italy and Sicily do to Charondas, and as we do to Solon? (599d–e)

In the process, he presents himself as a founder, a philosopher who has the leisure to design a city in words.

## The Statesman

The *Statesman* remains faithful to the thesis defended in the *Republic*.<sup>3</sup> Only wise government of the city will be able to provide it with excellence, or virtue (*areté*). Like the individual soul, the city can only claim to accomplish this if each of the groups of which it is composed perfectly accomplishes its proper function. Only then will the soul and the city achieve their common excellence: justice. The *Statesman* pursues the same goal as is pursued in the *Republic*. Yet between these dialogues the means defined in order to obtain this goal are distinct. First, the *Statesman* does not compare the city to an individual soul, as the *Republic* does, but to a “cloth.” Second, the *Statesman* carries out an unprecedented reflection on the technical skill which politics requires. On the one hand, the *Statesman* seeks to describe the city as an assembly that must link together moral characters that are heterogeneous and even contrary. On the other, the dialogue intends to explain that the creation of unity within the city involves a technical operation that must be defined: the *tekhnē politikē*. Yet who is in possession of this skill, and what is its objective?

Plato has already denied the possession of this skill to certain people. Whether he is referring to the rhapsode and the poets in the *Ion*, or the rhetor and the sophist in the *Gorgias* and in the *Sophist*, he distinguishes the more or less effective procedures that human beings employ as a result of the possession of a genuine skill, which presupposes genuine knowledge or science (*epistêmē*). A technical skill cannot be limited to the practical activity of its application: it always includes the precondition of this activity, which is knowledge of its specific object, that is, the way in which it is produced or used. The *Statesman* remains faithful to the axiom when it affirms that the city (*polis*) and its constitution (*politeia*) can only be produced by a competent technician, an expert who possesses adequate knowledge. This is why the definition of political skill initially presents itself as a definition of political science, that is, the *politikē tekhnē*, or *epistêmē politikē*.

The dialogue makes successive use of three different methods of research and definition: division (258b–268d), myth (268d–277c), and paradigm (277d–311c). Each pursues, in its turn, the definition of the same object. Recourse to these three methods, which mutually correct one another, enables the interlocutors to define political skill as a royal science, theoretical and directive, which ensures the general happiness of the citizens and the city.

The definition (*logos*) of the statesman produced by division as “shepherd of the human flock” is not satisfactory, for two reasons. First, it is not limited exclusively to the statesman but includes other types of shepherds, among whom the Stranger classifies merchants, laborers, bakers, pedagogues, and doctors (267e). All are presented as rivals or pretenders who are prone to lay claim to the pastoral care of the human flock to increase their own share, denying it to the statesman alone. In addition, unlike the shepherd (*nomeus*), the statesman does not maintain, with regard to his flock, the exclusive relation that links each of the other shepherds to their animals. Indeed, in the case of domestic animals, each flock is made up of animals of the same species, grouped together in a flock of which the shepherd takes complete and exclusive charge. The ruler who does not feed men, any more than he educates them or looks after their health, is

thus not the only technician whose function it is to take care of the human flock. From a methodological viewpoint, this comparison attests to a lacuna in the text; from the political viewpoint it presents a major difficulty.

The myth<sup>4</sup> denounces the “historical” irrelevance of the definition obtained by division, although it indicates that this definition has to be sought in two ways: first, in relation to the divinity, which is the cause of all order in the world and is the origin of our relative autonomy, and second, as a reflection on skills, whose myth shows that they are the means by which men can imitate the world, and set their common existence in order. In this regard, the myth’s conclusion is programmatic, and it provides the rest of the discussion with its objects, without setting them forth. Myth has carried out its corrective function well, and the investigation can now continue.

The course of the arguments of the third part of the dialogue is more complex than the division, and, *a fortiori*, the myth, had been. It applies, as a whole, the metaphor of weaving to political skill. It can be summarized as follows: once the principle of the comparison between weaving and politics is accepted, the dialogue establishes that the former of these two techniques is exercised upon a material on which other technicians have already worked, a mixed material that works in its turn, in order to produce cloth, its object. Weaving can only be defined on two conditions: (i) that it be distinguished from other techniques that are its “auxiliaries,” that is, that prepare the material on which the weaver works, and (ii) that its proper objective be defined by its difference from the merely similar objects produced by “rival” techniques. The distinction is thus made between auxiliary techniques that accompany the work of the principal technique, and those that simply resemble the principal technique, without contributing to it (280b2–3). Once this twofold task has been accomplished, the lessons of the definition of weaving may then be applied to politics, which can in turn be distinguished from its auxiliary and rival techniques. If, as even its interlocutors admit, the *Statesman* takes a long time to carry out this paradigmatic comparison, this is a result of methodological requirements.

The exercise of power is based on the possession of knowledge. In this regard, the *Statesman* by no means infringes on the Platonic axiom that also governs the *Republic* and the *Laws*. What is more, this knowledge can only be applied to well-educated citizens, for it is out of the question to join the good with the bad in an assembly. The first connection is a divine link that connects together the parts of virtue in the soul. For the statesman who must concern himself with human connections, the goal is to establish links between moderate and soul-possessing characters, through the intermediary of marriages and magistracies. Although the argumentative context is different, we find here once again the same concerns as in the *Republic*: to ensure the domination of the intellect in the soul, and, in the city, to privilege knowledge above courage and moderation, so as to produce a city in which justice and concord reign.

The *Statesman* remains faithful in its enquiry into the Platonic political principle that defines the right constitution (*orthē politeia*), which is unique, as the monarchical or aristocratic regime whose ruler or rulers possess political knowledge (see, for example, 297b–c). Plato thus denounces the vacuousness of current constitutional typologies, because they ignore what makes a constitution good or bad, and he chooses, moreover, to cast suspicion on the traditional status accorded to the law. In Greek political thought, from at least the sixth century BCE, the law was held to be the foundation of the community of the *polis*, as well as its rational, constitutive link.

The Platonic argument, which insists on subordinating law to knowledge, and on considering the former as a means or instrument that may turn out to be incidental, is both innovative and subversive. Plato first designates the law as the privileged instrument of political authority, which can only be exercised if it succeeds in imposing the type of conduct it judges to be desirable upon a multitude of citizens. However privileged it may be, the legislature remains one tool among many others for the purposes of unification and care that characterize politics. It is unsurprising that Plato thus refutes the notion that Greek law, and above all Athenian law, should constitute the foundation of the city. But he by no means intends to challenge the relevance of democratic Athenian legislation with new legislation that would not share its shortcomings. As the philosopher reminds us, the law, whatever it may be, is simply the public form of the prescriptive discourse uttered by political power (294a); in this regard, it may just as easily be the prescription uttered by a wise ruler as the result of a democratic vote – that is, the decision of an assembly of incompetents.

Thus, the first political question cannot be that of whether or not the laws are just or whether they are obeyed under constraint or freely; rather, it must first deal with the skill or knowledge of the legislator. Everything else, as the Stranger implies, is ultimately a mere matter of means or circumstances. If the ruler is wise, he will have recourse to the law to maintain order among his fellow-citizens. The younger Sokrates, who is worried about the way the law is thus reduced to a mere instrument of political authority, provides the Stranger with the pretext for a completely unprecedented classification of constitutions, which henceforth obeys the axiological criterion of knowledge, and specifies even further the role of legislation in the care of the city.

## The *Laws*

Like the *Republic*, the *Laws* associates the institution of a fictional city with all the questions which, according to Plato, define philosophical reflection.<sup>5</sup> Plato first maintains that a city can only achieve excellence or virtue on the condition that its government be exercised by men who are learned and instructed in the goals of common life and the means to realize it, in order that the ordinary citizens may be trained for virtue, which is the condition of their common happiness. In this regard, it goes without saying that the most learned men, those who, above and beyond all the others, are familiar with the genuine, primary science called philosophy, will be the rulers of the city. Plato also maintains that the city cannot find within itself the principle of the excellence it proposes to achieve. The community of men is not sufficient unto itself, and must therefore seek outside itself, in the perfection of the world and its divine causes, the reason and the model of its own organization and of its possible reform. This is why the condition for the institution of the city is knowledge of the order of the world, and of the universal causes of goodness, a knowledge it is once again up to the philosophers to produce. This is the project of the *Laws*, which is, in its own way, the first great treatise of political philosophy, combining political and legislative enquiry with ethical and anthropological issues, as well as investigation into nature and the divine.

It has been denied that the conception of the tripartite soul can be found in the *Laws*, as it is in the *Republic* (Bobonich 2002). If so – that is, if the human soul no

longer has parts, each of which are to be understood as agents – it becomes impossible to find the three groups of producers, soldiers, and philosophers who carry out the tasks which correspond to the actions triggered by the different parts of the soul. Such an interpretation could be challenged (cf. Brisson 2005), since it is indeed possible to find in the *Laws* a tripartite division of the soul that, while not identical, is similar to that found in the *Republic*. One can detect in the city of the *Laws* three groups of citizens that are not identical to the producers, warriors, and philosophers of the *Republic*, but that nonetheless fulfill similar functions in order to achieve an identical goal. In the *Laws*, Plato maintains the ethical and political positions he set forth in the *Republic*, although he puts them into action by other means. The end remains the same, even if the means used to achieve them are different.

In the *Laws*, one finds a similar parallelism between the parts of the soul and those of the city as in the *Republic* (see T.J. Saunders 1962). The appetite (*epithymia*), whose object is pain and pleasure, which must be mastered by the intellect with the help of spirit, corresponds to the people (*dēmos*); the spirit (*thymos*), characterized by courage that must resist pain and pleasure, corresponds to the magistracy of the country wardens (*agronomoi*) (Brisson, 2003: 221–226); the intellect (*nous*) or good judgment (*phronēsis*) corresponds to the supreme magistracy of the Watch committee (*nykterinos syllogos*) (Brisson 2000b). Moreover, as in the *Republic*, this tripartition implies a bipartition, for the people are distinguished from the two magistracies of the country wardens and the Watch committee, the latter of which forms the governing body.

The *Laws* are less explicit than the *Republic* with regard to the topic of virtue, which is defined less precisely, probably because it takes for granted what was argued in preceding dialogues. Yet what of the law that is to ensure the establishment of the whole of virtue? The term *nomos*, which we translate as “law,” has a great many uses and meanings. It can mean a particular law, but it can also indicate the system of laws, that is, the ordered totality of laws, and at the same time the common principles on which they all rely. When *nomos* is used in its general sense, to designate the totality of the laws, it also denotes all the prescriptions that are imposed on the city, such that the term can be used synonymously with that of *politeia*. This testifies in the simplest possible way to the intermixture of juridical and institutional considerations, as well as to the way in which, for the Greeks, discourse on law is always, and immediately, a discourse on the civic community and its constitutional organization. On this point, Plato does not break with the usages of his time, and he chooses to link the destiny of the city to that of its legislation, to the point of fusing them together (Piérart 2008). This link is sealed by the first definition of *nomos* given by the *Laws* (I 644b–d). The law is thus defined, in a general way, as a rational calculation imposed upon the entire city. The interest of this definition unquestionably lies in the way it gathers together and anticipates the various statuses that the remainder of the dialogue will reserve for the law: it is first and foremost a process of reasoning, fashioned by intellect just as it is to be set forth in a rational, demonstrative way. This rational thought is addressed to the soul, which is subject to pleasures and pains, fear and confidence, but which can also perceive a process of reasoning. Here, we once again find the functional tripartition of the soul expressed very clearly in a passage from the *Timaios* (69c–d).

Yet this definition of the law opens onto another one, which alone gives meaning to the whole of the *Laws* (IV 713e–714b). The city’s decree, which is prescriptive, is thus

based on the regulation of the intellect (*hē tou nou dianomē*). The legislator of the *Laws* has a twofold task: (i) to establish a proportional order in the soul of each individual by making the intellect reign, and by making the citizen a reasonable being, particularly through the intermediary of education; (ii) to establish a proportional order among the citizens by ensuring the rule of the most deserving and the most virtuous, that is, of those who make the best use of the highest faculty of their soul, or intellect (*nous*), over those who do so to a lesser degree. Thus, guided by the most virtuous among them, the citizens cannot help but become virtuous, as the law recommends. It is the written law that serves as a tool for realizing this task, and this is why the law, when well established, is understood as a “regulation of intellect.” This regulation concerns not only the orientation of conduct, but also that of honors and therefore magistracies, that is, the establishment of a power structure. The law issues decrees in both of these fields, and in each case, it is the result of the principle that holds the first place both in mankind and in the city, namely, intellect (*nous*).

The text of each law is introduced by a prelude (*prooimion*),<sup>6</sup> the theory of which Plato sets forth in Book IV (715e–734e), where we find the three parts of the soul associated with virtue. The formulation of the law represents the intellect (*nous*). The penalties incurred by miscreants, involving violence, whether physical (*bia*) or civic (blame and the loss of honors) is represented by spirit (*thymos*). According to Plato, a prelude is first and foremost an exhortation. By means of a play on words, Plato assimilates the exhortation (*paramythia* or *paramythion*) to the “myth that precedes the law” (*ho pro tou nomou mythos*) (XI, 927c). However, this play on words does not correspond exactly to reality, since not all preludes are myths. Some are rhetorical exhortations that manipulate blame and praise, and Book X of the *Laws* develops a demonstration (*apodeixis*, 887a, 893b; *epideixis*, 892c, 899d) that involves arguments (*logoi*, 887a). This last type of prelude, addressed exclusively to young people who have not been persuaded by the myths and rhetorical exhortations, and who take pleasure in speculations on nature, will not be taken into consideration here.

In the city of the *Laws*, ordinary citizens occupy the place held by the guardians in the city of the *Republic*, although they are not exclusively warriors; the job of the producers being conducted by metics, servants, and slaves. The ordinary citizens – and this is an important point – do not carry out any manual labor. They administer their domain, and devote most of their time to civic life, whether by carrying out the duties of a magistracy or participating in assemblies and in celebrations, or by sitting on tribunals. They also all have a military role, and they train to defend the city if it should enter into war. The way in which all of the citizens, free from work and business, participate in civic life distinguishes the *Laws* from the *Republic*. Here, Plato does not separate the citizens into three functional groups, but opts for division into three census classes, categorizing the citizens according to their patrimony. Then there is the remarkable specification that wealth and poverty cannot exceed certain limits: the poorest citizen will never own less than the property of one of the 5,040 parcels of civic soil. It is the same unit that distinguishes the four classes, never more than four times the value of a parcel (V, 744c–d). It is not always noticed that this range of wealth is infinitely less wide than the one exhibited by the Athenian democracy. Above all, however, in the city of the *Laws* these property limits are accompanied by the prohibition, for all citizens, against possessing gold or silver. The plots owned by all households are granted to them

by a sovereign, foundational act, such that this distribution of property, which is a local division of the city's territory, may never be subsequently reversed or questioned. For a family group (a household united around a citizen), to be a property owner is to be a part of the city, to belong to it. No substitution or exchange of this possession is possible, and property, rather than the free appropriation of a good by a family, designates that family's plot as an indivisible, inalienable part of the city.

In this respect, the *Republic* is less radical than the *Laws*, for the latter includes a place for a group of producers who can possess land, a workshop or a business, who can marry and have children, and who do not seem to be subject to any particular constraint. This statement must be qualified, however, as the producers are under the domination of the warriors, who submit them to constant supervision (IV, 421d–422a). One of the major differences between the *Laws* and the *Republic* comes from the fact that in the *Laws*, all of the citizens, both men and women, must fight in the army, which is directed and trained by specific magistracies (VI, 755b–756b); here, therefore, the military is no longer limited to a small, specialized group. However, a meticulous study of all the magistracies reveals the existence of a limited group, the country wardens (*agronomoi*) which, separated from the totality of the citizens as full-time magistrates, seems to constitute a reserve of specialists appointed to the task of surveillance of the territory. From this group are drawn the members of the supreme authority, the Watch committee, which, as we shall see, is equivalent to the corps of philosopher kings in the *Republic*.

In the last book of the *Laws*, Plato provides the details on the composition of this committee (at 951d–e; cf. also 961a–c). We read the following:

This Committee, which should consist partly of young men and partly of old men, must have a strict rule to meet daily from dawn until the sun is well up in the sky. Its membership is to be: (1) those priests who have won high distinction, (2) the ten Guardians of the laws who are currently the most senior, (3) the Minister of Education for the time being, together with his predecessors in office. No member should attend alone: each is to bring a young man of his own choice, aged between 30 and 40.

So the committee must be composed of the following members: (i) those priests who have received the highest distinctions, (ii) the ten oldest Guardians of the laws, (iii) the acting Minister of Education and his predecessors, and (iv) an equal number of young men aged between 30 and 40, probably chosen from among the country wardens.

Once the necessity of an instrument for safeguarding has been admitted, it is appropriate to consider the conditions under which this safeguarding is ensured. This can occur only if the goal of the city is well defined, together with the principles that must preside over its constitution, and the means that will best ensure its efficacy (*Laws* XII, 962b–c). Unlike other cities, of which a brief inventory is provided in 962d–e, the city of the *Laws* (962e) must have only one single goal, which is the totality of virtue (*pasa aretē*). This objective is not easy to achieve, for as we have seen there are four types of virtue (963a–964a) which must be unified under the aegis of the intellect (964a). In the *Laws*, as in all of Plato's dialogues, this is only possible in a city governed by intellect. The relationship established between virtue and intelligence derives from the equivalence between virtue and knowledge.

This equivalence is established as a result of the following deduction. Virtue (*areté*) is excellence in one's proper function, whether the subject of this function is inanimate or a living being. In either case, virtue qualifies not only excellence of character or of conduct, but also, and above all, the perfection of an activity. If we limit our enquiry to living beings, the essential question becomes: what can the criterion of virtue be, and how can it be acquired? To this Plato always gives the same answer: although natural dispositions must be taken into account, it is the possession of knowledge that gives virtue its status. Whatever the activity under consideration may be, excellence is always based on previous knowledge. At this point, however, a new question arises: how can we escape the multiplicity of opinions on excellence, and above all, how can the multiple modes in which excellence manifests itself be reduced to unity? The answer is that excellence has to do with order. Yet what this order belongs to, in a general sense, must still be determined, for the citizen cannot be separated from the city, nor the city from the citizen, its essential element, or the universe in which it is inserted. Here we find once again the Platonic argument that consists in subordinating politics to knowledge.

From the *Republic* to the *Laws*, by way of the *Statesman*, Plato's political thought exhibits a great stability in his criticism of Athenian democracy and his proposals for a new government. The organization of the city must be confided to those who possess knowledge, who alone can enable their fellow-citizens to attain virtue, and therefore excellence, by means of education. The means employed to achieve this result are modified as a function of the dialogues. But wise government, mistrust of the family, the equivalence between men and women, the importance of education, and the preeminence accorded to the care of the soul, remain constants. The tripartite division of the soul and of society is another persistent feature of Plato's works. For Plato, politics is defined not as the art of resolving conflicts, but as the art of making conflict impossible. With this in mind, it is appropriate to have justice reign in the city and in the souls of the citizens, by submitting appetite and spirit to the intellect, which alone has access to genuine reality.

By maintaining that the sensory world, which never ceases to change, is a mere image of the intelligible, which remains immutable and can only be reached by the higher part of the soul, Plato attributes to ethical and political virtues a universal, undeniable status. In his view, this status constitutes the only answer to the relativism his fellow-citizens adhere to: a relativism justified by the teaching of the sophists, who, not taking the true into account, are content with what is likely. These metaphysical presuppositions concerning the intelligible and the soul do not result in a neglect of the body and the city, but rather situate them at a lower level, giving priority to knowledge of mankind, the city, and the universe.

## ACKNOWLEDGMENT

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## NOTES

1 Two recent titles on this topic: Rowe and Schofield (2000); Schofield (2006).

2 Among the extensive literature on this dialogue, cf. Rees (1965) and now Ferrari (2007).

- 3 For a collection of articles on this dialogue, see Rowe (1995).
- 4 On the myth and its interpretation, see Brisson (1995).
- 5 For a collection of articles on this dialogue, see Scolnicov and Brisson (2003); for a research bibliography, Saunders and Brisson (2000); and for some interpretations, see Morrow (1993); Laks (2005, 2007a); Brisson and Pradeau (2006).
- 6 Different interpretations have been proposed by Bobonich (1991); Laks (1991, 2007b, 2007c); Brisson (2000a: 235–262).

## CHAPTER 7

# Aristotle

*Peter L.P. Simpson*

When writing about Aristotle on constitutions or governments for a modern audience one faces the problem of where to begin. If we follow Aristotle we will begin with communities and the good and show how the political community is the highest community pursuing the best good (*Pol.* 1.1.1252a1–7).<sup>1</sup> If we follow our own practice we will begin with social justice and rights, with the legitimacy of political rule and freedom from oppression. John Rawls, for instance, in his *Theory of Justice* (1971), perhaps the most influential of recent writings on politics in the English speaking world, begins with justice which he calls the first virtue of social institutions (§1). How is an institution just? It is just by how it fashions itself in view of the equal good of equal individuals. What are individuals? They are different combinations of desires and interests, which individuals may and perhaps should put into some hierarchy or order but which have no hierarchy or order by nature. The institution is the state and the state is an impersonal structure of rules and of mechanisms designed to enable individuals to satisfy their desires in peace, or without coming into conflict with each other in pursuit of their different interests (Rawls 1971: §§1–6, 15, 85).

Aristotle talks not of individuals but of men and not of structures but of communities (or only of structures in view of communities). Women also fall under the heading of men, and not because “man” in English can also mean “human” and women are human (though that is true), but because in Aristotle’s thought women are perfected through men in the household, and because households and men are perfected through the city (*Pol.* 1.2.1252b27–34, 13.1260a14–24). Aristotle talks of the city and man but we of institutions and individuals. For Aristotle what matters are not individuals but men, or only individuals insofar as they can become men. The city exists for man because, as an education in virtue, it exists for the perfection of man. The state or the institution, by contrast, exists for the individual because it exists for the satisfaction of the individual.

We cannot begin with the city and man as Aristotle does because we have lost these concepts. For us the city is a sprawling metropolis like London or New York, and “man” is a word of offense that political correctness bids us no longer use in its generic sense. When we meet Aristotle’s *polis* or *politeia* and his *anthropoi* or *andres* we must transmute them, and translators transmute them, into our categories of state and individual. We must begin a study of Aristotle somewhere else, then, and the only plausible place to begin that is still common to us and Aristotle is where Rawls begins, with justice. Which justice? We distinguish, like Aristotle, the justice of punishment and exchange from the justice of distribution. The latter we consider to be the justice of the institution, the justice of assigning shares in political life. Let us begin, then, with Aristotle on the justice of distribution in political life.<sup>2</sup>

## **From Justice to Aristotelian Government**

Aristotle raises this Rawlsian question of justice in political life in *Politics*, Book III (3.12.1282b14–1283a22). He frames it as a question about who should rule. He answers it in terms of the common advantage or of what benefits the whole community. His discussion is as down-to-earth in examples and as brief in statement as Rawls’ discussion is complex and drawn out. Everyone agrees, says Aristotle (speaking for our day as much as for his own), that justice is something equal, and that it is equal for the equal. But (and here’s the rub) who are the equal?

Aristotle’s discussion turns on finding out who the equal are. For us and Rawls that question does not arise, or arises only to be at once answered as “everyone.” Rawls begins with people in the original position, and what Aristotle would find striking about that position is not the veil of ignorance but the equality of everyone behind it. All are equal and all are supposed to think and choose as equals. What they choose is the structure of the institutions under which they are all to live and which is encapsulated in Rawls’ two principles of justice (1971: §§3, 4, 11). Aristotle too is interested in structures but he is first interested in the kind of constitution or what we would call “the government.”<sup>3</sup> The government is the people who rule and the structures are what enable and preserve their rule (*Pol.* 3.6.1278b8–15, 10.1281a34–39). Who then are the rulers, or who should rule? Rawls assumes that offices open to all under a fair system of elections answers what needs answering about the determination of rulers. What we and Rawls care about is how rule is exercised, whether or not it is exercised according to the two principles of justice or the like. Aristotle also cares about the “how” of rule, but the “how” is determined by the “who,” for the “who” determine the structure which concretely embodies the “how.” Aristotle puts the persons first because the character of the structures is derivative. Rawls puts the structures first because the character to be developed in the people is derivative (see Rawls 1971: chs. 7–9, esp. ch.7 on how the right defines the good).

For Aristotle the question of who is equal and who unequal is very much a live one, and it dominates his discussion of distributive justice and of government. Ancient oligarchs thought themselves equal and the common people unequal, and ancient democrats thought, contrariwise, that all were equal (or all who were not slaves or barbarians; *Pol.* 3.9.1280a11–25). But equality is not only *of* someone; it is also *in* something. People are not equal *simpliciter*, but equal in height or color or ability or the like.

Some might think, says Aristotle (*Pol.* 3.12.1282a23–1283a22), that if people are in other respects equal, then those who are superior in any good at all will be unequal and should have greater shares in rule. But that answer leads to the result that those who are superior in things like height and color should rule, which is plainly false. Merely because you are white and not black, says Aristotle in effect, or tall and not short, you should not thereby have political control. To illustrate he takes the example of pipes for playing music with. People equal in playing the pipes should not get more or better pipes merely because they are better born, for the better born are not thereby going to play the pipes better. Again, if there is someone superior in pipe-playing but inferior in birth and beauty then, even if birth and beauty are better goods than skill in pipe-playing, the one superior in that skill should still get the better pipes. For birth and beauty, however good they may be, contribute nothing to the work of pipe-playing. The distribution of pipes, or of all goods generally, must follow features relevant to the work of the good in question, and those who excel in these features should receive more of that good regardless of how much they are excelled by others in other goods.

The good to be distributed in politics is shares in the life of the political community, and principally shares in ruling. These shares should be distributed according to equality and inequality in things relevant to the work of the city. What is the work of the city? The good life of the citizens. What features are relevant to the work of good life? Birth, freedom, and wealth, says Aristotle, listing first the things that most people think about first. Life is impossible without resources to satisfy material needs, and decisions about how the city is to act cannot be made without the freedom to make them (birth is thus part of freedom because native birth is the standard way, both then and now, for determining who is a citizen and so who is free to take part in the city's decisions). More important than these features, however, are the virtues, notably justice and military virtue, the first of which is the virtue for making right decisions (including the right decision about who should rule) and the second of which is the virtue for preserving life and freedom. Virtue understood as embracing courage and temperance and prudence as well as justice turns out to be the chief determinant for shares in rule. Those who are superior in virtue should receive greater shares in rule. Indeed, for the same reason, those superior in virtue should have, and in the best government would have, wealth and birth too, so that in them all the relevant features are combined (*Pol.* 4(7).9.1329a17–39). The claim of such people to exclusive rule would be unimpeachable. No other group claiming any other feature could be relevant. The result of Aristotle's reasoning is that justice in political life is inequality. For justice is only equality for equals; it is inequality for unequals. But those superior in virtue are unequals. Therefore they should have unequal shares in rule.

Everything that Aristotle says about governments follows of necessity from this result, as in particular the fundamental division of governments into correct and deviant (*Pol.* 3.7.1279a22–31). If virtue is the chief claim to rule and other claims are subordinate to it, then those governments where the virtuous rule will be just or correct, and those governments where the non-virtuous rule will be unjust and deviant. But since a city is a multitude of people, the rulers must be some part of this multitude, either all of them or some of them or one of them. So there must be three kinds of government in each division, correct and deviant, according as the rulers are one or few or many. The correct governments, then, are kingship when the virtuous one rules, aristocracy

when the virtuous few do, and polity when the virtuous many do. The deviations are democracy when the non-virtuous many rule, oligarchy when the non-virtuous few do, and tyranny when the non-virtuous one does.

## The Classification of Governments

Aristotle's division is not merely numerical. Numbers drive it but the division is of people with a certain feature, virtue or its lack. The division is of numbers as *qualified* (*Pol.* 3.8.1279b20–1280a6). One has not understood Aristotle's six-fold division of governments if one thinks merely of the number of rulers. One must think of what these numbers are when concretized in persons. If justice in shares to rule goes with virtue, and if one man is justly to be ruler, then his virtue must so far exceed that of others that no one can compare with him in virtue (as in the case of the one superior pipe player who justly gets all or the best pipes). Likewise in the case of the few, their virtue must be similarly supreme, and also in the case of the many, whose virtue too must be supreme. Aristotle's division forces us to ask what supreme virtue is like when it is in one or few or many. Is the virtue the same in each case or do the numbers make a difference?

Aristotle's division now becomes empirical or sociological, and appeals to actual facts about men in smaller and greater numbers. Concretely, he says, the virtue that exists in one or a few can be perfect virtue, the virtue that makes its possessors so superior to all others that they are like gods among men. The virtue, by contrast, that exists in many is not perfect virtue. It is rather military virtue, the sort of virtue that can exist in a large body of citizen-soldiers, the virtues of courage and discipline and self-control (*Pol.* 3.7.1279a39–b4; cf. 2.11.1270a4–6). The virtue of the virtuous many is not the virtue of the divine king or the aristocrats. It is a lesser virtue. The structure of a polity, which is the rule of virtuous citizen-soldiers, is different from the structure of kingship and aristocracy. In fact kingship and aristocracy have no structure. They do not need one. The divine kings and aristocrats rule entirely by their own will which, because supremely virtuous, is always just. Their rule is without law because it does not need law; the rulers, as embodied justice, are themselves law (*Pol.* 3.13.1284a3–14, b27–34). No law that could be written down could ever be superior in justice to their decisions and so could never have a just title to rule. A city run by kings and aristocrats needs not structure or written law but education, to ensure that the young are brought up properly and acquire the supreme virtue that will fit them in their turn to be kings and aristocrats. Aristotle's discussion of the best government in the *Politics* is about education and contains no discussion of structure or law. The best government is not an institution, and justice, which is nevertheless its virtue, is not the virtue of an institution. It is the virtue of men who are beyond all institutions. The best government is a community of divine friends devoted to a life of courage, justice, and temperance in war, and to a life of justice, temperance, and philosophy in peace (*Pol.* 4(7).15.1334a11–34). It should remind us more of the medieval Knights Templar than of modern states or governments.

Structure and laws independent of men only arise for Aristotle when we descend from the heights of godlike virtue to the military virtue of polity and the non-virtue or positive vice of the deviant governments. In all these governments there are no men good enough to be trusted to rule without law, because there are no men good enough

to be themselves law. The measure of law is still virtue, though as qualified and even compromised by the incalcitrance of sociological facts. The problem the lawgiver faces at this point is likened by Aristotle to the problem faced by a gymnastic trainer (*Pol.* 6(4).1.1288b10–35). If the bodies he has before him are the best bodies and their possessors fully committed to achieving the best, the trainer can give them the best training and need make no adjustments or concessions to lack of capacity or lack of will. A lawgiver in an analogous position would be the ruler and educator of the best government who is training the noble young to be kings and aristocrats. But gymnastic trainers, to say nothing of lawgivers, are seldom fortunate enough to have before them the best subjects. They have before them bodies ranging from good to mediocre to bad, and wills ranging from enthusiastic to indifferent to hostile. The scientific trainer, insists Aristotle, will do the best he can by these bodies too. He will consider what suits these bodies and how to get them to be as good as they are able or willing to be. He will not, like the Platonist, confine himself to consideration only of the best bodies and to the construction only of regimens for the most eager wills. Likewise with the lawgiver.<sup>4</sup>

What principles, then, will the lawgiver follow and what structures and laws will he institute? He will follow the principles of virtue, for only virtue is the good and only this good is the aim of life in the city. But he will not follow perfect virtue. He will follow the sort of virtue and the sort of lessening of vice that imperfect men in large numbers admit of (*Pol.* 6(4).11.1295a25–1296b12). The virtue such men admit of is sociological virtue and the lessening of vice they admit of is enlightened self-interest, or what we might call Aristotle's theory of rational choice.

By sociological virtue I mean the virtue that is automatically generated in masses of men by class differences. Some classes are naturally vicious, says Aristotle, but some are naturally virtuous. The vicious classes are the very rich and the very poor, of whom the very rich, for Aristotle, are undoubtedly the worse. The virtuous class is those in the middle who are neither very rich nor very poor. They are the middle class or the bourgeoisie. The middle class, however, are not virtuous by education or firmly instilled habit as are kings and aristocrats. They are virtuous by sociological condition. Because they are in the middle they are most obedient to reason (for the very rich and the very poor are driven either by their superiority into insolent wickedness or by their poverty into knavish villainy). They are least desirous of rule when they do not have it and least tenacious of it when they do. They are not tyrannous and contemptuous like the rich nor slavish and envious like the poor. They are the most fit for the friendship and community that make the city because they are the most equal and similar, being similar and equal not only among themselves, as even the poor and rich might be, but to the extremes too, since the middle are closer to the rich and to the poor than the rich or the poor are to each other.

These differences are moral, but they are effects of class and not of true virtue. Hence they are unstable in the sense that someone from the middle who rises or falls into rich or poor will also likely rise into insolence or fall into villainy, whereas someone truly virtuous will remain virtuous however good or ill his fortune (*Eth. Nik.* 1.10.1100b18–33). Aristotle's preference for the middle class is reserved and discriminating. There is a baseness in every man, he opines, and opines at the same time that men need to be made subject to others to keep that baseness in check. “The license to do whatever one wishes is incapable of providing defense against the base element in each man” (*Pol.* 8(6).4.1318b39–1319a1).

## Legislative Contrivance and Political Institutions

The checks and balances, as we might call them, which Aristotle thinks of are that the office-holders be subject to the mass of the citizens and that the mass of the citizens be subject to the office-holders (*Pol.* 3.11.1281b21–38). The office-holders hold office by the suffrage and sufferance of the mass, for the mass not only votes for the office-holders but subjects them to scrutiny and the giving of accounts. The office-holders deliberate and judge for the mass. The whole is bound together and supported by the law, the constitutional law that says the office-holders judge and deliberate and that the mass elect and hold them to account. The rule of law is the rule of such constitutional restraints. Law is only needed where the people subject to it lack perfect virtue. Had they perfect virtue they would need no restraints because perfect virtue would be their restraint. Virtue is imperfect in the middle class; it is non-existent in the classes of the rich and the poor. A government of the middle class will be a correct government, for it will be of and for the virtuous. A government of the class of the rich or of the poor will be a deviation for it will not be of or for the virtuous. The government of the middle class is called *government or polity (politeia)*. The government of the rich is called *oligarchy* and of the poor *democracy*. The government of one man who is vicious is called *tyranny*. Aristotle's discussion of these governments, the imperfectly virtuous and the vicious governments, is a discussion of institutions. The books he devotes to them (6(4)–8(6)) are all about numbers and kinds of offices and about the manner and length of appointments. The books he devotes to the best government of virtue (4(7)–5(8)), to kingship and aristocracy, are all about education. What true virtue achieves by formation of the soul in the latter, political construction achieves by contrivance of the law in the former.

The contrivance in the case of polity is to put the middle class in control and make the rich and the poor subject to them. The devices are many and Aristotle describes more their principle than their number (*Pol.* 6(4).9.1294a30–b14). One such device is limitation of the franchise. Only give the vote and participation in juries and the assembly to those with a certain minimum of wealth. Do not put this minimum too high lest the rich be too strong for the middle, nor put it too low lest the poor be too numerous for both middle and rich. When elections or jury service take place, fine the rich if they do not take part and pay the poorer if they do. The same for arms and training in their use: pay the poor to arm and train and fine the rich for failing to do either. The idea is clear; the details indefinite. Prudence, the prudence of the wise legislator, must decide, by direct experience of the facts on the ground, what is best where, when, and how.

Formed by prudence and experience as well as by the principles of political science, the legislator will know how to devise laws and structures to set up and preserve any government. He will aim at a virtuous government, but he will recognize, like the gymnastic trainer, that he cannot do more with the people he has in front of him than those people want or are capable of. In many cases he will have no choice but to set up a deviant government, as an oligarchy or a democracy, or even a tyranny. For the people and their circumstances will not permit him to do anything else, and if he tries anything else he will make things worse. Fortunately, oligarchies and democracies and tyrannies and even polities are not one but many (*Pol.* 6(4).3–9,1289b27–1294a29).

Each includes several varieties under it. Fortunately too, these varieties differ according to better and worse. The legislator always has some choice whereby to make things better or to stop them getting worse. He can always aim at good and always achieve good, if only a little good.

More important will be moral sociology, or knowledge of how, for most people, their moral character is a function of their class. Aristotle would have no problem with modern class analysis. He would just complain that the analysis does not go far enough. Not only are there the broad classes of lower, middle, and upper, there are also classes within these classes, and these classes are not only economic or even socioeconomic; they are moral. Some poor are poorer and their character worse than other poor, and some rich are richer and their character worse than other rich. Oligarchies and democracies not only differ in kind from each other but also within each other, as some are worse or better because composed of worse or better classes of rich and poor. The trick is to see where in any given city the weight lies. Are the rich, and which rich, so superior to the poor and the middle that nothing but an oligarchy could survive for very long, and if so which oligarchy? Or are the poor, and which poor, thus superior? Is the middle strong enough, if not to form the government, then at least, by addition to rich or poor, to balance the two and mitigate their excesses?

Only the lawgiver on the spot can decide these questions. But he *can* decide them. And he can exploit them. He will need data and guidance and Aristotle provides both, in the collections of governments and of customs produced by his school and in the joint treatises of the *Politics* and *Nicomachean Ethics*. The collections and the treatises are needed because politics is a moral phenomenon reflecting the character of the people involved. The devices and structures of governments may be impersonal and mechanical, but the way they are put together is moral. They should be put together to make the government as morally good as the people who are its material admit of. One cannot know what is morally good or bad if one does not know what the standard of moral goodness is. That standard is virtue, the perfect virtue of the perfect man. The *Nicomachean Ethics* gives the standard. The *Politics* explains, in its books on the best government, the government and the education in which the standard is reached and preserved. The *Politics* explains, in its other books, the governments where the standard is not reached but where it is more or less approached. These other books are as much about morality as the books on the best government. They are about the sociological virtue or vice of most men that mimics or mocks the true virtue of the perfected man.

## Governments and Socio-Moral Classes

Among the moral classes in Aristotle's sociology (*Pol.* 6(4).4.1291b14–1292a38, 6.1292b22–1293a12), the farmers among the class of the poor are the best and the democracy based on them is also the best. Such a democracy is not a virtuous government, for only the middle with its imitation of virtue is that. But it is not a very vicious government. It rules for its own advantage and not for the promotion and cultivation of virtue (which alone is the common good of the city), but its advantage is not so depraved. The farmers will keep final power in their own hands but they will put the daily administration of affairs in better and wealthier hands. They will meet as a body

rarely and only on important matters affecting the government. They will insist, and have the power to ensure, that each office-holder's rule is subject to their own periodic review and approval, serving for fixed terms only and over such matters as are deputed to each office and not over others. Farmers are on the whole a good class of poor, not because they would exercise office well if they had it, but because they do not have leisure to exercise it. They will also elect a better class of wealthy men to office, a class as moderate in instincts as themselves. Also, because of their distance from the urban center, farmers will be able to attend but few meetings of the assembly, the necessary ones. They will confine the franchise to people like themselves who have enough property to own small farms. Others will be excluded.

Artisans and traders are a worse class of poor. They will not own land that they farm and they will spend their time in or near the urban center. They will be less moderate, and they will also be able to attend more meetings of the assembly and to decide directly on more issues of policy. They will choose others to exercise office, for they do not have enough leisure to exercise office themselves. But they will give these offices less power and be more subject to the wiles of clever speakers playing on their passions because more often together in the popular assembly. But they will not be too extreme, for they have property and their livelihood depends on things staying generally the same. The franchise they will limit to those like themselves, who have some minimal property.

Unskilled workers and day laborers are a worse class of poor still. They have no property, they gather about the urban center, and their livelihood is basic and precarious. They have little attachment to things as they are and are easy prey to clever speakers who counsel radical change. They can do little, nevertheless, because they do not have leisure to attend many assemblies and to decide directly issues of policy or principle. They will not limit the franchise, save perhaps to those who are full citizens.

The worst class of the poor is dominated by these last two groups that crowd the urban center, especially if immigrants or those of doubtful citizenship are added to their number. They are least attached to things as they are and would change both law and policy if they could or if clever speakers catch their ear. All that prevents them realizing their power is leisure to attend the assembly. Such leisure is secured when the city has an abundance of revenues, whether from trade or war or despoiling the rich through taxation or the courts. The poor can then be paid when they attend the assembly or serve on juries and can make a living, not in grinding labor, but in the excitement of public speeches and disputed votes. Such as these will overthrow the law that limits the direct control of the assembly and puts office and daily management in the hands of the stable rich. They will take power into their own hands through frequent popular assemblies. Rule will cease to be that of law and become, in principle if not always in practice, the tyranny of the mob, which will care nothing for virtue, not even as sociological imitation, but only for the satisfaction of its passions. Something approaching such a sociological "rake's progress" of democracy is described in the first part of the *Constitution of the Athenians* (the only one of the collections of regimes put together by Aristotle and his school that has come down to us), where the democracy of Athens' heyday at the end of the fifth century, and as restored in the fourth, represents the last and worst of democracy's kinds.<sup>5</sup> Similar declines of democracy, and their eventual overthrow into oligarchy or tyranny, are recorded for Kos, Rhodes, Megara, Kyme, and Syracuse (*Pol.* 7(5).5.1304b19–1305a36).

As for oligarchies, the *Politics* at any rate makes clear that these are similar to democracies in their kinds, save that they deviate in the opposite direction, getting worse as they are narrowed down to fewer and richer rulers (*Pol.* 6(4).5.1292a39–b11, 1293a12–34). Where the rulers are of moderate wealth and anyone who meets the required property qualification shares in rule, the oligarchy is moderate and rule is by law, the law that says that all who meet the qualification rule. In this case the rulers are not so rich that they can always be at leisure to rule, and they are many in number so that none can be arbitrarily excluded to make the opinions or wishes of some small group of rich prevail. The oligarchy becomes worse when the qualification is set high and not all those who meet it rule but only those who are elected by those already ruling. Here the arrogance and insolence of great wealth, combined with the ability of the ruling group not to elect to their number any they do not wish, make the oligarchy freer to pursue the passions and self-interest of that group. It is checked nevertheless by the law that requires the rulers always to elect new members. The oligarchy becomes worse when membership is confined to certain rich families and sons succeed to fathers. It is worst when these families, being rich enough to rule all things on their own, even refuse to allow son succeed to father but choose only those they want. Here rule of law has wholly broken down (for even the law that bids son succeed to father has gone) and the passion and self-interest of the ruling elite is without check. This rule is called *dynasty* and is equivalent to tyranny.

Examples of oligarchies and of their decline into dynasty, or of their overthrow, because of their extreme narrowness, into tyranny or democracy or even into a more moderate form of oligarchy, are given in the *Politics* (7(5).6.1305a37–1306b17). The oligarchy on the island of Naxos, for instance, because of its ill treatment of the populace, was overthrown with popular support by the tyrant Lygdamis; the oligarchy in Massalia (the modern Marseilles), which was an extreme dynasty, was resented by the excluded oligarchs who changed it to a more moderate form; the oligarchy at Elis went the other way when the few oligarchs who held the highest offices secured a dynasty for themselves; a similar extreme narrowing down of rulers took place at Athens in the oligarchies of 411 and 404 BCE before each was overthrown and the democracy restored.

Tyranny itself, the worst of all governments and hardly even a government, also has kinds, according to the slavishness of the ruled and the vice of the ruler (*Pol.* 6(4).10.1295a1–24). Tyrannies among barbarians often have kingly elements to them as being according to law and over subjects who willingly submit (as in parts of Asia, *Pol.* 3.14.1285a16–24), but the reason lies in the natural slavishness of the barbarians in question, who are fit only to rule and be ruled like slaves (*Pol.* 1.2.1252b5–7; 4(7).7.1327b27–29). The worst tyranny is that over unwilling subjects who are the equals or betters of the tyrant and must be coerced into submission. Examples would include the notorious Periander in Korinth and Dionysius I and II in Syracuse (*Pol.* 7(5).11.1313a34–37). All tyrannies are rule without law, and the worst kinds of democracy and oligarchy are tyrannies for this same reason. Tyrannies are lawless because tyrants are not a law themselves, as the perfectly virtuous are, but pursue against reason and without check their depraved and self-interested passions (*Pol.* 7(5).11.1313a39–1314a29).

Polities too have kinds, but these are kinds within sociological virtue. Those where the middle is large are more like democracies while those where the middle is small,

or combined with elements of the rich, are more like oligarchies. Such governments are correct in aiming for the common good of virtue. Solon's moderate democracy in Athens, for instance, was really a democratic polity. It became a democracy, and an extreme one, because of things Solon could not foresee or control. The populace became strong though because of the emergence of a naval empire in the Persian Wars, and chose for themselves base demagogues, like Ephialtes and Perikles, who gave them complete control of the government (*Pol.* 2.12.1274a7–21, 3.11). Polities may also become aristocracies. Or elements of virtue may be combined with elements of wealth and the people to form aristocracies. These aristocracies are not the true aristocracies of perfect virtue, but the virtuous among them will have achieved a degree of true virtue and not just be sociologically virtuous. The Spartans, Cretans, and Karthaginians all seem to be instances of such lesser aristocracies. The Cretans had an oligarchic aristocracy and one that could at times collapse into dynasty (*Pol.* 2.10.1271b20–1272b23); the Karthaginians managed a government that was a mixed aristocracy but with tendencies to oligarchy (*Pol.* 2.11.1272b24–1273b26); the Spartans had a mix of aristocracy and democracy but with strong oligarchic deviations (*Pol.* 2.9.1269a29–1271b19). A combination, indeed, of democracy and aristocracy can be achieved if the poor elect office-holders but those they elect from are the virtuous (*Pol.* 7(5).8.1308b38–1309a9). A democratic aristocracy or aristocratic democracy will be a correct government and fall under the heading of polity or mixed government. It is of and for the virtuous, albeit not the perfectly virtuous.

In a polity or in any of the moderate oligarchies and democracies rule will be variously shared between the offices and those who elect to office. Other devices, of which Aristotle lists many (in particular the mixing of election with lottery in choosing office-holders), will be judiciously employed to ensure as balanced and moderate a government as the people and the circumstances permit (*Pol.* 6(4).14–16.1297b35–1301a15). In such governments, where none are so virtuous as to deserve always to rule, there will be alternation in ruling and being ruled. But Aristotle understands alternation in several ways. One way is that parts of rule are shared by different parts of the city, as that the offices are occupied by the wealthier but elections and audits and control of the assembly belong to the poorer. Such is what happens in polities of a democratic caste. Day-to-day control and decisions of policy and management are in the hands of the offices, but ultimate oversight, major questions of law, of appointment to office, of war and peace, and the like are in the hands of the populace through the assembly and the jury courts (*Pol.* 6(4).14.1298b5–11). Another way is when different persons from the same part of the city alternate in ruling, as happens especially in democracies where terms of office are short and the same person cannot be re-elected or reappointed often or at all to the same office (*Pol.* 8(6).2.1317a23–25). A third way is mentioned as holding of true aristocracies where no individual or family stands out so much from all others as to deserve to be king. Here all share in ruling but they are ruled when young and rule when older and properly educated (*Pol.* 4(7).14.1332b16–1333a3). Of these ways, Aristotle evidently thinks the third is best, for it is what happens in the best government of true aristocracy. The first way, if not best, is yet a good way, and the way that a government both democratic and aristocratic would function, with the aristocrats occupying the offices and the populace electing them to office. The second way is worst and really a form of tyranny by the populace, for control is in the hands of the popular

assembly while the offices, where alone alternation takes place, are subject in all things to the assembly. In addition those who alternate in the offices, being chosen by lot, will come predominantly from the populace. The populace will thus always rule even if the individuals in the offices are always different.

In some cases a decent or moderate government will not be possible, and the legislator will have to settle for oligarchy or democracy or perhaps even tyranny. But oligarchs and democrats and tyrants have conflicting desires. They want to rule for their own advantage and they also want to go on ruling; they do not want their enemies to take over. Aristotle counsels the legislator to enlighten the rulers' self-interest by appeal to the latter wish to counter the evils of the former (*Pol.* 7(5).9.1309b18–37; 8(6).5.1319b33–1321b3). To rule long one must rule moderately and not exasperate one's enemies. The poor must not attack the rich and the rich must not abuse the poor. Each side should open to the other shares in the lesser offices, not provoke by extravagant or insolent behavior, keep rights to private property secure, give opportunities to all for improving and maintaining their lot.

## The City and Happiness

Such is Aristotle's classification of governments and its immediate or proximate reasons. But Aristotle gives several accounts of differences among governments. These accounts are compatible and mutually reinforcing but they are not all at the same level.<sup>6</sup> Differences in structure, for instance, as choice of offices by lot rather than by election or from all rather than from some, are derivative of kind of government. Democracies prefer lot over election and short terms of office over long (*Pol.* 8(6).2.1317a40–b30). The reason Aristotle gives is the supposition of democracy or what it supposes justice to be, which is equality, and what its aim is, which is freedom. Why, however, do democrats aim at equality and freedom for all, while oligarchs aim at inequality and rule for the wealthy? Because these things give them what they most want. What do they most want? The same as everyone most wants, happiness. Differences in governments reflect differences in happiness (*Pol.* 4(7).8.1328a35–b2). Democrats have one conception and oligarchs another, and different classes of democrats and oligarchs have different conceptions, and so on through all the classes and subclasses. But democrats have the conception of happiness they do because of their social condition of poverty and subordination to the rich. They want equality and freedom so that they are not subject to the rich and can escape poverty. Oligarchs likewise, having already the privileges of wealth, wish to keep and to enhance these privileges and not let others, particularly the poor or the less rich, take them away.

Democrats and oligarchs want the same thing, material sufficiency and freedom to do as they will, save that the oligarchs have these and want to keep them and the democrats do not have them and want to get them. Hence arises the abiding hostility between rich and poor in cities. Wealth and freedom are goods of limitation which can be shared only by being lessened. The oligarchs lose wealth and freedom if the democrats gain in wealth and freedom, and vice versa. Happiness for each means wealth and freedom, because in wealth and freedom they can satisfy their wants, whatever these wants are. The kinds of happiness differ because the wants to be satisfied differ. The differences that arise

between governments arise because different groups in the city are differently disposed by their social status to the satisfaction of differing wants. The rich have satisfaction and will not share it. The poor lack satisfaction and will get it.

To arrange the city so that it is geared toward the satisfaction of the rulers, whether these be one or few or many, is to twist the city from the common good toward private advantage. The deviant governments are deviant because they have a deviant end, and they have a deviant end because those who form them, the rich and the poor, have a false view of happiness. The true view is that happiness is virtue. The correct governments are correct because they have a correct end, and they have a correct end because those who form them, the virtuous, have a correct view of happiness. The correct governments are few or in the end only one, the government of perfect virtue, though the lesser government of lesser virtue may still qualify and may even, by some divine chance, make possible the emergence of a government of perfect virtue. The deviant governments, by contrast, are many, and more even than first appear, because vice is multiple and those who pursue the satisfying of vicious wants pursue it in as many ways as there are varying social conditions that determine the wants.

## **Conclusion: City and State**

Happiness in its forms of virtue and of satisfaction of wants, and the several socially conditioned forms of wants, are what we would nowadays call a comprehensive vision of the good. An axiom of our modern political science is that politics is not about comprehensive visions of the good. It is about various compromises and concessions we make to each other so that we can each pursue our comprehensive vision without interference or hindrance from others. The endless fights between oligarchs and democrats in the ancient world and their periodic enslavement to despots and tyrants reflects the fact that ancient politicians and political thinkers never managed to ascend beyond the level of comprehensive visions to the meta-level, as we may call it, of an equality for all visions. Let people pursue what vision they like and let them have the right to the pursuit of happiness in their own way, provided only they allow equal right to others; and let us seek out and set up structures and institutions that will guarantee these rights to all.

This change in the understanding of politics makes ancient political philosophy almost entirely irrelevant to anything we want politics to do. Ancient political philosophy is the politics of comprehensive visions and its aim is to find the true comprehensive vision and, by finding it, to work out what political arrangement or education will best secure it. The search for the best government is the search for that arrangement or education. Lesser governments are treated of as arrangements that do not secure the true comprehensive vision but that can be mitigated or moderated so that at least they do not obscure it and may even open the way to it. Because ancient politics is about the true comprehensive vision, it is about the city. Because our politics is about neutralizing and pacifying the rivalry between comprehensive visions, it is about the state.

The city is not a state and what the ancients meant by it is not what we mean by the state. Yet they had words for what we call a state and we have words for what they called a city. They would call our “state” a military alliance between cities for mutual defense, even indeed for the mutual protection of rights, as the sophist Lykophron said. Aristotle

has a whole chapter, where this remark of Lykophron's is quoted, showing that the city is not an alliance, or, in short, that the city is not a state (*Pol.* 3.9.1280a7–1281a8). We would call their “city” a sort of exclusive club, where people of like mind, sharing one and the same comprehensive vision of the good, organize their lives according to it and exclude from their company any with rival visions.<sup>7</sup> We are not opposed to such clubs or to their exclusivity. We just say that they should not force their views on others. The state exists to mediate rivalries between comprehensive visions of the good, and to protect everyone's freedom to pursue happiness in their own way.

Aristotle's classification of governments is a classification of small communities devoted to the pursuit of comprehensive visions of the good. Our elaboration of legitimate and illegitimate states is an elaboration of fair terms of alliance between rival communities or visions of the good. We could talk about communities and happiness and which is right and which wrong if we chose. But we do not think such talk would be politics. The ancients could talk of alliances and fair terms of peace. But they would not think such talk would be politics.

The problem is not that we live in different worlds and are separated by the gulf of alien cultures. The problem is that we think that the term “politics” refers to something common between us and them. It does not. If we want to talk about the state and if we want to say politics is about the state, we should ignore almost everything the ancients said about what they called politics. Their judgments are only relevant to the logically prior question of whether we should talk about the state and whether the state is what politics is about. The ancients wanted the big questions and the answers to them, the questions and answers about the good and human happiness, with which to fashion and structure their common life. Matters of defensive alliance, while necessary, now as then, for securing a temporary peace, were too trivial to occupy the energy and attention that we devote to them under the title of politics. There are more important things to ponder and more worthy causes to live and die for. We might agree. Only we would say we would be less like politicians and more like preachers if we joined them. They would say that, in the end, such “preaching” is all that really matters.

## NOTES

- 1 My references to the *Politics* of Aristotle are to book, chapter, and Bekker line numbers. For the books after Book 3 I give two book numbers, the second of which (in parentheses) is the manuscript numbering and the first of which is the logical numbering (Books 7 and 8 in the manuscript ordering are logically Books 4 and 5). In this practice I follow the lead of Newman (1887–1902).
- 2 Miller (1995) has argued, with no little success, that Aristotle's political theory can be cast in the form of a rights doctrine. But he has to admit, nevertheless, that Aristotle's notion of rights is not the same as ours, or as Rawls'. Hence his contentions do not show that it would be better to start a discussion of Aristotle on constitutions and governments from the notion of rights rather than from the notion of justice.
- 3 Actually what Aristotle is interested in is the *politeia*, which translators variously render as government or constitution or regime. “Regime” is perhaps closest to the Greek word but “government” and “constitution” are more familiar to us.
- 4 The thesis, made popular by Werner Jaeger (1923), that the *Politics* divides into “ideal” books dealing with the best constitution and “empirical” books dealing with concrete realities, is

highly misleading. All the books of the *Politics* are “ideal” if by that is meant moral and “empirical” if by that is meant responsive to the facts. For Aristotle’s concern throughout, as the analogy of the gymnastic trainer makes clear, is with achieving the best moral results that the circumstances in any given case allow. That sometimes these circumstances will allow the best and at other times much less than the best is only to be expected and does not affect the unity of Aristotle’s overall intention.

- 5 The details of this rake’s progress are controversial, see Rhodes (1981: 5–15), along with *Politics*, Book 2. 2.(*Pol.* 2.12.1273b35–74a21). The *Athenaion Politeia* was just one of a collection of some 158 constitutions or governments of ancient cities put together by Aristotle and his school. The collection was part of a conscious program of gathering and organizing data. The data gathering ranged over matters both human and non-human and included a collection of customs and laws (Greek and non-Greek) as well as of constitutions; see Düring (1957). The *Constitution of the Athenians* was lost for centuries until it was recovered, from Egyptian papyrus roles, in the late 1800s. Of the remaining constitutions only fragments (often more tantalizing than informative) remain in other authors, see Rhodes (1981: 1–4), and the editions by V. Rose (1886) and Hose (2002).
- 6 The matter is disputed. Schütrumpf (1980, 1991ff.) has argued against unity of doctrine in the *Politics* on this and many other matters; I have argued for such unity: Simpson (1998). See also Pellegrin (1987): 129–159.
- 7 Sir Ernest Barker, in his *The Politics of Aristotle* (1946: xvii, li, lxiii), likened the ancient city to a church. The comparison is insightful if controversial. The ancient city was as much a religious cult as a political community. It was certainly an expression of intense commitment to a particular and comprehensive vision of the good life.

## CHAPTER 8

# Polybios on Government, Interstate Relations, and Imperial Expansion

*Craig B. Champion*

The Achaian Greek historian Polybios, whose fragmentary though substantial history provides our most reliable account of ancient Rome's greatest period of imperial expansion (*c.*265–*c.*150 BCE), has had a profound impact on political theorizing in the Western intellectual tradition. In the sixth book of his history, he sets out to analyze the Roman political and military system and to account for its astonishing success, embedding this analysis within his own general theory of the rise and fall of states. I wish to examine interrelationships between the internal structure and well-being of states, the competitive nature of interstate relations, and the moral dimensions of imperial expansion in Polybios' thought. I maintain that we can fully understand these topics in the *Histories* only by placing them in the historical and political contexts from which they arose.

Polybios' famous *anakyklosis* theory posited that states are much like biological organisms, with a natural life-cycle of birth, growth, maturity, decline, and death. According to the theory, primitive kingship first arises and develops into monarchy, but over several generations the monarchy devolves into tyranny. This is replaced through revolutionary means by the rule of the best men, aristocracy, but over time it also degenerates, turning into an abusive oligarchy. The next political form to arise by revolutionary convulsion is democracy, but yet again it eventually deteriorates; this time into ochlocracy, or mob rule. At this point (and again as the result of political convulsion) the circle, or *anakyklosis*, is completed, and the historical cycle of these simple constitutional forms – monarchy/tyranny; aristocracy/oligarchy; democracy/ochlocracy – begins anew with the establishment of primitive kingship (cf. 6.3.5).

In Polybios' view, the Roman system was superior to any of these simple constitutions because it blended the monarchical element (represented by the annually-elected consuls), the aristocratic element (represented by the senate), and the democratic element

(represented by the popular assemblies), into a harmonious system of governmental checks and balances (cf. 6.3.7–8). It is this aspect of Polybios' political theory, his conception of the so-called “mixed constitution,” that has made him such an important figure in the tradition of Western political thought. In the United States, as a reading of the *Federalist Papers* indicates, the evolution of the political theory of the Founding Fathers was indebted to Polybios. In 1787 John Adams, arguing against proponents of single-assembly governments, underscored the point when he wrote: “I wish to assemble together the opinions and reasonings of philosophers, politicians and historians, who have taken the most extensive views of men and societies, whose characters are deservedly revered, and whose writings were in the contemplation of those who framed the American constitutions. It will not be contested that all these characters are united in Polybios” (*A Defense of the Constitutions of Government of the United States of America*, Letter 30). Indeed, Arnaldo Momigliano suggested that due to his deep influence on early American political thinkers, Polybios should be considered as an honorary founder of the Constitution of the United States of America.<sup>1</sup>

All of this is well known. In this chapter I seek to enlarge our appreciation of Polybios' political theory by arguing two points; first, that it should not be considered in isolation, but rather must be understood in relation to his ideas on interstate power and imperial expansion in the entire inhabited world, or *oikoumenē*; and in particular that Polybios believed states must be understood according to both their internal structures and their external position in the international world, which must itself be evaluated in moral terms. Secondly, I maintain that we can best comprehend Polybios' somewhat schematic representation of the Roman *politeia*, his ideas on the place Rome occupied within the Mediterranean interstate system, and his moral assessment of Roman behavior as Mediterranean hegemon, not merely as by-products of his political theory, but rather as political statements in their own right, inextricably linked to the author's political and social realities and pressures at the time of his history's composition. But before we can go into these questions, it is necessary to clarify just what the ancient Greek word *politeia*, usually translated as “state” or “constitution,” actually meant for Polybios as a political conception.

## Polybios' Conception of the *Politeia*

The *Liddell-Scott Greek-English Lexicon* translates *politeia* as “the relation in which a citizen stands to the state, the conditions and rights of citizenship”; “the life and business of a statesman, government, administration”; “civil polity, the condition or constitution of the state”; “a well-ordered republican government, a commonwealth”; “a free community, republic.” In his consideration of the meaning of the word *politeia*, Plutarch (*Mor.* 826c–f) gives several of these meanings as well as some others, such as “a single brilliant act for the public benefit,” and even “a man of public affairs.” At the end of his catalogue, he settles for “an order and constitution of a state, which directs its affairs,” with reference to the famous “constitutional debate” which Herodotus (3.80–84) puts into the mouths of three Persian noblemen on the respective virtues and vices of monarchy, aristocracy, and democracy.

The term *politeia*, therefore, had a wide range of uses among ancient Greek writers, but the difficulty in pinning down just what is meant by it is compounded by the fact that they

used the term *politeia* synonymously with *polis* in the sense of “a free state” or “republic” (e.g., Hes. *Works and Days*: 240; Pind. *Pyth.* 2.160–161; Soph. *OT*: 22). Contemporary scholars frequently use the terms almost interchangeably as well. This terminological conflation can create even further confusion in attempting to understand the meaning of the already conceptually elastic term *politeia*, since scholars working under the influence of an Athenocentric orientation to ancient Greek history have often extrapolated the idea of the Athenian *polis* (conventionally translated as “city-state”) to cover the ancient Greek political experience generally, which can result in violent historical distortion. Finally, by Polybios’ day the Greek world had embarked on the political experiment of the extended federal state, or *koinon*, in the form of the Achaian and Aitolian confederations, as counterweights to the powers of the great Hellenistic monarchies, and the word *politeia* is frequently used to describe these composite political entities.

The *koinon* entailed a sort of dual citizenship. Polybios himself, for example, was a citizen of Megalopolis, his hometown, as well as a citizen of the Achaian confederation, which encompassed many of the *poleis* of the Peloponnese. Polybios’ text illustrates the dual aspect of citizenship in the Achaian confederation: on the one hand, he states that members of the confederation, which had been compelled to join, nevertheless continued to enjoy their ancestral *politeiai* (4.25.7; cf. 4.60.10, referring to the *koinē politeia* of the confederation); on the other hand, he chastizes the Tritaians, Pharaians, and Dymaians for failing to pay their contributions to the common *politeia* of the Achaians (4.60.10). In a hyperbolic passage on the Achaian confederation (2.37.9–11; cf. 2.38.4; 4.1.7–8), he states that under its aegis the Peloponnese has become as a single *polis*, with the same laws, weights and measures, coinage, magistrates, deliberative assemblies, and courts; it was one *polis* save for the fact that a single wall did not encircle it. As further examples of this expanded sense of the term *politeia*, Polybios states that his *bête noire*, the Aetolians, could not persuade the Medionians to share their *politeia* (2.2.7); conversely, all of the Peloponnesians willingly adopted the Achaian *politeia* (2.38.4).<sup>2</sup>

Polybios’ conception of *politeia* therefore encompassed the internal political organization of the individual *polis*, including its government, as well as the federal constitutional mechanism of the Greek federal state. But the Polybian conception goes further than this: *politeia* in the historian’s view had a more expanded range of functions than what we would normally ascribe to the idea of constitution. The nature and structure of the *politeia* form the prime causal determinants for a people’s collective character (see 1.1.5, 64.2–6; 6.2.3; 8.2.3; 39.8.7), and the *politeia* consists in moral, aesthetic, religious, cultural, social, and educational components. The *politeia*, therefore, leaves an indelible stamp upon its people. At 6.52.10, for example, Polybios notes that Italians are by nature (*physei*) superior to Libyans and Phoenicians, in terms of physical strength and courage, but he insists that Roman institutions have made these physical and moral qualities manifest. He states that ethical precepts and customs are the two fundamental ingredients of every state (6.47.1–2; cf. 5.106.1). In discussing Greek affairs, Polybios argues that the people of Arkadia were able to counter the brutalizing influences of their harsh environment by instituting musical training, festivals, and sacrifices (4.21.1–3; cf. 4.20.7). In his view, *politeiai* generate historical agents’ practical intentions and actions. Individuals are for Polybios products of their *politeiai*; mirrors of the political and social institutions of a communally shared culture (see esp. 6.47.3–5; cf. 16.22a).<sup>3</sup>

These two aspects of Polybios' conception of *politeia* – its expanded application to encompass political communities ranging beyond the polis and its moral and educative functions – beg at least two important questions. First, since the administration of the Achaian and Aitolian *koina* and Rome's Italian confederation at times necessarily entailed the application of force against individual constituent members and potential members, a question arises concerning the relationships of a state's constitutional arrangements, its position in the international world, and imperial expansion. Second, since the *politeia* is the prime causal determinant for the behavioral characteristics of human beings, both individually and collectively, one can ask how in Polybios' view it can and should be evaluated in moral terms.

## Political Constitutions, Interstate Relations, and Imperial Expansion

The fact that Polybios evaluated *politeiai* in terms of interstate power relations and standing among the international political community of the *oikoumenē* could hardly be clearer. At the outset of his work (1.1.5; cf. 8.2.3–4), he challenges the reader with the following question: “Who is so thoughtless or lazy as not to be curious about how, and under what kind of *politeia*, the Romans became the first sole rulers of almost the whole inhabited world in less than 53 years?” He lays particular stress on the Roman *politeia* at the beginning of Book III, where he gives an outline of the plan of his work. According to this plan, Polybios brings his historical narrative down to the climactic 140th Olympiad (220–216 BCE), during which time Rome suffered the worst military defeat in its history at the hands of Hannibal. At this juncture, he states, “I shall pause in my narrative to discuss the Roman *politeia*, and how its peculiar character greatly helped the Romans not only in conquering the Italians, Sicilians, Spaniards, and Gauls, but also and finally, after they defeated Carthage, in conceiving the idea of universal dominion” (3.2.6–7). Rome's *politeia*, then, is the crucial factor in this imperial development. After recounting the debacle at Cannae, Polybios reiterates his intention to offer an account of the Roman *politeia*, not only because this account will be crucial to one of the main purposes of his history – to explain Rome's rise to world power – but also because it will be of great use to statesmen in forming and reforming their own political constitutions (3.118.11–12). The implicit assumption here is that successful *politeiai* will need to be capable militarily in relation to other states. Polybios' famous discussion of the morally didactic benefits for noble youths of viewing the Roman aristocratic funeral – which serves to inspire longings for martial achievement and glory – forms part of his analysis of the Roman *politeia* (6.53.1–54.4). Finally, the close link between political constitutions and military performance in the international sphere is built into the analysis of the Roman state in Book VI: this book contains a lengthy and detailed account of the Roman military system and the Roman military encampment (6.19–42).

In order to understand Polybios' insistence on the linkage between political and social institutions and a state's military capacity, it is necessary to reflect on the actual conditions of the world he inhabited. Interstate relations in this world were harsh; there

were no effective international peacekeeping agencies; attempts at arbitration were usually ineffectual; war and violence were constantly on the diplomatic horizon; and physical annihilation at the hands of stronger powers was an ever-present concern. Polybius, like Thucydides before him, reflects these harsh realities in his grim outlook on the international community; and the bleak perspective of these two ancient historians has made them important sources for the so-called Realist international-relations theorists, who see the default condition of interstate relations as one of individual states' struggles for security and survival within a climate of international anarchy.<sup>4</sup>

In Polybius' mental universe, the fierce and brutal realities of interstate relations stem from his ideas on human nature in its primordial state. His conception of the human condition is equally grim: human beings form political and social communities in the first place due to their inherent weakness (6.5.7), and the entire point in devising the *politeia* is to counter humankind's innately brutish nature (5.75.2–3; 15.21.5). In rare cases is this achieved to a completely satisfying degree; whenever this does occur, it typically does not last for long. The examples of Chios, whose poor governmental structures and misconduct of affairs led to self-inflicted catastrophe (15.21.3–4), and Boiotia, where civil disturbances resulted from institutional decay (20.7.3–4), are sadly much more commonplace. The *politeia*'s degeneration quickly leads to powerlessness in the face of hostile states and perhaps to utter annihilation (cf. 4.81.12–14, on Sparta). On the other hand, when a state is well-ordered with an eye to fortitude and temperance, it cannot easily be overcome by its rivals (6.48.4).

Nowhere does the brutal competition for survival in the interstate arena and the determining factor for survival of the condition of the *politeia* in Polybius' thought emerge more clearly than in his account of the Second Punic War. In Book VI, two passages – one on the primary cause of the fall of strong states; the other on the specific cause of Rome's triumph over Hannibal – indicate both the close linkage between a state's internal constitutional structures and its imperial success, as well as the moral and ethical dimensions of both. In the first passage, the historian describes how successful imperial states decline due to internal causes:

I hardly need argue that all things are subject to ruin and change, since natural necessity is proof enough. There are two ways in which every kind of *politeia* is ruined, the external and the internal. The external has an indeterminate principle, but the internal an ordered one. I have already said what kind of state naturally comes first, and what second, and how they change into each other, so that readers capable of connecting the beginnings of this argument to its conclusion can themselves predict the future, which I think is plain. When a *politeia* has warded off many great dangers to achieve supremacy and uncontested power, its long familiarity with wealth will clearly make its way of life more luxurious, and its men more ambitious for office and other objects than they should be. As these tendencies progress, the desire for office and the shame of obscurity, along with ostentation and luxury, will initiate a change for the worse. The common people will get the credit for this change, when they believe they are being wronged by some men seeking gain, and are puffed up with flattery by others seeking office. Then, excited to anger, and deciding everything in passion, they will no longer be willing to obey or to have equality with their leaders, but will want everything for themselves. And when that happens, the constitution will adopt the fairest of all names, liberty and democracy, but the worst of all realities, mob rule. (6.57.1–9)

In the second passage, Polybios explains the basic reason for the Roman defeat of Carthage in the Second Punic War:

But at the time it was entering on the Hannibalic War, the Carthaginian state had declined, while that of Rome had improved. For everybody, or *politeia*, or action undergoes a natural succession of growth, peak, and decay, and all its elements are strongest at its peak. It was in this respect, and at this time, that the two *politeiai* began to differ from each other. In as much as the Carthaginians' strength preceded that of the Romans, by so much was Carthage past its prime when Rome's *politeia* was at its peak. At that point the people already had the greatest power in the counsels of Carthage, but at Rome the Senate was at the height of its power. With the masses deliberating in the former, and the best men in the latter, the public policy of the Romans proved superior, enabling them, though utterly defeated [at Cannae], ultimately to prevail in their war with Carthage. (6.51.3–8)

These two passages provide a key to understanding how in Polybios' conception there is a strong moral element in the connection between a state's internal political structures and its chances of success in its harsh international environment. In this connection Polybios compares the "mixed constitutions" of Lykourgan Sparta and the Roman republic. He notes that the *politeia* devised by the (probably mythical) Spartan lawgiver Lykourgos curtailed the lust for wealth among Sparta's citizens, resulting in an enviable communal harmony, a spirit of civic union, and excellent conduct of internal affairs (2.46.7–9; cf. 4.81.12). But Lykourgos did not adequately address foreign relations and imperial ventures in his constitutional arrangements. As a result, the Spartans proved to be domineering and aggressive in their relations with the rest of the Greeks, and when they aimed at supremacy in Greece, they soon came close to losing their own independence. In terms of empire-building, Sparta's failure was due to a moral defect in the historian's mind (cf. 4.81.12). In this sense Sparta was decidedly inferior to the Roman republic (6.48.6–49.6).

Polybios' history, then, is not simply an account of how the organization of Rome's *politeia* allowed it to conceive a design for universal dominion and then to execute it (cf. 6.2.9); it goes further, to provide an assessment in moral terms of Rome's imperial successes. Polybios states as much in no uncertain terms in his explanation of his change of plan to extend the history from the climactic battle at Pydna, where Rome conquered the Macedonian monarchy and established undisputed hegemony over the Greeks, down to the catastrophic year 146 BCE, when the republic destroyed Carthage and the venerable Greek city of Korinth:

There I would have had to stop, following my original plan by concluding my history with these last-mentioned events – if it were possible to blame and praise men and governments accurately on the basis of their successes and failure. At this point the 53 years were coming to an end, and the growth and progress of Roman power were complete. Besides, it seemed everyone had been forced to obey Rome and to do its bidding. But judgments based on the victors and the vanquished based merely on the contests between them are not final. What seemed the greatest successes have brought the greatest disasters on many who have misused them, while the most shocking calamities have often turned out to be advantageous to those who have borne them bravely. Therefore, in addition to the foregoing facts, I must speak of the conqueror's subsequent policy, and how they governed the world, as well as of the views and judgments of others about their rulers. I must also describe the desires and

ambitions, both private and political, predominating in each of them. From all of this the present generation will learn whether they should shun or seek to be governed by Rome, and future generations whether to praise and admire or decry its rule. The usefulness of my history, both for the present and for the future, will mainly lie in this. (3.4.1–9)

The final section suggests that we can fully understand Polybios' political and moral didacticism in discussing *politeiai*, so forcefully and explicitly evoked in this latter passage, only by attending to international political realities and Polybios' personal political predicament at the time of the composition of his history.

## Achaia and Rome: The Morality of Empire and the Predicament of Polybios

Basing our understanding upon internal clues in Polybios' text, we can assume with some degree of confidence that he composed a great deal of his history before the year 146 BCE. In Book XV (30.10), the historian refers to Carthage as if it were still in existence (the Romans destroyed it in 146). Moreover, there are several passages in Books III–IV (3.21; 4.27; 4.30; 4.31–33; 4.73–74), which seem to be relevant to political conditions in Greece around 150 BCE. The problem of the exact “publication date” of the history (or various parts of it) is fraught with difficulties, including issues of revisions and notes on events which Polybios made at the time of their occurrence and later incorporated into the history at the appropriate places. These technical problems of dating the text, or parts of it, are not essential for the purposes of this chapter, but a rough chronological anchor is necessary. For this purpose it is safe to say in general terms that the composition of the sixth book, containing Polybios' political theory, as well as all the passages cited so far in this chapter, can be chronologically placed prior to or around the mid-point of the second century BCE (see Walbank 1957–1979: I.292–297) for detailed discussion of the problems of dating the time of composition of the *Histories*).

Around the year 150 BCE political tensions between Rome and Polybios' Achaian confederation were rife, and had been intermittently for the better part of fifty years (one of the thorniest problems for the Achaian confederation in its relations with Rome throughout this time was the question of the incorporation of Sparta into the Achaian federal state). Polybios records a debate on Achaian policy between two Achaian political leaders, Aristainos and Philopoimen, perhaps to be dated to the mid-180s (24.11.1–13; cf. Plut. *Philop.* 17.3; Paus. 8.51.4), and although it is highly unlikely that these paired speeches were actually delivered in this form, they undoubtedly reflect political debates among Achaian politicians in this period concerning correct relations with Rome.<sup>5</sup>

According to Polybios' account, Aristainos took the position that the Achaeans should obey all Roman commands, even when Roman directives were in violation of Achaian laws. Philopoimen (as well as Polybios' father, Lykortas), on the contrary, firmly believed that the Achaeans should be compliant with Roman wishes, but only when they were in strict accordance with Achaian laws and the terms of the Achaian alliance with Rome. In the end, the approach of Aristainos won out (cf. Liv. 38.32.7: Diophanes arguing against Lykortas before the senate on the Spartan question), and Philopoimen and his political

legacy were later regarded with suspicion by Roman political leaders. The problem for Polybios was that he was on the losing side of history, since he associated himself with Philopoimen's political vision, having served as a pallbearer at the funeral of the great Achaian statesman (Plut. *Philop.* 21), and later having to engage in some special pleading with Roman authorities in order to have Philopoimen's statues and former honors posthumously restored throughout Greece (39.3.3–11).

Polybios' association with the Philopoimen–Lykortas group, and his independent political stance regarding Rome, ultimately led to his extradition from Greece in the aftermath of Rome's victory over the Macedonian king Perseus at Pydna in 168 and his incarceration at Rome. Already in 180 the Achaian politician Kallikrates had denounced members of the Philopoimen–Lykortas group before the senate, arguing that the Romans should recognize their true friends in Greece, lifting up those who supported all Roman directives and casting down those Greek statesmen who in any way opposed them, or even took a neutral position (24.9.1–10.5; cf. Liv. 41.23.6–18, Kallikrates' (174 BCE) speech against Perseus, urging total allegiance to Rome). In Polybios' view, Kallikrates had taken Aristainos' (and Diophanes') conciliatory policy concerning the Romans to its logical but disgraceful conclusion, and he had ushered in evils for the Greeks in the future (24.10.8–9). Moreover, Polybios himself had to pay the price of political exile and the curtailment of his career in Achaian politics for his balanced and unpartisan political position *vis-à-vis* Rome (cf. 28.6.1–9). His retrospective assessment of Aristainos, in which he supports his Roman policy and denies that Aristainos could rightly be considered a traitor (18.13–15), is indicative of the careful game Polybios had to play between Achaian and Roman political circles.

The stakes of that game were high, indeed. During the years of Polybios' exile, several Achaian embassies arrived at Rome – in 164, 159, 155 (two embassies) and 153 – requesting the release of the Achaian hostages, but to no avail (30.32.1–12; 32.3.14–17; 33.1.3–8; 33.3.1–2; 33.14.1). It was under these trying circumstances that Polybios, as political prisoner, likely conceived and composed much of his great historical work on the rise of Rome to Mediterranean hegemony. It is no surprise, considering the political exigencies under which he wrote, that the historian strove to show the similarities between the Achaian confederation, at the time when his own political group was in power, and the Roman *politeia*, at its prime. He goes to great lengths to sustain a narrative structure that tracks the histories of the Roman and Achaian *politeiai* in parallel fashion. This structure represents both polities at their acme around the close of the third century and the early decades of the second, but both states progressively deteriorate as Polybios' narrative approaches the time of composition, the mid-point of the second century, when Polybios' political opposition within the Achaian confederation had gained the upper hand. (See Champion 2004a: 137–169 for this narrative trajectory; Derow 1970 for Kallikrates' embassy to Rome.)

Polybios devoted the first two introductory books (called the *prokataskenē*) to a brief recounting of Rome's earlier history, when its political structures and moral dimensions were in the ascendant. He inserted a brief history into Book II (37–71), the so-called Achaian *prokataskenē*, which parallels the Roman *prokataskenē*, providing the reader with a sketch of Achaia's rise and pinnacle. He secures the close linkage between Achaia and Rome in his narrative by arguing that many of Achaia's greatest successes came in collaboration with the Romans, when both states were at their moral

peaks (2.42.4–5) – and when Achaian affairs were under the direction of Polybios' own political fraternity.<sup>6</sup>

Our author's personal political predicament provides an important and underappreciated key to understanding his emphasis on the moral dimensions of *politeiai*, and in particular his descriptions of the typical form of moral decadence which attends the dissolution of states. As we have seen in the previous section, successful imperial states frequently fall, according to Polybios, because the spoiled popular element gains control, and demagogues pander to it, recklessly leading the commonwealth to its own ruin (6.51.3–8; 6.57.1–9; cf. 13.1.1–1a.1 (the Aitolians Dorimachos and Skopas), 15.21.3–8). Throughout his historical narrative, Polybios again and again advertises his aversion to demagogic policies and any sort of radical socioeconomic measures. In a speech he gives to Scipio Africanus in addressing mutinous troops in Spain, we have an extremely dim view of the capabilities of the common people<sup>7</sup>

I will plead your cause before Rome and before myself, offering a justification for your actions which all men will accept: that every crowd is easily misled in any direction. Crowds are like the sea, which, for those who ply it, is harmless and immobile in its own nature, but seems to take on the violence of the winds that fall upon it and stir it up. In the same way, those who deal with a multitude find that it takes on the character of its leaders and advisors, both in appearance and reality. (11.29.8–12)

As another example, Polybios relays a speech which Timaios had given to the Sicilian Greek statesman Hermokrates, with apparent approval of the sentiment contained therein: that it is wise not to hold important political deliberations before the multitude (12.25k; for other examples and discussion see Champion 2004b: 199–203).

In passages such as these, Polybios advertised his own conservative, aristocratic political values, posing as the staunchest enemy of demagogic politics and schemes for radical socioeconomic measures. He ingeniously invoked the Romans' respect for traditional, conservative values (typically expressed as a reverence for *mos maiorum*, “the ways of the ancestors”), by linking the *politeiai* of Rome and Achaia in this sustained narrative trajectory, according to which both states had reached their pinnacles in an earlier period. The subsequent decline that continued up until Polybios' present, in his representation, was a descent into populist politics, demagoguery, and mob rule. In the case of Rome, for example, Polybios asserted that Gaius Flaminius' popular land redistribution scheme in Picenum signaled the beginning of Roman deterioration (2.21.8). In the case of the Achaian confederation, the historian represents his political enemies Diaios and Kritolaos as demagogic madmen who brought on Achaia's ruin by Roman arms in the debacle of 146 BCE, resulting in the dissolution of the confederation and the destruction of Korinth (38.12.7–13.1, 15.1–16.12, 17.1–18.12).

In several passages in Livy, probably derived from Polybios, we read that everywhere in Greece the aristocratic element preferred Rome, whereas the masses were strongly anti-Roman.<sup>8</sup> The historicity of this reconstruction has been questioned, but it is clear that Greek politicians thought that charging their political opposition with populist policies and demagogic tactics would be effective with Roman authorities in helping them overpower their political enemies, and that they regularly did so. For instance, in 185 BCE agents of the Maroneians went to the Roman commissioners at Tempe and alleged that each best man (*optimus quisque*), who respected liberty and the law, had

been driven into exile (Liv. 39.27.9–10).<sup>9</sup> In the following year, the Achaian statesman Lykortas stated to the Roman commissioner Appius Claudius at a meeting at Kleitor in Arkadia that the Lakedaimonian rebels from Achaia had incited the multitude to arms and had slain the leading men (Liv. 39.36.13–14; cf. Polyb. 7.10.1). Inscriptional evidence from Achaian Dyme, one of the founding members of the Achaian confederation, strikingly demonstrates this sort of charge in an internal factional dispute before a Roman proconsul in the aftermath of the debacle of 146 BCE.<sup>10</sup> And there is compelling (and under-appreciated) evidence that Polybios, a gifted political orator in his own right before Achaian political assemblies, had himself been accused of rabble-rousing, demagogic behavior (Champion 2004b: 203–10).

A full appreciation of Polybios' political theory, his notions on *politeiai*, and especially his vehement and sustained excoriation of populist political measures and socio-economic reforms must take account of these historical and political contexts. Throughout his history, Polybios adopts the stance of the sage and judicious adviser, the experienced politician and military leader, and above all the voice of reason against irrational, chaotic forces. He values courage, honor, moderation, and good faith, values which were of course intrinsic to the Roman aristocratic ethos. According to the historian, aristocratic virtue, whether Greek or Roman, must continually guard against threats to the social order: barbarians, mercenaries, youthful impetuosity, women, and the masses (see discussion in Eckstein 1995: 118–160). Polybios thus aligned himself in his history with core Roman aristocratic values, and in his sustained opposition to *politeiai* in which the masses had come to possess undue power, he provided a defense against allegations he had likely faced before the Roman authorities. For him, as we have seen, imperial success in the interstate arena brings great dangers, with the greatest being the corruption of the common people through wealth and power, an imbalance in the proper order of things as the masses assume unwarranted powers in the state, and the rise of demagogues who pander to the people's irrational impulses. As we have also seen, this is precisely what had happened in Carthage at the time of the Hannibalic War. In Book X, Polybios issues a warning to the Romans by pointing to the example of Carthage, whose arrogance and unbounded, aggressive, impulsive tendencies led to its downfall in Spain.

This has happened to many conquerors. It is a great thing, as I have often said, to succeed in one's endeavors and to overcome one's enemies, but it requires much greater skill and caution to use such successes well. One can find many more who have won victories than those who have made good use of them. This was now the case with the Carthaginians, who after conquering the Roman armies and slaying both the generals, Publius and Gnaeus Scipio, believed that Spain was their undisputed possession, and began treating the natives with arrogance. As a result, they had enemies for subjects instead of allies and friends, just as might have been expected, since they won and kept their power by different means, failing to understand that dominance is best preserved by those who most strictly observe the principles by which they originally gained it. But it is very clear, and has been observed in many cases, that while men obtain advantages by treating others well and holding out hope of benefits to them, they begin to treat them badly and to rule them despotically as soon as they have what they wanted. Therefore it is natural that the conduct of the subjects should change with the changes in their rulers, which is what now happened under the Carthaginians. (6.36.1–7)

This sort of admonition is frequent throughout the *Histories*. In some cases it is explicitly and directly addressed to the Romans, as when Polybios remarks on the laxity of the financial probity of present-day Romans in relation to their counterparts of a bygone day (18.35.1–2), or when he comments on the ill will engendered in subjected peoples by the Roman practice of removing precious art objects from their original homes (9.10.1–13; cf. 39.2–3). As he states in giving his reason for extending his history down to 146 BCE, readers will thereby be able to evaluate the Roman empire in moral terms for the period after the Romans had achieved universal dominion (3.4.1–9). Polybios provided salutary warnings about the danger signs the Romans should watch out for in their signal success and prosperity in his typology of *politeiae* (cf. 6.9.10–12) – the pernicious growth of the popular element – thus echoing Roman aristocratic political conservatism and representing his own political views as being in line with those values. He prescribed a return to ancestral practices and old-time virtues, and again represented himself as their exemplar.

## Conclusion

Polybios' conception of the *politeia* was elastic and wide-ranging; it could easily encompass the Roman state, which he viewed as a “mixed constitution” best suited to staving off the Roman political community’s decline for as long as possible. It is clear that in his conception the *politeia* must not only be well organized to ensure the collective harmony of the citizenry, but it must also be equipped to prevail against rival states in the zero-sum game of the competitive interstate system. It is here that the Polybian *politeia* has a strong moral dimension. Imperial success and collective prosperity are a testing ground for the structure and health of the *politeia*, as the temptations to abuse power are at their greatest from such a position of supremacy, and it is here that the popular element in the state becomes menacing. Polybios constantly returns to this theme – the depravity of the multitude, the madness of radical socioeconomic measures, the devastating effects of demagogic political tactics – and thus establishes his own conservative political credentials before a Roman aristocratic readership. It is in this sense that Polybios’ political theory was also political apology, countering an image with which his political enemies within the Achaian confederation had most certainly branded him. The pen indeed is a mighty sword, and Polybios’ political representations in the *Histories* may have had much to do with his dramatic reversal of personal fortune (cf. 39.5.1–6), from suspected political prisoner at Rome to trusted commissioner in the political reorganization of the Greek states in the aftermath of the debacle of 146 BCE.<sup>11</sup>

## NOTES

- 1 See especially *Federalist* nos. 16, 18, 34, 38, 40 (“this mixed constitution”), 44, 51, 63, 70. For the mixed constitution in Polybios’ thought and its legacy, see Fritz (1954); Nippel (1980); Hahm (1995); Lintott (1999); Hahm (2009); for Polybios and the “Founding Fathers,” Chinard (1940); cf. Richard (1994: 123–168); and Momigliano (1987: 77) for the remark on Polybios as an honorary founder of the US constitution; cf. also Lintott (1999: 251–55); Champion (2004a: 18–23). See most recently McGing (2010: 203–222) and literature cited there for Polybios’ abiding influence in Western political thought.

- 2 For Athenocentric distortions of the ancient Greek political experience, see Brock and Hodkinson (2000); cf. Gawantka (1985); for the Hellenistic Greek federal state, or *koinon*, see Larsen (1955b, 1968); Beck (1997).
- 3 On the crucial role of *politeiai* in human behavior in Polybios' thought, see Pédech (1964: 38, nn. 73–74, 303–330).
- 4 The foundational text for the Realist approach to international relations theory is Waltz (1979); for its application to the ancient Mediterranean world, see Eckstein (2006, 2008).
- 5 For the likely date of the Aristainos–Philopoimen debate, see Petzold (1969: 43–46); Walbank (1979: 264–265); for Polybios' assessment of Aristainos and the political issues involved, see Eckstein (1987).
- 6 For the Achaian *prokataskeuē* in Polybios' history, see Gelzer (1964: 111–122, 123–154); cf. Champion (2004a: 122–137); Beck (2012), on the Roman *prokataskeuē*.
- 7 Cf. 6.56.6–13; 16.12.9 (approval of fictions to deceive the multitude and preserve its piety towards the gods); 21.31.7–15.
- 8 Liv. 35.34.3–4; 42.30.1–2, 4–5; 42.44.4–5; 45.15.8–10 (Rhodian speech before the Roman senate). For Livy's sources, Nissen (1863) is still of fundamental importance; see also Tränkle (1977); Luce (1977: 139–184, esp. 178–180). For an argument against the historicity of a class-based division concerning Roman power in Greece in the context of the Third Macedonian War, see Gruen (1976).
- 9 Cf. Liv. 34.51.6; 35.34.3 for Flamininus' conservative, pro-Roman constitutions in Greece, with Ste. Croix (1981: 300–326, 518–537).
- 10 *Syll.*<sup>3</sup> 684, conveniently translated in Bagnall and Derow (2004: 93–94), with Champion (2007).
- 11 Translations of Polybios are by Jay Kardan (with some slight modifications) for a new English-language edition of the *Histories*, ed. Champion and Eckstein (forthcoming). The historical commentaries of Walbank (3 vols, dated 1957, 1967, 1979) are indispensable to the study of Polybios. Walbank (1972) provides the best general introduction to the man and his work; Derow (1982), Champion (1997), and Marincola (2001: 113–49) furnish briefer accounts; and McGing (2010) now offers an excellent, up-to-date general survey of Polybios' *Histories*. Walbank (1985, 2002) collects together some of that scholar's most important papers on Polybios and the Hellenistic world. Pédech (1964) is of fundamental importance for the study of Polybios' historical method. Gruen (1984) offers a masterly study of the political and diplomatic dimensions of Roman power in the Greek world in the second century BCE. Eckstein (1995) and Champion (2004a) study the moral outlook, ethical positions, and cultural politics of Polybios' history. Ferrary (1988) and Gruen (1990, 1992) treat larger issues of the political and cultural interactions between Greece and Rome during Polybios' lifetime.

## CHAPTER 9

# One-Man Government

*The Greeks and Monarchy*

*Nino Luraghi*

The Greeks had many words to indicate a supreme ruler, but among the most common ones, only one was actually Greek: *monarchos*, “he who rules alone.” This fact in itself speaks volumes on the understanding of monarchy in Greek political culture: a foreign concept that could be rendered in Greek only with a descriptive compound. Whatever its name, monarchy was for the Greeks the most radical case of asymmetry in the sharing of political power – nothing less and nothing more. It was a notion that captivated their imagination, especially during the Classical period: monarchs of various brands were omnipresent in Greek literature, featured prominently in Greek political philosophy, and were especially common on the stage of Athenian tragedy (Lanza 1977). This fascination with the idea of ruling alone should not be taken as an indication that monarchy was in fact a common phenomenon in Greek political practice. Except in the retrospective imagination of historians and philosophers, no Greek *polis* was ever ruled by a legitimate monarch.<sup>1</sup> It was only through their inclusion in larger power structures – the Persian empire and more importantly the kingdoms of the successors of Alexander the Great – that Greek *poleis* experienced kings and monarchy at first hand.

This statement, however, needs to be qualified in an important way. Many Greek *poleis*, and in certain cases for long periods of time, were ruled by a very peculiar sort of absolute ruler that the Greeks themselves called *tyrannos* (plur. *tyrannoī*) – from which our word “tyrant” derives, via the Latin *tyrannus*. Aside from the fact that their power was mostly considered illegitimate and they were usually depicted in negative terms, the Greeks appear to have regarded *tyrannoī* as monarchs. Indeed, with a lack of terminological precision that occasionally perplexes scholars, they sometimes called even the legitimate monarchs of other cultures *tyrannoī*, while certain rulers of Greek *poleis* generally called *tyrannoī* are occasionally described, and more often addressed, with the term *basileus*, the standard term used in Greek to refer to Persian or Macedonian kings. This promiscuous use of terms has something to do with the fact that the terminology used for political

systems in Greek political discourse predominantly focused on power rather than on institutions, and more importantly, with the general absence of a true monarchic ideology in ancient Greece. Accordingly, in discussing the Greeks' political imagination and/or Greek political thought it may turn out to be counterproductive to try to separate the tyrant from the king. By looking at monarchy as a whole, and without losing sight of its historical incarnations, some terminological pitfalls can be more easily recognized and avoided and a comprehensive and consistent overview of what the Greeks themselves clearly tended to see as a unitary phenomenon can be sketched. As always when discussing Greek culture, Homer is the most appropriate starting point. The endpoint will be the emerging of the new world created by Alexander's conquest of the Persian empire.

## Ruling the World of Homer

The *Iliad* and the *Odyssey* can be said to be about many things – the abduction of women, the killing of men, war and violence, love and homecoming. In an important way, they are also about politics (Scodel 2002: 174; R. Osborne 2004: 211–212) – social hierarchy and its political implications, decision-making and its consequences for a community, the administration of justice and fairness, and many other aspects of social practice with strong political implications. Since most scholars today agree that the two epic poems went through an important, maybe even decisive phase of their genesis between the eighth and the early seventh century BCE, the two Homeric epics turn out to be the most important written document from a period in Greek history from which hardly anything else has survived in writing, and not very much has survived in any form whatsoever. This circumstance has induced generations of scholars to investigate the political world created in the poems and its relationship to the world the poet(s) inhabited in an attempt to reconstruct political realities between the end of the Bronze Age and the Archaic period.<sup>2</sup>

Such a relationship cannot be expected to be straightforward. The *Iliad* and the *Odyssey* are first and foremost works of fiction that emerged at the end of a long phase of oral tradition, and chronological stratification and anachronism are to be expected. In the absence of external evidence, it can be very difficult to separate the layers, and there are aspects of the world depicted in the poems on which a scholarly consensus will probably never be reached. Comparison with other traditions of oral poetry suggests that, for them to make sense to their audience, the poems needed to depict meaningful and understandable social relations, but this legitimate assumption should not be taken to mean that the political world of the *Iliad* and the *Odyssey* is a depiction of late eighth- or early seventh-century Greece. In the words of Ruth Scodel (2002: 32): “[A]ny successful performance of narrative, oral or written, must speak meaningfully to vital and contemporary concerns of its audience, but the possible negotiations are many and varied.”

In both poems, political practice appears to function in a consistent and regular fashion. Political decisions are discussed in front of general assemblies and/or of smaller councils of elders or prominent warriors. In any given situation, there appears to be one single man who wields an executive power that is superior to everybody else and in principle unlimited. However, decisions tend to be taken according to a principle of consensus, in which the elders express their opinion, the people approve clamoring, or disapprove with silence, and the leader decides (Flaig 1994). The paramount leader cannot be prevented

from taking a decision that both the elders and the people disapprove of, but in the very rare cases when he does, the consequences turn out to be disastrous.

The men possessed of executive power and forming a veritable ruling elite are called *basileus* (pl. *basilees* or *basileis*) or, more rarely, *anax* (pl. *anaktes*). Both words are etymologically opaque, in spite of having an impressive historical pedigree. Their antecedents can be recognized in the language used in the archival documents produced by the bureaucracies of the palaces of Late Bronze Age (or Mycenaean) Greece, an early form of the Greek language that is often referred to by the conventional name of the syllabic script used to write it down: Linear B. Linear B documents from Pylos in the Peloponnese and from Knossos on Crete refer to a man called *wanaks*, who sits alone at the top of the social hierarchy, the beneficiary of revenues from special plots of land (Palaima 2006). Because of the nature of the evidence, we cannot tell what a *wanaks* actually did, but referring to him as the “king” seems to be perfectly appropriate.<sup>3</sup> The Linear B ancestor of *basileus* is the *qasireu*. The *qasireu* is generally thought to have been a local leader or chieftain in peripheral village-like communities, with some connection to the organization of the working of bronze, who was drawn into relations with the palatial authority in specific circumstances, but is otherwise absent from palatial documents and is not part of the provincial chain of command centered on the palace. Etymologically speaking, the word *qasireu* is not Greek either, and is thought to come from the local language spoken before the spread of Linear B.

In the epic dialect, *anax*, rarely used in the plural, refers to gods and to certain leaders, most famously to the main leader of the Greek army that besieges Troy, Agamemnon, but it can also designate somebody as master of his household or of animals. It appears to be a title, something like “lord” or “master,” and is clearly perceived as an archaic word that can easily take emotional connotations (Carlier 1984: 215–221; Schmidt 2006). Unlike *anax*, *basileus* is very often used in the plural. It is the standard word used to refer to the paramount leader of a community, but in the plural it can also designate the ruling elite of that same community. It seems to refer to a function, and is never used as an epithet of gods. Whenever it is possible to tell, a *basileus* turns out to be the son of a *basileus*. Because it clearly lacks a connotation of single rulership, the poems occasionally treat the word *basileus* as if it were morphologically an adjective, creating comparative and superlative forms, in order to be able to say in an unambiguous way that one specific *basileus* is actually more authoritative and powerful, more of a *basileus*, than all the others.

For the paramount *basileus*, of which there is one and only one in every given community, the use of the word “king,” although controversial, seems appropriate (Carlier 1996; Scodel 2002: 174).<sup>4</sup> The prerogatives of the *basilees* are subsumed in the term *geras*, which can occasionally be used as a metonymy to indicate their status. The *geras* includes most prominently a plot of land (*temenos*), that appears to be set aside for the *basilees* by the community, and possibly also dues in kind, also paid by the community (Carlier 1984: 151–162). Such prerogatives appear to be common to all the *basilees* in a given community, not exclusive of the paramount *basileus*, and to be *de facto* hereditary. In peace, the *basilees* administer justice, jointly or severally. A standard epithet of the *basilees* is *diotrepheis*, “fostered by Zeus,” and the scepter they wield as a symbol of their status is also said to come from Zeus, but the favor the gods show them does not make of them “divine kings” in any sense (H.J. Rose 1959; Andreev 1979)

nor, more importantly, of monarchy itself a component of a divinely ordained social order, as it was in the ancient Near East (Frankfort 1978).

The perplexing coexistence of the single *basileus* and the many *basilees* has been explained in different ways. It seems extremely hard to believe that an existing political system centered upon a single ruler who inherited his position did not have a special word for that ruler. Accordingly, many scholars think that the political world of the *Iliad* and the *Odyssey* is built around an anachronism, with the many *basilees* representing a nascent aristocracy of blood as could be found in eighth- and seventh-century Greece, and the single *basileus* hearkening back either to a more personal form of leadership that existed in the so-called Dark Ages, between the end of the Bronze Age palaces and the emergence of the *polis* in the eighth century (Raafflaub 1991: 235–236), or more likely to a confused memory of the monarchy of the Late Bronze Age (Murray 1988: 442), which however for the poet(s) was no more than an abstract concept, with no parallel in his/their historical experience (Andreev 1979: 368). Under such premises, it is extremely hard to tell which aspects of Homeric kingship, and of the status of the *basilees* in the plural, had a correspondence in the world the poet(s) lived in, especially when it comes to the *geras*. At the risk of complicating the picture even more, we need to remind ourselves that some of the Homeric *basilees* actually received hero cults in various places during the Archaic period, that is, were the recipients of a *temenos* and of various offerings in kind, precisely the honors granted to them as living actors of the epic narrative (Nagy 1990: 136–138).

The conclusion that monarchy existed in the world imagined by the *Iliad* and the *Odyssey*, but not in the world the poet(s) and their archaic and later audiences inhabited, has important consequences for an understanding of the later development of Greek political thought and terminology. The two epics enjoyed very high prestige and authority from early on, and it comes as no surprise that *basileus* did end up as the Greek word for king, while Homeric *basilees* became venerable if abstract models of high social rank and the framework for claims of social excellence and power throughout Greek history. In Hesiod, an author of didactic and mythic epics usually dated very soon after the crystallizing of the Homeric poems, while the human world is still dominated by councils of *basilees*, the word *basileus* already starts to be used for the gods (Drews 1983: 105–106). Later, historians like Thucydides and philosophers like Aristotle thought, based on Homer, that at the time of the Trojan War Greece was ruled by “constitutional kings,” as it were, monarchs whose power was defined by specific traditional prerogatives, for which Thucydides tellingly uses the term *geras*.<sup>5</sup> To lend consistency to this view came the notion, widespread among the Greeks since the late fifth century BCE, that the *barbaroi* (i.e., the non-Greeks) were politically less developed than the Greeks themselves, so that the present of the *barbaroi*, characterized by the widespread rule of kings, could easily be seen as the past of the Greeks.

One factor that must have contributed to making Homer’s *basilees* suitable models of social excellence in a world in which monarchy existed only in the infamous form of tyranny was precisely the lack of a more than rudimentary ideology of monarchic power in the *Iliad* and in the *Odyssey*. Apart from general and formulaic references to the fact that the gods like and foster the *basilees* (in the plural, to be sure), there is only one passage that may be taken to refer to the desirability of being ruled by an individual. After Agamemnon gives a speech pretending to have decided to give up the siege, Odysseus

restrains the Achaian soldiers, who are rushing to their ships to abandon Troy and sail home, with the words (*Il.* 2.204–206): “we cannot all be *basilees* here, we Achaians; multiple rule is a bad thing; let there be one single ruler – one *basileus* to whom the son of scheming Kronos has given the scepter and divine laws to deliberate on your behalf.” The lines, strangely mismatched to the situation, sound very much like a gnomic statement, which should accordingly have value beyond the specific case. Most modern readers see here a reference to the desirability of a unified command in war, rather than of monarchy as such. Terminology, as usual, is inconclusive, since the word translated above as “ruler,” *koiranos*, connected to an Indo-European root meaning “army, band of warriors,” is a rare word, usually poetic, and even though some scholars prefer to translate it as “commander,” it is used also with a less specific meaning such as “ruler” or “leader.” In any case, the Greeks themselves do not appear to have seen in these lines a statement in favor of monarchy. In the late fourth century BCE, Theophrastos referred to them as if they expressed first and foremost a criticism of democracy and were accordingly a favorite quote for oligarchs (*Char.* 26.2). Aristotle seems to have understood them much in the same way (*Pol.* 4.1292a11–15).

## The Coming of the Tyrant, or Monarchy Greek Style

According to Aristotle’s formulation of the standard Greek typology of power systems, a *tyrannos* is an absolute monarch who rules in his own interest and against the interests and the will of his subjects (*Pol.* 4.1295a1–24). Modern scholarship usually regards Greek *tyrannoī* as dictators who ruled over their *poleis* by sheer force and without any constitutional foundation.<sup>6</sup> In point of fact, the regime of the *tyrannos* was the only monarchic regime documented ever to have ruled over a Greek *polis*.

Like *basileus* and *anax*, *tyrannos* was not a Greek word. Unlike them, however, it had no Linear B pedigree. It was a relatively new word, and the Greeks were aware of this. Hippias of Elis, a polymath of the second half of the fifth century BCE, observed that Homer did not appear to know the word, since he did not use it even when referring to one particular *basileus*, the proverbially cruel Echetos, who would have deserved to be called a *tyrannos* (Hippias *FGrH* 6 F 6). The earliest attestations of *tyrannos* go back to the seventh century BCE, preserved in lines of poetry quoted by later prose authors, and the earliest rulers that the Greeks (later) called *tyrannoī* date to the seventh century, too. They appear quite frequently from the middle of the century to the first half of the fifth, and then again, in a more isolated but also more striking fashion, from the end of the fifth century onwards. Prominent politicians were still accused of being *tyrannoī* in the second century CE, when the Greeks were subjects of the Roman empire (Kennell 1997).

There is no consensus as to the origin of the word *tyrannos*, but the most persuasive reconstruction connects it to an Anatolian word used in Hieroglyphic Luwian inscriptions of Kilikia and North Syria from the ninth century BCE to the very end of the eighth (Melchert 2003). Usually transcribed as *tarwanis*, the word appears to have been a title, or maybe an epithet, that could be carried by kings, but also by their subordinates. At any rate, it does not mean “king” or “monarch.” Some inscriptions refer to a quality that defines the *tarwanis*, called *tarwanati* – the “tarwanity.” *Tarwanati* appears as an attribute of high-ranking political leaders, and in one case of

a king. It is associated with wisdom, and a bilingual Luwian-Phoenician inscription from Kilikia translates it with a Phoenician term that means “justice” or “righteousness.” In sum, *tarwanis* means something like “the righteous one,” with a nuance of social justice understood as support for the weaker (Pintore 1979: 473–476; Uchitel 2007: 13–14). The area from which the attestations of the word originate, Kilikia and North Syria, was visited by Greek traders and pirates from the eighth century BCE (Luraghi 2006), and it is conceivable that the Greek word *tyrannos* resulted from these contacts, although it could also derive from, or have been mediated through, some Western Anatolian language (Pintore 1983: 286–289).

If this reconstruction of the history of the word is correct, there is something paradoxical about it. As Hippias’ observation intimates, the Greeks appear to have used the word *tyrannos* fairly consistently to refer to political leaders characterized in an extreme way, but often in retrospect, by injustice and unrestrained violence. But then, ambiguity is central to the Greek concept of the *tyrannos*, who can be depicted as wise, clever, cunning, and at the same time greedy, cruel, inhuman.<sup>7</sup> From the very beginning, *tyrannis* or *tyranniē* (i.e., the power of the *tyrannos*) is referred to as highly desirable, but in the very same texts, the speaker denies aspiring to it (Archilochos fr. 19W). Solon, the early sixth-century Athenian politician, associated *tyrannis* with *hybris*, characterized it as the highest desire of many but not his own, and pointed to a cruel death and the extermination of offspring as the fate of the *tyrannos* (fr. 33W). Throughout the history of Greek culture, the association of *tyrannis* with happiness or unhappiness remained a controversial point that could be argued either way, sometimes by the same author. The only point on which there was unanimity was that living under a *tyrannos* was a most undesirable condition.

Classical Greek political thought worked out, probably between the end of the sixth century BCE and the early decades of the fifth, a typology of *politeiae*, or political regimes, based on how power was shared among the members of the political community – from democracy, the regime in which all adult male citizens had in principle the same share, to oligarchy, in which only a minority ruled, to monarchy, where only one man ruled.<sup>8</sup> But the only incarnation of this last type in their real life was *tyrannis*, and accordingly, for all their readiness theoretically to put it on the same footing with oligarchy and democracy, in Greek culture there is no legitimization of monarchy as such when applied to a Greek *polis*. In practice, the Greeks did not regard monarchic rule as a constitution. They were rather more inclined to regard *tyrannis* as a psychological syndrome, and the sole ruler a human type characterized by extreme vices and perverse desires (Luraghi, forthcoming). This concept found its most accomplished and striking formulation in Plato’s “tyrannical man,” the man who becomes a wolf (*Rep.* 8.566a)<sup>9</sup> but its traces are visible in earlier Greek literature, for instance in Herodotus and in Athenian tragedy (Lanza 1977). The main traits of this human type included greed, duplicity, sexual perversion, cruelty – in many ways, the image of the *tyrannos* was an embodiment of human and political otherness through which the Greek political imagination staked and tested the boundaries of social norms (Schmitt Pantel 1979). It is precisely the density of cultural meaning embedded in the image of the *tyrannos*, whose rule was depicted as a reversion from the order of civilized life to chaos and wilderness, that makes it difficult to grasp the nature and concrete functioning of Greek *tyrannis* as a political regime.

Modern scholarship distinguishes an archaic phase in the history of Greek *tyrannis*, lasting until immediately after the Persian Wars of the early fifth century BCE, from a later phase, starting at the end of the century<sup>10</sup> – a conception that would profit from being tempered with the views of the Greeks themselves, who clearly regarded *tyrannis* as a unitary phenomenon and could pick *tyrannoī* from the Archaic period and from the fourth century as providing examples of the same general traits of this form of rule. At any rate, Archaic, Classical, and Hellenistic *tyrannoī* are rarely discussed in the same context, and only the Archaic ones are generally recognized to have had an important role in the development of Greek political practice and, indirectly, of Greek political thought and institutions.

Broadly speaking, modern interpretations of the nature of Archaic *tyrannis* fall into two groups, which can conveniently be labeled respectively the “aristocratic” and the “popular” interpretation. The popular interpretation sees the *tyrannos* as the leader of groups of citizens that were excluded from political decision-making, or even from direct political participation, in the archaic *poleis*, in which full political rights were limited to a minority, originally defined by lineage and later by wealth. Some scholars think that the *tyrannoī*, some of whom are said to have been successful military leaders, were supported by a “middle class” from which the heavy infantry of the hoplites, which formed the main body of a *polis*’ army, were recruited (Andrewes 1956). More rarely, modern scholars follow ancient Greek authors in regarding the would-be *tyrannoī* as leaders of the poor, of those completely excluded from political participation (Mazzarino 1947). The popular interpretation of Archaic tyranny is often accompanied by the idea that tyranny paved the way for fifth-century democracy – in the sense that it weakened the grasp on power of the ruling elites, and/or in the sense that the *tyrannoī*, by monopolizing political power, made it possible for the political community to conceive of it in abstract terms and approach in a rational way the problem of apportioning it (McGlew 1993; de Oliveira Gomes 2007).

The aristocratic interpretation, most cogently articulated by Alfred Heuss and widespread in post-World War II German scholarship (Heuss 1946; Stahl 1987; de Libero 1996; Stein-Hölkeskamp 2009), regards *tyrannis* as an extreme consequence of competition for power within the ruling elites of the Archaic *poleis*, insisting on the fact that many *tyrannoī* appear to have been themselves citizens of high status – or “aristocrats,” as many scholars call wealthy and prominent citizens of Greek *poleis*, silently accepting their self-description – and to have shared the values and self-representation typical of this class.<sup>11</sup> This line of thought typically questions the notion that the common people could aspire to political participation or more generally have an impact on politics before being politicized by the emergence of democracy during the fifth century BCE. Built into the aristocratic interpretation of archaic *tyrannis* is a potential for denying the monarchic nature of this political regime, and actually, even the fact that it should be seen as a specific political regime at all (Anderson 2005). The more the *tyrannos* is regarded as nothing more than the most successful among a group of leading citizens, all competing for preeminence with essentially the same instruments, the less clear it is that it makes sense to regard him as a ruler. In this framework, it would seem, not much space remains for an interpretation that attributes to *tyrannis* a function in the development of archaic Greek politics.

Dissolving Archaic *tyrannis* in the normalcy of aristocratic power struggles requires the assumption that narratives on archaic *tyrannoī*, deriving in the best cases from fifth-century authors and presumably based on decades or even centuries of oral tradition, are anachronistic in emphasizing the monarchic nature of their regimes. But the little that can be gleaned from contemporary sources is consistent with this depiction. Seizing *tyrannis* was seen as a way of becoming wealthier and more powerful than any other citizen, and there seems no reason to doubt that the *tyrannos* was an autocrat. Tellingly, Archaic poets use the word *monarchos* as synonymous of *tyrannos* (Solon fr. 9.3W; Theognis 39–52W; Casevitz 1991). On the other hand, the “normalization” of tyranny favored by the aristocratic interpretation fruitfully directs our attention to the complete lack of institutionalization that characterizes archaic *tyrannis*, and for that matter, Greek *tyrannis* in general. At least in some cases, evidence suggests that normal political practice was monopolized but not suspended by the *tyrannos*, who made sure that political posts were filled by people of his liking. There is no trace of the creation by *tyrannoī* of a clearly defined power apparatus, let alone of special legal arrangements or of a monarchic constitution. The informal and personal nature of their power remained a key aspect of Greek *tyrannis* throughout its history.

The possible etymological connection between the word *tyrannos* and justice may itself cast an interesting light on the emergence of this kind of regime in Archaic Greece. Greek literature throughout the Archaic period points to an abiding concern for justice in Archaic Greek political discourse. Such concern was addressed, among other things, by the introduction of written laws. On various occasions, moments of crisis and impasses were dealt with by appointing one citizen, or in some cases even a man from a different *polis*, with comprehensive powers, typically for a limited period of time, with the task of arbitrating social conflicts and often of devising special laws to bring the conflicts to an end and prevent new ones (Hölkeskamp 1999). The practice of appointing a lawgiver/arbitrator appears to be confined to the Archaic period. It obviously reminds of the function of the *oikistēs*, the founder of a Greek colonial *polis*, who also had very comprehensive powers, and who after his death was the object of a hero cult in the *polis* (Malkin 1987; Malkin 2002: 216). It looks as though, through the appointment of an individual as a lawgiver, the Archaic *polis* tried to bring about a new beginning of sorts. Concentrating extraordinary powers in the hands of an individual amounted to a recourse to charismatic leadership, in Weberian terms. This way of addressing a political crisis appears to have been a plausible move in Archaic Greece, more than at any time afterwards.<sup>12</sup> It seems reasonable to speculate that the support that *tyrannoī* must have enjoyed among their fellow-citizens was itself a manifestation of this propensity to regarding one-man rule as a way out of problematic situations.

The (partial, relative) functional analogy between *tyrannoī* and lawgivers (V. Parker 2007; Wallace 2009) directs attention to important and revealing differences. *Tyrannoī* very rarely surrendered their power, and usually tyrannicide was the only way out for the citizens (Luraghi 1997). While ancient tradition rarely knows even the names of sons of lawgivers, *tyrannoī* tended to create dynasties, transmitting their power to their sons – thereby bringing about the typical crisis that affects charismatic leadership, the succession crisis.<sup>13</sup> This mechanism is clearly inscribed in the narratives on dynasties of *tyrannoī*, where without exception the son is depicted as worse than the father and the grandson, in the few cases in which he was able to inherit the power, as worse than

both. To some extent, this narrative pattern may also reflect the need for the political community retrospectively to come to terms with the fact of having been ruled for more than one generation by this most unacceptable regime (Lavelle 1993).

Dynastic ambitions appear to have gone hand in hand with an attempt at creating a kingly image for the *tyrannos*, by way of a peculiar bricolage that combined elements taken from Homeric *basilees*, such as the scepter and the association with judicial functions, together with myths of royalty of Near Eastern origin. Stories about Archaic *tyrannoī* often include oracles announcing their coming, sometimes providing implicit or explicit signs of divine approval or even support (Catenacci 1996: 34–70). In the case of the *tyrannos* Kypselos of Korinth, Herodotus (5.92) has a full-blown narrative including life-threatening danger during childhood and miraculous salvation, a type of story that is commonly associated with royalty in the Near East (Binder 1964), surprisingly embedded in an overview of Kypselos' rule that otherwise dwells on its typically tyrannical aspects, such as indiscriminate murders and confiscations. There is even one rare case where we can observe the depiction of the *tyrannos* in texts commissioned by the *tyrannos* himself, the victory odes by Pindar and Bakchylides celebrating victories on the horse and chariot races of Hieron, who ruled over Syracuse from 477 to 466 BCE. Here, the vocabulary of the Homeric *basileus* is used insistently, including references to the scepter and to the *themistes*, the customary and divinely ordained norms that Homeric kings were supposed to uphold. Beside this, Pindar also associates Hieron with recognized forms of rule, such as the Spartan double kingship and Near Eastern monarchy, in an attempt at suggestively conferring an aura of legitimacy upon his patron's autocratic power. Interestingly, once Pindar also refers indirectly to Hieron as a *tyrannos*, a title that appears to have been generally avoided in addressing a ruler (Mann 2000; Catenacci 2006; Luraghi 2011).

Even after *tyrannoī* disappeared at the end of the 460s, their shadow remained very much alive in Greek political discourse. Heroes of tragedy, set in the distant and shadowy past of myth, are often depicted as occupying a monarchic position of some sort, and accordingly called *tyrannos* or *basileus*. Sophokles' famous *Oidipos the Tyrannos* is in many ways an exploration of the tyrannical syndrome, and many other passages contribute to depicting an image of the sole ruler that is broadly consistent with the historical narratives on archaic *tyrannoī*, which were being written down in the same years (Lanza 1977). Meanwhile, the *tyrannos* became a staple of political invective, hurled as an accusation at the most prominent politicians of fifth-century Athens, from Perikles onwards, and a metaphor for political power, applied to the Athenian people in its relationship to the allies that formed the Delian League (Tuplin 1985). Until the end of the fifth century, nobody in Greece seems to have been particularly interested in exploring the actual workings of monarchy as a political regime, let alone entertaining the notion that monarchic rule could be a good thing in any sense – except for the ruler, that is.

## The Face in the Mirror: Monarchy in Fourth-Century Political Thought

With the beginning of the fourth century BCE, sole rulership appears suddenly to have become a key interest of philosophers and political thinkers, almost without

exception.<sup>14</sup> Antisthenes, possibly the most prominent representative of the Sokratic school immediately after the execution of the master in 401 BCE, wrote at least two works on monarchy, one addressed to the Macedonian king Archelaos and one dealing with King Cyrus, the founder of the Achaemenid Persian empire (Bertelli 2002: 19–20; Due 1989: 139–141). Both works are lost. The one on Cyrus may have resembled an extant work by another pupil of Sokrates, Xenophon, whose *Education of Cyrus* offers an idealized portrait of the founder of the Achaemenid dynasty, depicting him, as Cicero put it, as “an icon of rightful rule” (Cic. *Quint.* 1.1.23; Bertelli 2002: 17–18).

With Xenophon, of course, we are on somewhat firmer ground. An exile from Athens ever since the collapse of the Spartan-imposed junta that ruled the city at the end of the Peloponnesian War, Xenophon dedicated a surprising number of works to exploring monarchy from various perspectives. In *Hieron*, highly admired by Leo Strauss (1948; Dorion 2001), Xenophon narrates an imaginary dialogue between Hieron of Syracuse and the poet Simonides in which the latter asks the autocrat to describe the pleasures of autocracy, the *tyrannos* replies that an autocrat’s life is most wretched because his subjects hate him, and the poet provides a recipe for becoming a happy and beloved ruler, the key ingredient of which is for the *tyrannos* to become the most generous benefactor of his *polis* (Gray 1986; Leppin 2010). Moreover, Xenophon also authored an encomiastic biography of the Spartan *basileus* Agesilaos, Xenophon’s patron during his exile, depicting Agesilaos as an ideal leader, endowed with all civil and especially military virtues. The fact that there was another *basileus* ruling in Sparta at the same time is passed over in silence. On the other hand, Xenophon does not present Agesilaos as a ruler in a relationship with subjects, but rather as a supremely virtuous political and military leader; in the end, the *Agesilaos* has little to do with monarchy, even less than the Spartan *basileia* did (Leppin 2010: 82).

The most striking, and most substantial, among Xenophon’s explorations of monarchy is certainly the *Education of Cyrus*. It opens with the observation that men, while able to rule over all sorts of animals, appear to be incapable of ruling over other men. Cyrus is brought up as a counter-example – a monarch who could bring to obedience many diverse peoples, some living very far from his court. The secret of his success appears to be competence, and Xenophon proposes to investigate how Cyrus acquired the skills required to be such a successful ruler of men (*Cyr.* 1.1). Cyrus is born the son of King Cambyses in an oddly republican kingdom of Persia, where magistrates and not the royal court are the focus of political activity. He then learns the ways of true autocracy (and of traditional oriental royal debauchery) from his uncle the king of Media, and finally creates a new imperial monarchy based on moderate application of the principles of Median autocracy tempered with traditional Persian austerity (Tuplin 2010: 205–223; Tuplin forthcoming). A rather puzzling work, the *Education of Cyrus* has been interpreted by scholars in strikingly different ways. Over the years, it has been seen as a covert indictment of monarchy, along the lines of Leo Strauss’ reading of Xenophon (Carlier 1978; Nadon 2001); as an educational handbook for upper-class Greeks involved in politics (Eder 1995); as a Machiavellian exploration in the manipulative use of power (Tatum 1989); or as a utopian reflection on the best form of leadership (Due 1989; Stadter 1991) – not without meaningful connection to actual Persian political practice (Tuplin 2010). If one conclusion can be drawn from such puzzling diversity of readings,

it is that the connection between the *Education of Cyrus* and contemporary politics is anything but straightforward.

Finally, in a rather unexpected place, his *Sokratic Memories* (4.6.12), a sort of blog including Sokrates' discussions with his pupils and gnomic statements of the late master, Xenophon provides the first explicit formulation of a doctrine that will become a commonplace in Greek political discourse ever since: the distinction of *basileia* from *tyrannis*. The former is defined as rule according to the laws over willing subjects, the latter as arbitrary and illegal rule over unwilling subjects. The classification is attributed to Sokrates and presented out of contest, so that it is not possible to tell very much about its meaning – whether it should be understood as descriptive or prescriptive, and to what extent it actually does go back to Sokrates' own thought (Luccioni 1953: 145–146). The generally low appreciation of Xenophon as a political thinker has contributed to divert scholarly attention from this interesting passage.<sup>15</sup>

In sum one could be tempted to say that Xenophon, for all his interest in monarchy, preferred to keep it at arm's length, as though sole rulership could be applied to the *polis* only after undergoing thorough reforming, if at all. Similar conclusions, if for different reasons, could apply to his contemporary and compatriot Isokrates, author of political pamphlets mostly in the form of speeches. Three of them, written roughly between 370 and 360 BCE, were addressed to Nikokles, the king of Salamis on Cyprus, and praised him and his late father King Euagoras. The latter is depicted as a model ruler, capable of motivating his subjects and inspiring in them a desire to compete in virtue with the ruler himself, and his son is encouraged to adhere to the same standard. According to Isokrates, the relationship between subjects and monarch must be inspired by confidence and goodwill, and the monarch himself must possess to the highest degree bravery, justice, moderation, gentleness, and humanity (Bringmann 1965: 103–108; Eucken 1983: 264–267; Bertelli 2002: 21–27). Somewhat paradoxically, Euagoras' virtues allowed him to rule by way of a mixture of the positive elements of every constitutional form (*Euag.* 47), and his political portrait ends up very similar to that of the ideal politician according to the democratic tradition. On the other hand, Isokrates' terminology does not reflect the "Sokratic" distinction found in Xenophon: he appears to have an undifferentiated concept of monarchy and uses interchangeably the words *basileus*, *tyrannos*, and *monarchos*, and respectively related terms (Eucken 1983: 219–220).

Isokrates' Cypriot speeches come closer than any other extant work of fourth-century literature to the medieval genre of the mirrors of princes, and their outline of kingly virtues was to be enormously influential in Greek political culture and beyond. Especially for this reason, it is crucial to realize that it is not at all clear that Isokrates entertained the notion that monarchy was an adequate form of rule for Greeks.<sup>16</sup> In a different pamphlet, he advises the Macedonian king Philip, the father of Alexander the Great, to be a benefactor of Greeks, a king (*basileus*) for the Macedonians, and to rule over the barbarians (*ad Phil.* 154).<sup>17</sup> And yet, the deftness with which he outlines the excellence of monarchy, depicting it as the only truly meritocratic political system (*Nik.* 10–26), points to a serious reflection on the possibility of legitimizing this form of rule within Greek political discourse. Dynastic arguments play a role in buttressing Nikokles' position, and even Zeus' monarchy over the other gods comes into the mixture, if in a rather awkward way (*Nic.* 26). Ultimately however, the legitimization of Nikokles'

rule devised by Isokrates hardly goes beyond the one key argument for the legitimacy of monarchy articulated in Greek political thought – an argument that at the same time projects it into the world of utopia. This will become much clearer after a brief look at the ideas of Plato and Aristotle on this topic.

Irrelevant as it appears to be for Isokrates, the distinction between *basileus* and *tyrannos* was central to the reflection on monarchy of fourth-century political philosophy, and both Plato and Aristotle took it extremely seriously. In Plato's *Statesman*, one of his late dialogues, the Sokratic doctrine enunciated by Xenophon, opposing a good and a bad form of monarchy, is developed in a more systematic fashion, articulating the fifth-century blueprint – rule of the one, rule of the few, rule of the many – into a six-fold typology including correct forms and deviations (291d–292a; see also Arist. *Pol.* 3.1279a18–b10). Making use finally of the potentially neutral meaning involved in its etymology, *monarchia* is employed as the general term for sole rulership, while *basileia* and *tyrannis* are its good and bad form respectively, distinguished, at first, by whether or not the monarch rules over willing subjects, in a way that is a reminiscent of Xenophon. The taxonomy however is immediately undermined, and the crucial importance of the “royal science” of government comes to the fore. In the end, respect for the laws turns out to be a better way of distinguishing good from bad forms of political order (300e–301e). The kind of *basileia* where a man possessed of the “royal science” of government rules above the laws is declared to be the best option, but at the same time it is recognized as utopian (Rowe 2000a: 244–251). Earlier, in a more optimistic mood, Plato had formulated in his *Republic* the famous theory of the philosopher kings, “the greatest of all the revolutionary moments Plato has prepared for readers of the *Republic*” (Schofield 2000: 224), envisioning a utopian rule of supremely competent and rigorously trained autocrats.

In a characteristically precise discussion in book III of *Politics*, Aristotle defines the general difference between correct forms of government and deviations as consisting in the fact that the former pursue the common good, the latter the interest of the ruling group, be that the common people in a democracy, the wealthy in an oligarchy, or the one in monarchy. Here *monarchia* is again used as a general category of which *basileia* and *tyrannis* are different species (*Pol.* 3.1279a33; Rowe 2000b: 371–384). In his overview of historical cases, the Spartan double monarchy is quickly discarded as being essentially a lifelong military command, and later on Aristotle points out that it is no form of rule at all, since it exists within another form of political order: Sparta was an oligarchy, not a monarchy (*Pol.* 3.1286a2–3). Among some non-Greek peoples (*barbaroi* in Aristotle's terminology), a kind of *basileia* exists that resembles *tyrannis* in being essentially autocratic, but differs from it because it is traditional and legitimate. The non-Greek tolerate this form of despotic rule because they are by nature more slave-like than the Greeks. Being legitimate and traditional, the *basileis* ruling over *barbaroi* are defended by bodyguards recruited from among their subjects, while the *tyrannoī* have mercenary bodyguards. In the distant past, Aristotle continues, heroic *basileia* obtained, which was also legitimate and traditional, the *basileis* owing their position to their personal excellence, to having performed exceptional acts on behalf of their subjects, and also, as becomes clear later (*Pol.* 3.1286b8–18), to the fact that at that time political communities in Greece were small and underdeveloped and correspondingly few were the men capable of ruling – obviously a parallel of sorts with the present situation of the

*barbaroi*: after all, Aristotle is clear that, among men of comparable skills and intelligence, monarchy is unjust and counterproductive (*Pol.* 3.1288a1–2). And then comes the only good form of monarchy. Aristotle calls it *pambasileia*, something like “total monarchy,” and describes it as the autocratic rule of the best and most virtuous man, who rules over the political community as a good and competent master over his household. Aristotle goes out of his way to stress the exceptional nature of this ruler, infallibly guided by knowledge and wisdom, like a god among mortals (Carlier 1993: 105).

One reason why both Plato and Aristotle were keen to stress the difference between *tyrannos* and *basileus* and to elaborate upon it is doubtless that, more than Isokrates, who in his Cypriot speeches was after all writing for a monarch, they both felt the pressing need to reiterate and strengthen the indictment of *tyrannis* – which in practical terms means monarchy over a *polis*. The end of book VIII of Plato’s *Republic*, with its famous description of the *tyrannos* as a werewolf who has tasted human blood and cannot live without it, drives the point home with all clarity, while giving the most complete and impressive formulation to the notion, well-documented as early as the fifth century, that the *tyrannos* is essentially a psychological type. More concisely, Aristotle defines *tyrannis* as a monarchy in which the ruler is morally inferior to his subjects (*Pol.* 4.1295a20–24). If the rejection of *tyrannis* is in keeping with the tradition of Greek political discourse, the recurrent insistence on the potential excellence of monarchy is rather more surprising. The temptation to regard this notion in hindsight from the vantage point of the rise of the Macedonian dynasties and their Hellenized kingdoms should be resisted. The actual logic of this apparent fascination with monarchy may help set things in the right perspective.

The fundamental agreement between Plato and Aristotle as regards the (potential) excellence of the best form of monarchy is somewhat paradoxical. It is difficult to resist the impression that Aristotle does not take the notion as seriously as Plato does (Rowe 2000b: 374), but the main point is that for both of them the ideal monarchy is a utopia, largely a product of the inner logic of their taxonomies. For all the complexity of their respective ways of defining the ideal rulers, in the end the general framework of their arguments appears to be surprisingly similar to the defense of monarchy which Herodotus puts into the mouth of Dareios, soon to be king of Persia, in the framework of a debate supposedly taking place among the Persian noblemen who have just overthrown an usurper after the death of King Cambyses: if we imagine the best possible democracy, oligarchy, and monarchy, the latter is superior, because by definition the best man can be only one (Hdt. 3.82.1). In spite of coming much closer to a plausible affirmation of the legitimacy of monarchy, even Isokrates’ Cypriot mirror for princes falls into the same category (Gray 2000: 150) and fails to deliver a legitimization of monarchy as such. If Euagoras and Nikokles did not possess the extraordinary qualities described in the pamphlets, what would happen to their claim to rule?

In the end, fourth-century political thought does no more than add many layers of sophistication and complexity to the fundamental ambiguity with which the Greek political imagination had been regarding sole rulership since the Archaic Age. The ideal monarch is himself a product of this ambiguity. At first sight, the *basileus* and the *tyrannos* look like the two halves of Calvino’s cloven viscount, but this polar resemblance points to a rather more surprising conclusion: strictly speaking, the *basileus* is an imaginary double of the *tyrannos*. In other words, in Greek political discourse the

image of the good king was created by turning all the vices of the tyrant into their opposites (Haake 2003: 90). Sure enough, this image was destined to have an important historical function. After the empire of Alexander broke apart, the political scene of the Eastern Mediterranean came to be dominated by Macedonian dynasties, and the majority of the Greek *poleis* ended up under the more or less strict control of one or other of such dynasties. Communicating with kings became an inescapable necessity, and the imaginary *basileus* came in unexpectedly handy when the Greeks found themselves compelled to domesticate monarchy in their own political and discursive practice (Heuss 1954: 75–76, Walbank 1984: 81–84).<sup>18</sup> With only a touch of paradox, it could be said that the imaginary double of the *tyrannos* made it possible for Greeks to deal with kings once that became inevitable, without ever articulating a true ideology of monarchy.

## NOTES

- 1 The only possible exception being Kyrene in Libya under the Battiad dynasty, from the foundation of the *polis* around 630 BCE to the middle of the sixth or the middle of the fifth century; see Drews (1983: 121–128) and Carlier (1984: 474–476).
- 2 A turning point was represented by Finley (1954), who argued that the society depicted in the two poems is consistent in itself, finds parallels among ‘primitive societies,’ and reflects not the Bronze Age but rather the Dark Ages, before the eighth century BCE.
- 3 The word itself is not Indo-European, and may derive from the language used on the island of Crete before the spread of Linear B; see Palaima (2006: 53–54).
- 4 Interpretations based on categories derived from social anthropology that would rather treat the paramount *basileus* as a “big man” or “chief,” wielding an informal power that depends entirely on his ability to attract followers and can be lost due to personal lack of competence (Qviller 1981; Ulf 1990: 95–125), seem to overlook the clearly hereditary nature of the position (van Wees 1992: 281–289).
- 5 See Thuc. 1.13.1 and Arist. *Pol.* 3.1285b, who expands and develops the concept of what he calls “heroic kingship” based on Homer and on myth more in general. On Thucydides’ use of Homer as evidence for early Greece, the (1956) book by de Romilly is a classic.
- 6 The standard work of reference is by Berve (1967); for a recent and concise introduction in English, see S. Lewis (2009).
- 7 The same ambivalence characterizes the persona of the hero in Greek myth; the parallels between the characters of the tyrant and the hero are discussed in Catenacci (1996).
- 8 The first documented occurrence of this three-fold typology is in a victory song written by Pindar for the tyrant Hieron of Syracuse probably around 477 (see Pind. *Pyth.* 2.86–88 and Hornblower 2006: 152–153). It is a rather off-handed reference, occurring in a piece of praise poetry, which seems to suggest that the typology was in fact nothing especially new and did not require much explanation.
- 9 Cf. Arist. *Pol.* 3.1277a24: the *tyrannos* Iason of Pherai used to say that, whenever he was not ruling (literally “tyrannizing”), he was hungry. On the theme of anthropophagy in relation to Greek *tyrannoī*, see Murray (1996).
- 10 This distinction was canonized by Plass (1859), in the first modern monograph on the Greek *tyrannoī*, a book that is still well worth reading.
- 11 On the material and verbal language of social distinction in archaic Greece, see now Duplouy (2006). The best discussion of the ideology of social distinction as expressed in archaic Greek literature is still H. Fränkel (1973).

- 12 From the fifth century BCE onwards, lawgivers/arbitrators are not attested any more, and new *poleis* appear to have been founded mostly by boards of *oikistai* rather than by a single *oikistēs*.
- 13 Because charismatic rule is legitimized with reference to intrinsic qualities ascribed to the ruler, it does not carry in itself dynastic legitimacy; accordingly, the threat of a succession crisis constantly hovers over the transmission of charismatic rule from one ruler to the next. (See M. Weber 1972: 246–249.)
- 14 So suddenly that some scholars have tried to dig out the roots of this new interest in monarchy in the political thought of the fifth century, without really persuasive results (see Stroheker 1953; and cf. Bleicken 1979: 154 n.11).
- 15 For a discussion from a philosophical point of view, see Morrison (2004).
- 16 Strictly speaking, the cities of Cyprus, where monarchy was a traditional constitutional form going back to the Iron Age and possibly beyond, are not a real exception, since their Greekness was not completely beyond question (see Tuplin 1996: 68–76).
- 17 Compare Aristotle's advice to Alexander: to be a leader for the Greeks and a master for the barbarians (fr. 658 Rose); see Ehrenberg (1938).
- 18 Discussing Hellenistic theories of monarchy goes beyond the mission of the present essay; Haake (2003) provides an extremely detailed overview with full bibliographical references.

# CHAPTER 10

## Unlike(ly) Twins?

### *Democracy and Oligarchy in Context*

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*Hartmut Leppin*

The dichotomy between oligarchy and democracy was a central concept of Greek political thinking.<sup>1</sup> By opposing these two types of constitutions, the main differences in the political order of the various *poleis* in Classical Greece seem to be defined: inclusive democratic order, in cities such as Athens and Argos, and exclusive order, for which Sparta appears to be the foremost example. In this view, the Peloponnesian War, the confrontation between Athens and Sparta, is emblematic of the political constellation in Classical Greece. But the most perceptive observer of this war, Thucydides, had already raised doubts about the adequacy of this dichotomy:

The cause of all these evils was the lust for power arising from greed and ambition; and from these passions proceeded the violence of parties once engaged in contention. The leaders in the cities, each provided with the fairest professions, on the one side with the cry of political equality of the people, on the other of a moderate aristocracy, sought prizes for themselves in those public interests which they pretended to cherish, and, recoiling from no means in their struggles for ascendancy, engaged in the direct excesses; in their acts of vengeance they went to even greater lengths, not stopping at what justice or the good of the state demanded, but making the party caprice of the moment their only standard, and invoking with equal readiness the condemnation of an unjust verdict or the authority of the strong arm to glut the animosities of the hour. Thus religion was in honor with neither party; but the use of fair phrases to arrive at guilty ends was in high reputation. Meanwhile the moderate part of the citizens perished between the two, either for not joining in the quarrel, or because envy would not suffer them to escape. (Thuc. 3.82.3, trans J.M. Dent)

There are several problems with the plain dichotomy between oligarchy and democracy. First, these are, as Thucydides had already observed, ideological concepts which might hide the ruthless pursuit of personal interests. Second, the empirical base available to

modern scholars is weak, as the change from an aristocratic order to democracy in the sense of an extension of the participatory rights of the citizens was a slow process in most cities; it is generally difficult to reconstruct from our sources. It becomes still more obscure because almost every *polis*, oligarchic and democratic, shared, at the heart of their governments, similar if not the same political institutions: a popular assembly, a council, and public magistracies. Their interplay varied widely depending on the respective laws or traditions, and this might have been decisive in determining a more democratic or more oligarchic government. But the real differences between democracies and oligarchies were at times so blurred that even Sparta could be called a democracy (Isok. 7.60–61) – not implausibly so, as all Spartan citizens had participatory rights and enjoyed a certain equality.

Indeed, their genesis and their reality put democracy and oligarchy much nearer to each other than their proponents would have wished. Thus, the dichotomy between these types of constitution and their identification with Athens and Sparta seems to obscure the extreme variety of constitutions which could be observed (or expected) in Classical Greece.<sup>2</sup> This was not unknown to the great political theorists of the time: Aristotle, typically, strove to collect all these constitutions, as he knew that every city was different.

## A Plethora of Constitutions

Although our sources define many towns as democracies or oligarchies, or as changing their constitutional form from the one to the other, it is difficult to identify the character of their individual constitutions precisely. The word *dēmokratia* and its derivatives, which are first attested in the 430s BCE, can have a broad range of meanings – as becomes clear from Herodotus' work. It can stand for a constitution which is opposed to tyranny, but it can also denote a democracy in the sense of modern scholarship, in other words, a constitution which is based on a very high degree of popular participation.<sup>3</sup> If a town has been called a democracy by an ancient author, this does not mean that it can be classified as a democracy by modern standards. Moreover, there were many towns which gradually enlarged (or, later on, reduced) the body of citizens who were entitled and enabled to participate politically in some way or other. There is no clear mark on the spectrum from oligarchy to democracy which might serve as the boundary between the two because in many cities some form of census existed, even in Athens in regard to certain magistracies. When our sources allow more than a glimpse of constitutions, which is already rare enough in itself, the information mostly eludes any clear definition: not even in well-documented Athens is it clear what exactly was meant by the Solonian census qualifications still being mentioned in the fourth century BCE. In his *Polities*, Aristotle demonstrated which variety of constitutions could be referred to as democracies or oligarchies.

Athenian sources sometimes specify certain key features of democracy (for example public remuneration for officials, ostracism, selection of most officials by lot, public accountability of officials). Although such features might have existed in other *poleis*, in most cases it is almost impossible to prove. Thus, discussing Greek democracy requires that we discuss Athenian democracy in particular, even though we always have to keep

in mind that this was a singular democracy out of an unknown number of *poleis* with similar constitutions.

There are, however, some cities for which there exists a certain academic consensus regarding their constitutions: fifth-century Korinth is generally regarded as an oligarchy, while Argos developed into a democracy. The little we know about Argos, the best-known democracy outside Athens, gives the impression that it was a democracy of its own kind; for example, the *bola* (council) was arguably much weaker than in Athens. Syracuse experienced a democratic interlude between its older and younger tyrannies, and this short-lived order seems to have had a character of its own – but again we have no clear idea how it worked. Thebes again presents an entirely different picture, with its frequent changes of constitutions.<sup>4</sup>

On the other hand, not even the Delian league can be regarded as an organization of democracies. Among the members both of the first and the second league there were tyrannies as well as democracies, and *poleis* with constitutions which did not mirror the Athenian example, even in some famous cases when Athens imposed her democracy on other cities, as the regulations for Erythrai make clear (M&L 40/IG I<sup>3</sup> 14). The idea of Greek cities forming alliances according to their political order is too simplistic.

The political order of Sparta is almost exclusively known from non-Spartan, mostly Athenian sources. Although many details remain obscure, one thing was uncontested: Sparta was a special case. Therefore modern scholars were not tempted to reconstruct oligarchies on the base of the Spartan model. Democracy and oligarchy were important concepts in their time, but they overshadow a much more complex reality.

## **Justifications for Democracy and Oligarchy**

Texts from Athens provide a more solid base for discussing democracy and oligarchy in terms of political ideas.<sup>5</sup> Although they do not always refer to Athens explicitly, one has to remember that they were products of Athenian discourses. Athenocentrism cannot be avoided when the political ideas of Classical Greece are discussed, but a general caveat must be provided.

### ***A common ground: opposition to tyranny***

The experience of tyranny accelerated the emergence of political thought in Greece and changed the normative order. The rapid alteration of the political structure, when a tyrant came to power and also when he was deposed, demonstrated the instability of any political order and the possibility for men to influence those changes. Moreover, the opponents of tyranny, who typically had an aristocratic background, had to justify their position and therefore reflect on the legitimacy of the political order.

This seems to have been the historical context for the birth of the political usage of the word *isonomia* and its derivatives.<sup>6</sup> Like other composites on the base *iso-* (such as *isēgoria* and *isokratia*; Hdt. 5.78, 92α; cf. Nakatogawa 1988), the word underlined equality among aristocrats and was directed against the fellow-aristocrat turned tyrant. But as the Greek aristocracy was not clearly distinguished from other classes by legal

or other criteria, the word easily extended to a wider meaning, perhaps as early as the time of Kleisthenes. Thus, it could include any group that participated in the fight against tyrants. Soon it became a word used to designate democracy, even in opposition to oligarchy.

As a result, a triad of constitutional types emerged, which usually comprised monarchy, oligarchy and democracy. It can be recognized for the first time in Pindar (*Pyth.* 2.86–88) who seems to presuppose his audience's familiarity with this concept. But not every form of government was of equal importance. While in Aischylos' *Suppliants* of 463 BCE democracy is still opposed to monarchy (399–432), monarchy in itself soon lost its appeal as an alternative political order, perhaps due to the fact that the age of tyranny had ended in the Greek motherland and there seemed to be no real danger of a monarchic revolution. On the other hand, the enlargement of participatory rights in several *poleis* created a growing need to distinguish between democracy and oligarchy, at least in terms of ideology. In the fourth century BCE the comparative success of monarchic orders in the Greek world directed more attention to their justification.

### *Twin birth: the invention of oligarchy and democracy*

Democracy and oligarchy did not emerge from theories about the best form of government; they were the results of political practice. Democracy first appeared in post-tyranny Athens. Having established itself as a political force in the conflict with Sparta which followed the demise of the Peisistratids, the people of Athens benefited from elite competition. Aristocrats had to contend for power before the unusually self-confident people of Athens, and also had to win the support of the masses which, as a result of the rule of tyrants, were less dependent on aristocrats than in other cities. Athenian aristocrats thus had to find mutual arrangements with the people and even to enlarge the rights of the common citizens. Up to the middle of the fifth century, a stable democratic order was in full force, the elements of which seem to have remained consistent, at least in hindsight; in fact, they were the result of concrete political situations which eventually harmonized. Seen from the perspective of the aristocrats, the democratic order, with its close control of counselors and magistrates, created a restriction of political activity: they were expected to give heed to the voice and the voting behavior of the common people and to account for what they had done.

After the establishment of democracy there was an obvious need to reflect on what had emerged. (Probably) the first text to contain precise information on democracy is polemical. It is a short pamphlet that was transmitted among the works of Xenophon, which has led to its author being called Pseudo-Xenophon, or sometimes the Old Oligarch.<sup>7</sup> Written from an oligarchic point of view, it suggests that the working principles of democracy were first detected by its opponents. But perhaps the question of whether criticism of democracy or rather its defense came first is not well posed, as democracy and oligarchy were defined in relation to each other. Significantly, justifications for these *politeiai* are presented in the form of dialogues, as in Herodotus (3.80–82) or in Euripides' tragedies (*Suppl.* 399–455). In the following passages I will try to give a systematic overview of the various justifications of these types of constitutions (which may include polemic against the others). They do not form a consistent theory

of democracy or oligarchy, but illustrate modes of justification for those orders (see Raafalaub 1989, 1992, for a more extensive guide to the sources).

## *Democratic discourses*

No theoretical treatise *On Democracy* has survived, if such a text was ever written. The first emergence of the concept of democracy in opposition to monarchy might be detected in Aischylos' *Suppliants*. The ruler is obliged to ask the people for their permission in a difficult case, which is depicted as being surprising to other characters of the tragedy (Aisch. *Suppl.* 368–369, 397–401, 483–489 and 604, which is a reference to the word *dēmokratia*). The Old Oligarch presupposes certain elements of democratic ideology (the struggle for equality for example); he describes democracy in order to attack it. Several further texts have survived which argue in favor of democracy. For example, the conversation of the Persian nobles in Herodotus; the speeches of Perikles and Athenagoras as well as other orations in Thucydides; the myth of Protagoras in Plato's dialogue of the same name; the dialogue between Theseus and the Theban herald in Euripides' *Suppliants*; and the fragments of the *Anonymus Iamblichī*, which are contained in the work of a Late Antique philosopher. Besides, many speeches of fourth-century rhetoricians such as Lysias, Demosthenes, and Aischines indicate what was regarded as central to democratic government. Finally, inscriptions on public monuments shed light on the values and understandings of Athenian democracy.<sup>8</sup>

These texts represent different genres and different situations: some of them are construed as debates between democrats and oligarchs, some are justifications of democracy on their own, and some supply an implicit theory of democracy. None of them was written in order to hand down political theory. Nevertheless, if interpreted with sufficient care, they provide certain elements of a more or less consistent theoretical framework of democracy. There seem to have been six main justifications for democracy.

### *Equality*

The core value of democracy was the equality of all citizens (not of all human beings), no matter what their origin, family, or economic background was. Equality expressed itself in everyday life – nobody was to be offended because of his low social status – and primarily in the idea that every (male) citizen had the right to participate in politics. It did not mean social equality, but prevented social superiors from having political dominance. The most impressive formulation of this idea which pervades every democratic text can be found in the funeral speech which Thucydides ascribes to Perikles (Thuc. 2.37).

### *The competence of the individual citizen*

While oligarchy defined itself as the rule of the best, democracy presupposed that every single citizen was able to fulfill his political duties, at least in the *boulē* and in the *dikastēria*, and also in most of the magistracies. This is expressed in Aristotle's insistence on the importance of the change between *archein* and *archesthai*, between being in office and being ruled by people in office (Arist. *Pol.* 3.1277b14–15). From an aristocratic point of view the idea of the broad competence of every citizen was provocative.

The political competence of every single citizen is underlined by a myth which is connected with the name of Protagoras and handed down by Plato (*Prot.* 320c–323c): after the gods had created the world they employed Epimetheus and Prometheus to give certain qualities to the animals. Epimetheus began, deliberately distributing the qualities in an unequal way. When he came to man, nothing was left, but Prometheus asked other gods to instruct human beings in those technical skills which they needed to survive. They still lacked, however, the art necessary for living together, political wisdom, which belonged to Zeus alone. Zeus sent Hermes who then gave respect (*aidos*) and judgement (*dike*) to man – both Greek words are extremely difficult to translate. In difference to every other quality *aidos* and *dike* were equally distributed in every human being. That is, every human being is equally able to participate in political debates, which require no special competence<sup>9</sup>

The concept underlying this myth is fundamental to the democratic norm that everybody is allowed to participate in politics. It fits well with what was said about democratic equality, but with one major difference: in this myth democratic values are regarded as anthropological values, whereas the critics and proponents of Athenian democracy underlined that this form of democracy was specific to Athens. The reflection of Protagoras makes the Athenian norms universal, but this was a lone view, and perhaps not even the main intention of the author, although he refers to the consensus of man.

A more nuanced concept is put forward by Athenagoras in a speech given to the *ekklēsia* of Syracuse: “If the best guardians of property are the rich, and the best counselors the wise, none can hear and decide so well as the many; and that all these talents, severally and collectively, have their just place in a democracy” (Thuc. 6.39.1). In this speech a functional differentiation between the various groups of the population is proposed. Not everyone is regarded as equally competent, but the combination of the competences of the citizens creates a perfect whole. This remains, however, within a decidedly democratic framework.

Thucydides’ Perikles adopts another approach in his funeral speech. He underlines that every citizen is employed for society so as to use his capacities in the best possible way. Everybody participates in the way he knows best. No political order is more suitable to allow people to develop their personalities than democracy. In that sense, democracy is the true aristocracy. Like Athenagoras, he presupposes that human beings have different abilities, but he goes even farther as he accepts the multifariousness of aptitudes.

### *The advantage of the masses*

While oligarchic polemic looked down on the masses on which democracy depends, adherents of the democratic order saw an advantage precisely in the fact that there were so many people involved. This argument could have at least two ramifications. Aristotle put forward the theory of summation,<sup>10</sup> declaring that a collective body may be more effective than single persons even if not one of the individuals of the many is actually fit for supreme power: “As they are many, each person brings in his share of virtue and wisdom; and thus, coming together, they are like one man made up of a multitude, with many feet, many hands, and many intelligences” (Arist. *Pol.* 3.1281b3–5, trans. W. Ellis). Demosthenes makes a more pragmatic point: masses cannot be bribed (Dem. 24.37). This was certainly a motive generated from democratic practice and can best be illustrated

by the Athenian law courts which were comprised of thousands of jurors. In Thucydides, however, Athenagoras introduced a specification, as he thought the people competent to decide after hearing the counsels of the intelligent (Thuc. 6.39.1).

### *Freedom*

Freedom was the central catchword of democratic orders, although the concept and the word are older than democracy itself (Raaflaub 2004a) and have complex meanings. At first freedom was merely opposition to slavery, but later on it became important for defining Greek identity during the wars against the Persians. The Hellenic victory was put down to the free character of the Greek soldiers as opposed to the oppressed Persians. As Athenian soldiers had beaten the Persians at Marathon in 490 and were central to the victories of 480/479, Athens could claim to be the defender of freedom. The concept soon became a democratic value which was not defined as the right to be protected against intrusions by the government, but rather as the right to participate in political decisions. Therefore, free speech (*parrhesia*) was regarded as an attribute of citizens. Consequently, the idea of human (or for that matter citizen) rights was not developed in Athens (D. Cohen 2004). It was precisely this kind of freedom which guaranteed the abilities of the common citizen as praised by Perikles in his funeral speech. Although, as far as we know (and that is little enough indeed), the oligarchs of Athens did not refer to freedom during the Peloponnesian War, Sparta, as an agent in international politics, did. This slogan, however, mainly referred to external politics, as Athens was regarded as behaving like a tyrant against the other cities of its league.

### *The functioning of institutions*

Democrats could also choose a political language which did not focus on personalities. While oligarchs grounded their justification on the quality of the political elite, democrats put forward the importance of institutions, as is already observable in Herodotus' Otanes: "There, places are given by lot, the magistrate is answerable for what he does, and measures rest with the commonalty. I vote, therefore, that we do away with monarchy, and raise the people to power. For the people are all in all." (Hdt. 3.87, trans. G. Rawlinson). Drawing lots, accountability of the magistrates, and public participation in decisions are the main points in this defense of democracy. In a similar way, Euripides' Theseus in the *Suppliants* underlines everybody's right to speak and the yearly change in office – whereas Thucydides' Athenagoras sees counseling as the privilege of the intelligent (6.39.1). The prescript of most Attic decrees underlines that they have been decided on by the council and the people; moreover, in the fourth century it also contains the names of the *archōn* of the year, the prytany, the secretary, the chairman, and the proposer.

### *Rule of law*

Obeisance to the law was not only regarded as compatible with the idea of freedom, but as an indispensable corollary of freedom; it could even be deemed a specifically Greek and democratic virtue. This is already the case with Otanes in Herodotus and with Theseus in Euripides (*Suppl.* 433), a point which is further emphasized by the speeches both of

Perikles and Athenagoras in Thucydides' *History of the Peloponnesian War*. That reliance on law was central for democrats is further highlighted by Kleon's speech in Thucydides, which is the quintessence of a demagogue's way of discussion (Thuc. 3.37.3–4), and in the court speeches of the fourth century (e.g., Dem. 21.224). The rule of law had also an apologetic connotation, as the polemic against freedom and democracy often conjured up the danger that citizens might get out of hand.

### *Tradition*

The democratic discourse underlined that democracy represented an old tradition which had proved its worth during the struggle against the Persians. The *patrios politeia* ("ancestral constitution") highlights the claim of tradition, which fortified the existing democracy against any attack. This aspect grew in importance during the fourth century, when King Theseus was held to be the founder of Athenian democracy (Heftner 2003). In this sense, then, democratic justifications often had conservative overtones.

When modern political thinking is considered, it becomes clear that it was difficult in this society to argue that the people simply had the right to make decisions in order to protect their legitimate interests. This concept was by no means unthinkable, as Pseudo-Xenophon, for example, repeatedly referred to the interests of the people and the aggressiveness with which they were articulated. But this thought probably was not regarded as virtuous enough to serve as a justification narrative for democracy. The common aim in political theory is to find the way to make the correct, or at least the best possible, decision. This being said, Athenian democracy was especially successful in motivating citizens to participate in their institutions and even to fight for them. The citizens were expected to have certain (originally aristocratic) virtues such as loyalty (*eunoia*), eagerness to serve their city (*prothymia*), courage (*andreia*) and piety (*eusebeia*). It was further expected of them to fulfill their duties generously, which was usually also expressed in inscriptions (Whitehead 1993; Liddel 2007).

### *Oligarchic discourses*

Oligarchic thinking was old and new at the same time. An aristocratic order was already taken for granted in Homer, when Thersites is depicted as unfit for participation in political debate because of his looks (*Il.* 2.216–219). The aristocrat's ascendancy is evident by his *habitus*; he adopts a certain style of life, which demonstrates that he is one of the best (i.e. a member of the *aristoi*; van Wees 1992; Stein-Hölkeskamp 1989). He defends his community and enlarges its glory. As many Greek texts are imbued with an aristocratic attitude, there was less need to justify explicitly the power of the few. Consequently, there are not many treatises arguing for an aristocratic order in great detail. Spartan or Korinthian texts which might have defended the political orders of their cities do not exist and probably never did. Therefore, oligarchic thinking is pervasive in the Greek world, but difficult to grasp. Characteristically, in Euripides' *Suppliants* monarchy and democracy are discussed, but not oligarchy. With the growing importance and consistence of the democratic order oligarchic thinking was reshaped, as is visible in Pseudo-Xenophon.

Above all, the concept of aristocracy is ambiguous in itself. The individual can be the best, but there can also be a group of the best. The term “oligarchy” is more precise in this regard since it refers explicitly to a (small) group. The best individual can assert himself even in a democracy, as for example Perikles did, and he could assert himself against his peers. The oligarchs, however, formed a group by definition and needed a corresponding constitution. As a result, aristocracy and oligarchy can be used interchangeably in certain contexts (and might seem to be in my use), but they are not identical and must be differentiated carefully.

Therefore, the conceptual framework of aristocratic ideology is relatively simple. In their self-description as *aristoi* or *kaloi kagathoi* (“beautiful and virtuous ones”) a justification of aristocratic ascendancy was implied. This attitude is still discernible in Pseudo-Xenophon’s treatise which presupposes that the audience would disapprove of the rule of the many, who in his depiction, are ruthless in carrying out their interests, whereas the author takes it for granted that oligarchs are eager to defend their interests against other citizens. An important justification for the political influence of the aristocrats was the fact that they were able to enjoy leisure and therefore had time to think about what was right. A more sophisticated justification could be based on the importance of *physis* (nature) as a justification of superiority against the *nomos* (custom), the importance of which many democrats underlined.

In a comparative perspective, most aristocracies in other epochs and in other parts of the world claim to consist of scions of good families in order to justify their position. Among Greek aristocrats, however, a competitive style of living was central. Individuals had to demonstrate that they were both strong enough and rich enough to pursue this style of life; the ensuing intense rivalry made solidarity difficult (Schmitz 2008). Only rarely was noble birth put forward as an argument in favor of aristocracy in a world which seemed to be dominated by greed (Pind. *Pyth.* 8.44–45; 10.71–72; Theog. 1.182–195). Therefore the situation of aristocrats was more precarious than, for example, in Early Modern continental Europe, and the need to justify the position became correspondingly more urgent. Moreover, democracy was successful even in terms of military power, which strengthened the need to explain the qualities of an oligarchic order.

Oligarchic and democratic thinkers had one core concept in common: justice. But justice was defined differently for each. Whereas equality was central to the democratic concept, the oligarchs underlined *adequacy*, which justified the privileged position of the better. Consequently, oligarchy could never renounce this aristocratic justification. Generally speaking, however, the oligarchic discourse provided more arguments against democracy than in favor of oligarchy.<sup>11</sup> A good illustration is given by Herodotus’ Megabyzos, the proponent of aristocracy in the famous debate about the constitution of the Persian Empire after Gaumata’s fall:

In that which [Otanes] said urging that we should make over the power to the multitude, he has missed the best counsel: for nothing is more senseless or insolent than a worthless crowd; and for men flying from the insolence of a despot to fall into that of unrestrained popular power, is by no means to be endured: for he, if he does anything, does it knowing what he does, but the people cannot even know; for how can that know which has neither been taught anything noble by others nor perceived anything of itself, but pushes on matters with violent impulse and without understanding, like a torrent stream? Rule of the people

then let them adopt who are foes to the Persians; but let us choose a company of the best men, and to them attach the chief power; for in the number of these we shall ourselves also be, and it is likely that the resolutions taken by the best men will be the best. (Hdt. 3.81, trans. G.C. Macaulay)

But the oligarchic discourse cannot be reduced to anti-democratic thinking because it is much more complex and has certain intrinsic values, although it seems less nuanced than what can be said about democratic thinking. The key justification of oligarchy remained the individual quality of the oligarchs. Therefore the concept of oligarchy, as far as we can see on the basis of the fragmentary tradition, is much more personalized than the concept of democracy, which focuses heavily on institutions and their control.

Athenian democracy survived two oligarchic coups. In both cases oligarchs tried to put their theories into practice, which included powerful *boulai* (consisting of men from the elite) and restricted access to the popular assembly, but they failed in the end because they were not able to control the ambitions of the individual aristocrats who competed for sufficient influence (Brock 1989; Lehmann 1997). Interestingly, the first coup was presented as another form of democracy (Thuc. 8.53.1) which shows that the boundaries between democracy and oligarchy were not as fixed as some Athenian authors seem to presuppose.

In the fourth century the discourses on democracy and oligarchy became part of more general and more sophisticated concepts on the proper political order, as propounded by Plato and Aristotle, who are treated in separate chapters of this volume. It was typically formulated as a trichotomous model of three forms of government through which oligarchy, democracy, and monarchy could be described by various terms, and parallel degenerate forms were described. This led to the idea of a cycle of constitutions, which might have been ended by the creation of a mixed constitution. The typology of political constitutions formed the base for an important strand of Greek and European political thinking, which was to influence many intellectuals, especially in during the Enlightenment, and eventually the American constitution.

## Beyond Democracy and Oligarchy

Democracy and oligarchy were important political concepts in Classical Greece and they had been propagated with disastrous consequences during the Peloponnesian War, but they simplified a rather more complicated reality. Many contemporaries were conscious of this and several thinkers dismissed the typology of constitutions and stressed the importance of the disposition of the individual agent, as, for instance, Thucydides. For him, the most important factor which guaranteed a good order within the state was not the constitution, but the correct use of institutions in order to making a *polis* strong. The historiographer deems the strong (or, more precisely, the able and responsible) man as important for any constitution. Perikles provides the best example. The internal and external success of the Athenian democracy depended on his abilities, whereas his less competent successors ruined Athens in war.<sup>12</sup> In this way, the personalized discourse on oligarchy is connected with the idea of democratic stability – a connection which again shows how artificial the distinction between oligarchy and democracy is.

## *Agency: the challenge of the strong*

When the idea of the importance of the individual was connected with the oligarchic concept of the privileges of those who were superior, this combination could develop into the idea that the individual strong man was entitled to claim a special role. This claim was in a certain way embodied by the historical figure of Alkibiades and was conceptualized by various thinkers who highlighted the natural rights of the strong. The foremost examples are two Platonic figures, Thrasymachos (in the *Republic*) and Kallikles (in *Gorgias*) (Barney 2004). Thrasymachos' ideal is the man who manages to acquire as much wealth and power as possible, thus earning happiness and the applause of other people. For such men, laws are a restriction hindering them from pursuing their self-interests. The consequence is an inversion of the democratic idea of justice, which is elucidated by a remark put into the mouth of Thrasymachos by Plato: "Thus, Sokrates, injustice on a sufficiently large scale is a stronger, freer, and a more masterful thing than justice, and, as I said in the beginning, it is the advantage of the stronger that is the just, while the unjust is what profits man's self and is for his advantage" (Plat. *Rep.* 344c, trans. J. Adam). Kallikles gives the argument yet another twist by arguing that nature had created a natural order which should be reflected by the social order; thus, conventional laws which tend to inhibit the strong are not just in a Kalliklean sense, since his understanding of freedom consists of satisfying one's appetite with what is desired (Plat. *Gorg.* 481b-506c, esp. 484a-c, 491e-492c).

Independently of the difficult question of whether their views as delivered by Plato corresponded to the views which the historical personalities (if they ever existed in the first place – Kallikles is only known from Plato) propounded, their contributions give evidence to a certain way of thinking which is usually interpreted as the expression of an antidemocratic attitude. This is true to a certain degree, as the strong man obviously did not intend to interact with other citizens on an equal basis. Kallikles explicitly criticizes the democratic way of making laws by an assembly of unworthy people (Plat. *Gorg.* 489c); he wishes to find a leader whom he can follow, but his world is the democratic world, and he acts in a democratic context with democratic means (Aichele 2003). In this regard rhetoric was of extreme importance: Plato's *Gorgias* stresses that rhetoric gives the power to be convincing within democratic institutions such as the popular assembly or the judicial courts, thus conveying power over other people (Plat. *Gorg.* 452e). The misuse of democracy presupposes a democratic order.

Democracy could thus provide an environment in which a strong man was able to act as successfully and effectively as Alkibiades – who, interestingly, was also influential in Sparta (in that sense an oligarchy) and at the court of a Persian satrap, and thus a monarchic order – had demonstrated. Therefore, the strong could be powerful in all constitutions, but the concept was, characteristically, developed within a democracy, since this order offered more possibilities to prove one's worth than the closely knit oligarchic systems.

## *Isokrates and the wide concept of democracy*

Isokrates was a loyal Athenian citizen and thus an adherent of a democratic order. His thought includes concepts meant to change the democratic order, such as strengthening

the wise and the institution of the *Areiopagos* (which had been regarded as the oligarchic *boulē*). The idea of *patrios politeia* was interpreted by Isokrates in the sense of a return to elder traditions which led to a certain ethical attitude to be gleaned from the wise. Seen from this perspective, there was an aristocratic element in his thoughts. He even propounded the idea of electing the best for every office, which he projected into the earlier history of Athens:

But what contributed most to their good government of the state was that of the two recognized kinds of equality – that which makes the same award to all alike and that which gives to each man his due – they did not fail to grasp which was the more serviceable; but, rejecting as unjust that which holds that the good and the bad are worthy of the same honors, and preferring rather that which rewards and punishes every man according to his deserts, they governed the city on this principle, not filling the offices by lot from all the citizens, but selecting the best and the ablest for each function of the state; for they believed that the rest of the people would reflect the character of those who were placed in charge of their affairs. Furthermore they considered that this way of appointing magistrates was also more democratic than the casting of lots, since under the plan of election by lot chance would decide the issue and the partisans of oligarchy would often get the offices; whereas under the plan of selecting the worthiest men, the people would have in their hands the power to choose those who were most attached to the existing constitution. (Isok. 7.21–23)

Characteristically, true democracy was achieved by an oligarchic procedure. Although this sounds aristocratic, this consideration is to be regarded as a criticism of democracy created within a democratic framework, which was never explicitly questioned by Isokrates. For him, the disposition of the individuals in a community is more important than the constitution itself and its laws (cf. 7.41). Aristocracy in its literal sense becomes an alternative to both oligarchy and democracy. Against this background, Sparta can be viewed as a restricted democracy (Isok. 12.178), and Isokrates can exhibit a certain sympathy for monarchy, or more precisely, monarchs, as they also can be representative for good behavior. But the nucleus of his political concept lies in *paideia*, in his idea that everybody has to be educated in an adequate way. The notion that ethical attitudes transcend political institutions was not consciously directed against the idea of democracy, but nevertheless contributed to undermining democratic values (Ober 1998: 248–289; Poulakos and Depew 2004).<sup>13</sup>

## Conclusion

The *poleis* of Classical Greece experienced a wide variety of political orders guaranteeing rights of participation to their citizens of various kinds and to varying degrees. Greek political discourse and theory tended to list those political orders under the labels of either democracy or oligarchy. The concepts of oligarchy and democracy, however, should not be taken as essentialist descriptions of historical reality, but as constructions conceived to structure the multifariousness of the political orders in the Classical *polis*, although they were also useful for mobilizing political forces in the individual politician's struggle for ascendancy. They are, in the words of Max Weber, "Idealtypen," useful for interpreting the world, but not mirrors of reality.

## NOTES

- 1 For a general overview, cf. Balot (2006) and Salkever (2009).
- 2 An impression of the variety of *polis* structures is given by Hansen and Nielsen (2004); cf. Brock and Hodkinson (2000).
- 3 Contrast to tyranny, cf. Hdt.4.137.2 and 6.43.3; Kleisthenic constitution: 6.131.1; for alternative terms: 5.78, 92α); not focused on institutions, Forsdyke (2006); cf. Forsdyke (2001: 333 n.13).
- 4 On democracies outside Athens see Robinson (1997), who follows a rather broad approach, even affirming that certain democracies existed earlier than the Athenian one; but the relevant evidence seems to be late. Korinth: Stickler (2010: esp. 25–34); for Argive peculiarities Leppin (1999b); Bearzot and Landucci (2006); Syracuse: Rutter (2000); Thebes: P. Salmon (1978); Beck (1997: 90–94).
- 5 Demokritos, more famous for his atomic theory, might be regarded as a democratic thinker outside Athens: Farrar (1988: 192–264); Procopé (1989–1990–1990); Mejer (2004).
- 6 For the earliest attestation cf. 893 and 896 PMG; cf. for the use of the word in a medical context Alkmaion of Kroton DK 24 B 4. For Herodotus: 3.80.6, 83.1, 142.3; 5.37.2.
- 7 Cf. now G. Weber (2010) with a good overview of recent research.
- 8 For the implicit theory of ancient democracy from different methodological perspectives cf. Loraux (2006); Ober (1989). For the various texts Leppin (1999a: 41–55; 2011).
- 9 Farrar (1988: 44–98); cf. also Saxonhouse (2006: 60–65, 179–205), on questioning the democratic interpretation of Protagoras' myth.
- 10 Arist. *Pol.* 3.1281a40–b13. Cf. Athenagoras in Thuc. 6.39.
- 11 For the development of oligarchic ideas cf. Ober 1998 who distinguishes various phases of 'dissent' thinking in classical Athens; cf. Blösel (2000); Ostwald (2000).
- 12 Thuc. 2.65, with Leppin (1999a) and Raaflaub (2006c). For a divergent view, cf. Mara (2008: 87–142).
- 13 For Isokrates' democratic attitude, cf. Sancho Rocher (2008).

## PART III

# To Rule and Be Ruled: Greek Governing Bodies

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## CHAPTER 11

# Citizenship, the Citizen Body, and its Assemblies

*Josine Blok*

Political scientists define citizenship as consisting of two elements: the communitarian element, which entails membership of a community and a sense of commitment from the citizens to their community, and the legal-political element, which comprises rights, duties, and entitlements – notably political participation – in this community (Kymlicka 2002: 284; cf. Walzer 1988). Both elements are tightly connected to one another, but not at all the same. The first element defines the community as the entity that provides the source of civic entitlements and their legitimacy (Fahrmeir 2008). The second element emphasizes the quality of the community as a state. The terms used in these definitions are more suitable to modern states and their forms of citizenship than to the ancient Greek world. A *polis* was in many respects unlike a modern state, and the relation of the citizens to their *polis* cannot be classified as one based on legal rights alone (Manville 1990; Cartledge 2000, 2009; Davies 2004; Hammer 2009; Anderson 2009). Nevertheless, the conception of citizenship as consisting of communitarian and legal-political elements and their interdependence is eminently suited to illuminate citizenship in the ancient Greek world.

The possession of rights and the sharing of civic duties do not result in all citizens actually holding rights and privileges in an equal manner. This also holds true when the modern notion of rights is replaced by terms that are more appropriate to ancient societies, such as claims to status, participatory roles, privileges and obligations. In the majority of citizen-states throughout history, only a minority of citizens were actually entitled to hold political office. This was also the case in most Greek *poleis*, notably in the Archaic and Hellenistic eras, when the capacity to hold office depended on elevated birth or substantial wealth. Only male citizens were entitled to do so in ancient Greece. In political structures with limited access to office, office holding derived its legitimacy from its ties to the community at large. All rights and duties did not necessarily pertain

to political participation. Rules of membership defined the composition of the citizen body and sustained claims of the citizens to each other and to the state, for instance to recognition of legitimate offspring to inherit property, or to legal protection against fellow citizens. Participation could also be effective in domains other than political office, such as religious roles or craft associations. The marked differences between historical states in how they implemented citizenship reveal a second duality: citizenship is both a social-political reality and a concept through which the participants understand this reality.

Scholarship on ancient Greek citizenship has focused almost entirely on the political aspect, the communitarian element being mostly understood in political terms, or, at times, being even reduced to such vocabulary. This one-sided approach seems to be the result of a few interlocking viewpoints. Firstly, because it has left us the greatest wealth of written evidence of all *poleis* in ancient Greece, much of it referring to the political domain, Classical Athens almost inadvertently has come to serve as a model of ancient Greek citizenship and political life. In particular, with all male citizens being politically active, and in principle possessing equal political entitlements, the democratic Athenian conception of citizenship seems deceptively similar to our own, which holds equality in legal and political entitlement as its defining characteristic. When all citizens are entitled to all types of rights, the distinction between communitarian and political citizenship is almost seamless. The political domain is easily mistaken for society at large, making the role of citizens who are not holding political office very difficult to assess.

A second element in the political preoccupation with this field of inquiry is the use historians have made of Aristotle's definition of citizenship. In book III of his *Politics*, Aristotle states: "Who (or what) is a citizen (*polites*) is therefore clear from these arguments: we can now state that he who possesses the right to share in political (*archē*) or (and) judicial office (*krisis*) is a citizen of that *polis*, and a *polis* is a group of such people that is sufficient to maintain independence of life, speaking generally" (Arist. *Pol.* 1275b17–24).<sup>1</sup> This is the single extant definition of citizenship in general terms from Classical Greece, which brings modern notions of citizenship to mind. These features have led historians to take Aristotle's definition to be a statement reflecting the reality of citizenship in ancient Greece. However, his definition was not meant to describe the historical practices in the Greek *poleis* of his time but was rather conceived as a fundament of the overall philosophical structure of the *Politics*, which intended to capture the political conditions of the good life as defined in his *Ethics* (cf. Arist. *Pol.* 1280b33–1281a1).

In the same passage, Aristotle discusses the reality of Greek *poleis*, which all defined citizenship by descent from citizen parents – in other words, in the communitarian sense. This practical definition will not be able, Aristotle states, to sustain the analysis of just political systems that is the aim of his treatise. He clearly regards citizen birth as a necessary and self-evident qualifier of citizenship, but it does not alone qualify a citizen to hold office. In his own definition, he deliberately restricts his analysis of citizenship to its entitlements, which he restricts further to political participation. Other aspects of citizenship, pertaining to the communitarian element or to other features of citizens' participation, are irrelevant to the purposes of the *Politics*. To the ancient Greek *poleis*, however, they were anything but irrelevant.<sup>2</sup> In sum, Aristotle's theoretical conception

of the citizen, which cannot account for the male and female citizens who did not have access to political office but were nonetheless *politai*, is unsuitable to illuminate the historical realities of ancient Greek citizenship.

This chapter introduces the main features of Greek citizenship, focusing on its structures rather than on its historical development, although occasionally these structures will be elucidated by paying attention to historical change. I will first address the conception of *polis* membership, consisting of a twofold convention: the relationship of the *polis* with the gods, and descent as criterion of membership. Claims to participation were derived from this conception of the *polis*, and put into practice in religion by men and women, and in politics by men. The assignment of such public roles, open to many or a few citizens, and the gathering of assemblies, usually consisting of all male citizens, was based on this conception of citizenship as well.

We will take Greek terminology as the point of departure, although this is not to say that language allows us unmediated insight into ancient society. But the semantics of citizenship vocabulary are essential to an understanding of the views and practices in which this discourse was embedded. For many centuries, ancient Greek had no equivalent of our modern abstract noun “citizenship.” The equivalent notion was expressed by the verb “to be” with either an *ethnikon*, for example being an Athenian or Korinthian, or with *polites* of, for example, Athens or Korinth. In other words, a Greek citizen saw himself or herself as a member of a *polis*, more precisely of a particular *polis*. In the 430s BCE, a new abstract noun emerged, *politeia* (Hdt. 9.34). It refers to the written rules and unwritten conventions shaping a society, in particular its system of political authority. The Greeks were convinced that a *polis* and its *politeia* formed an organic whole, because over the years a *politeia* created the distinctive sociocultural climate of a *polis*. Presupposing *polis* membership, participation in the *politeia* meant participation in creating the rules of the *polis* and sharing its way of life. By the early fourth century, *politeia* in the sense of managing the *polis* was something one could share in; it came into use as an equivalent for citizenship in the case of men, notably in grants thereof (Andok. 2.23; Dem. 23, *passim*), whereas “citizen” was and remained a state of being, valid for men and women. *Polis* and *politeia* thus both refer to the community and its social-political structure, but with distinct emphases.<sup>3</sup> *Polis* designates primarily the community, implying its existence as a political entity, while *politeia* refers primarily to the structure of society defining the character of the community – it is the soul of the *polis*, in the words of the fourth-century orator Isokrates (*Areiop.* 14; *Paneg.* 138). In Late Antiquity, *politeia* even came to mean “(civilized) conduct.”

Within this discourse, it is significant that even in Classical Athens citizenship was not described as participation in political office. Politics, in the sense of decision-making institutions and processes, were of course important, particularly for male citizens, but to the Athenian mind *archē* and *krisis* were not simply what membership of the *polis* was about. Instead, when citizens were required to attest their civic status, they captured this notion in the formula “to have a share in the things of the gods [*hiera*] and in all human affairs that are pleasing to the gods [*hosia*]”.<sup>4</sup> This phrase is frequently attested in Classical Athens and can tentatively be dated to the sixth century BCE, but it also occurs in other *poleis* and at other times. It captures the essential elements of the *polis*: shared cults and shared laws, shaping the community based on shared descent. In the cults and

laws (participation) and shared descent (membership) we may recognize the two parts of the definition of citizenship introduced at the beginning of this chapter.

## The *Polis* as Community: Cult and Descent

The Classical Greek noun *polis* refers to a community of *politai* (*polis*-members). The epic word *p(t)olis* refers in particular to an acropolis, a stronghold where the community could find safety in times of danger and where the central sanctuaries were located (*Il.* 6.257; 11.181; 17.144). Crucial in the connection between both meanings of the word were the cults shared by the community and performed on the acropolis, as confirmed by epigraphical evidence – notably Athenian decrees of the fifth century referring to the acropolis as *polis* – and by archaeological evidence. In the past decades, the links between cult, territory, and *polis* have been extensively explored.<sup>5</sup> The earliest signs of emergent communities in Iron Age Greece appear in the construction of sanctuaries, which defined territories of *poleis* and their interregional networks, forging the connection between a group and a particular place. *Poleis* developed from kinship groups that clustered into villages and next created larger networks, or by dispersing from a local center. The process varied from *polis* to *polis*, and in colonies it was again different from that in the old settlements. It was essential that the *polis* came to define itself as a coherent community through its relation with the gods. In each *polis*, the *politai* sooner or later called themselves by their *ethnikon*, such as *Athēnaios*, *Lakedaimonios* or *Korinthios*, designations referring to the prominent divinity or the territory primarily defining the *polis'* identity. On a smaller scale, in local communities and even in particular families, heroes and heroines provided a cultic focus, playing a role similar to the gods in creating cohesion and identity (Sourvinou-Inwood 1990; R. Osborne 1993; Burkert 1995; Georgoudi 1998; Brulé 2005; Parker 2005; Evans 2010).

Written sources are indispensable for grasping exactly why and how the relationship with the gods was essential to the community's identity. Each *polis* consisted of the sum of its *oikoi* (households) with their private property, its common property and the property of the gods. Protecting the land and reaping its benefits depended on cooperation between humans and gods, each party fulfilling the role befitting its status and resources. Humans gave the gods due rewards for their contributions of divine powers (fertility, courage, justice, victory) without which no human effort could be effective. Those gifts (votives, sacrifices) were provided out of human property and, once they had been made divine property (*hieros*), humans managed them for the gods. Both parties – though widely different – were thus believed to benefit from this exchange (Versnel 1981; Yunis 1988; Lazzarini 1989–1990; Pulleyn 1997; Parker 1998a.). I label this bond between humans and the gods a “covenant.” Festivals and other rituals of gift-giving to the gods articulated who was included in the covenant on both sides, human and divine. Against this background, we should be cautious about supposing that religious office was vastly less important to the *polis* than political office. The significance of selection for priesthood and the shares of honor in sacrifice granted to priests and priestesses serving *polis* cults suggest otherwise (Connelly 2007; Ekroth 2008; Tsoukala 2009; Lambert 2010).<sup>6</sup>

Greek discourse, furthermore, reveals a conceived congruence between the rules of exchange with the gods and the rules of reciprocity and social respect among humans as valued by the gods, both indicated with the noun *hosieē*. The adjective *hosios* designated things or actions as in agreement with these rules, for instance human property to be used in the exchange with the gods, or human conduct befitting the ethics of *hosieē*. The citizenship phrase “to have a share in the things of the gods (*hieros* things) and in all human affairs that are pleasing to the gods (*hosios* things)” thus captured the fundamental tenets of the human community in concert with the divine, and the governing assumptions of this relationship. This notion forged the identity of the *polis* and its subgroups. Its smallest social unit, the *oikos* (household), worshipped gods (Zeus Ktēsios, Zeus Herkeios) privately who were common to all but also to the particular benefit of the household. Even the *oikos*' Hestia, goddess of the hearth, was a private representation of the same goddess who had her cult in the centre of the *polis*. Since each *oikos* had a share in the community as part of the whole, the covenant simultaneously created the connection between *oikos*/private (*idios*) and *polis*/common (*koinos*).<sup>7</sup> The private shares in most *poleis* were far from equal, but the underlying commonality nonetheless included all *politai*.

The counterpart of the covenant between a *polis* and the gods was membership in a civic community through descent. While descent is a regular criterion of membership of all ethnic communities and has become the backbone of many modern nation-states, in ancient Greece it was the dominant metaphor for creating community identity and conditions of participation (Hall 1997).<sup>8</sup> All claims to material and immaterial wealth, both public and private, were cast in terms of the heritage of one's progeny. Regarding *polis* membership, the core of this heritage was the covenant with the gods. Since the gods were immortal, their side of the exchange was constant and unchanging by virtue of their divinity, but on the human side new generations had to be identified time and time again as partners, reestablishing their relationships with the divine. While in the dim past the ancestors had created the covenant, their legitimate heirs were entitled to a share of “the ancestral things” (*ta patrōia*), the material and immaterial heritage both public and private, and the cults “according to ancestral custom” (*kata ta patria*) which sustained the existence of the community (Parker 2005: 9–36). Mythical narratives about the origins of the *polis* created the identity of the present population as the legitimate heirs of the ancestors and legitimized real descent as a condition of *polis* membership in the present, expressed in the *ethnikon*. Since membership was defined as inheriting a part, however small, of the covenant and its common goods, descent thus became the criterion of belonging to a *polis* and its subgroups. Fundamental revisions of the *polis* body – for instance when new *phylai* (tribes) were created at Sikyon and at Athens (Hdt. 5.66–69) – were again cast in terms of descent. Tending the graves of deceased kin not only showed piety towards one's own dead, but also demonstrated one's identity as the heir of one's ancestors.

This system by definition encompassed all members of the *polis*, rich and poor, male and female, those with political power and without. The common words referring to all these citizens were *politai* (members of the *polis*) and *astoi* (those belonging to the *asty*, city). In the masculine plural, both words indicated men, women, or both. Until the second half of the fifth century BCE, both words occurred only in the plural, designating the citizens as a collective. In the 430s, the masculine singular *politēs* and the feminine

plural *politides* made their appearance in Athenian vocabulary, and in the fourth century the singular *politis* appeared. The use of *politai* for men and women, and more generally the occurrence of symmetrical terms for men and women with only a difference in gendered morphology, shows that both sexes were citizens of the *polis*, even if their roles within it were different.<sup>9</sup> This usage confirms that Aristotle, defining *politēs* exclusively as a (male) citizen with the ability to enter political and judicial office, deliberately moved away from Greek citizenship vocabulary.

*Polis* membership based on birth from citizen parents is indicated in Classical discourse with the verb *meteinai* (“to be a member of a group”), for instance in a construction of *meteinai moi* with the genitive (“it is intrinsic to me,” i.e., “to belong to the *polis*”). Although the rules differed in detail, *polis* membership everywhere depended on acknowledgement by the community of one’s legitimate birth with inheritance rights in one’s *oikos* and *polis*. Greek marriage patterns show variety within a common framework: a preference for endogamy within the *polis*, but in the Archaic Age much flexibility; a preference for exogamy between families, but relatively frequent cross-cousin marriages; bilateral kinship with priority for the male side; partible inheritance among sons and commensurable portions for daughters in the form of dowries, and inheritance through daughters in the absence of male heirs. *Poleis* could change their rules of legitimacy, requiring two citizen parents when previously one would do, or conversely allowing more flexibility. According to Aristotle, *poleis* did so due to over- or under- population, and democracies in particular were prone to extending citizenship to *politai* with only one citizen parent (*Pol.* 1278a27–35; 1319b6–18). Extant evidence does not support his conjecture, however. Perikles’ Citizenship Law of 451/450 BCE (Blok 2009a) which famously changed Athens’ citizenship birth criteria from one to two citizen parents was issued at a time, after prolonged warfare, when the number of citizens was exceedingly low. Rather, the turn to *polis* endogamy, attested from the fifth to the second centuries in Sparta, Kos, Byzantium, Miletos, Tenos, and Rhodes among others (Grieb 2008; cf. Davies 1977; Lambert 1998; Wilgaux 2000), enhanced *polis* cohesion, as Aristotle correctly observed (1280b34–37; Patterson 1998; Véritrac and Vial 1998). Conversely, making an outsider a citizen of the *polis* by decree was tantamount to adopting him into the group with all ensuing obligations and claims towards fellow-citizens and the gods, and into the real group of descendants in the present.

At some point, then, real descent became the criterion for belonging to a *polis* and its subgroups. How far back we can trace this principle in historical evidence varies from place to place. Rules of kinship and inheritance made up an important part of the earliest extant written laws, such as those of Gortyn on Crete recorded from the late seventh to the fifth century and those of Solon at Athens, dated to 594 BCE (Lape 2002–2003). In several *poleis*, families belonging to the *polis* came to be organized into phratries, subgroups supervising legitimacy of children as *polis* members. Linguistic evidence testifies to the great antiquity of the phratries. Drako’s law on homicide of the late seventh century at Athens (*IG I<sup>3</sup>* 104) presupposes a developed system of phratries, as does the regulation of funerals at Delphi among the Labydai of the late sixth century (R&O 1). How archaic *phylai*, widespread in Greece as kinship groups and first mentioned in Homer (*Il.* 2.362–363; 9.63–64, with Lambert 1998: 270–272), were connected to other kinship structures is unclear, but the three Spartan tribes are

mentioned in Tyrtaios (fr. 19W), dated to the seventh century. The *phylai* attested in Dreros (Effenterre 1946: 590–597) and the four *phylai* at Athens with their *phylobasileis* (Lambert 2002), who played a role in Solon's sacrificial calendar, date back at least to the seventh century, too.

The value attached to the mythical and cultic origins of the *polis* found a focal point in the high value accorded to the ancient lineage of families (*eugeneia*). Alongside an aristocracy of wealth, many Greek *poleis* boasted an aristocracy of birth that was not necessarily wealthy at all (Lambert, forthcoming). Such families' prestige was due to a genealogical connection, real or imagined, with the time when human society created its covenant with the gods. These families laid claim to family lines of great antiquity, and some may have had a kernel of legitimacy in doing so. This is the case in the Attic *genē*, subgroups of phratries which supplied the priests and priestesses of the *polis* cults (Blok 2009b; Blok and Lambert 2009). Membership with rights of eligibility to priesthood depended on birth from two Athenian parents within a *genos* family requiring a long, demonstrable pedigree. In the Classical era, such lines of legitimate descent were convincingly (re)constructed over more than seven generations, including switches to the female line.

Beside the regular supervision of legitimacy exercised by phratries and similar bodies, *poleis* could decide to check the credentials of all their citizens. Such cases of *diapsēphismos* are best documented for Athens, but must have also taken place elsewhere. The events at Athens suggest a connection between a *diapsēphismos* on the one hand and regime change and/or crisis on the other. Calling for such a scrutiny might be motivated by a desire to remove political opponents, but most cases of *diapsēphismos* make the impression of a purge, a purification of the *polis* body of incorrect elements, interlopers into the covenant with the gods; after the purge, the *polis* would emerge cleansed and invigorated to face the future. “Diapsēphistic” tendencies often appear in tandem with trials for *asebeia* (incorrect or failing worship of the *polis* gods) (Mari 2003), or trials about moral purity. In 346/345 BCE, for instance, Athens held both a *diapsēphismos* and the trial of a prominent Athenian, Timarchos, in the same year for physical impurity prompted by political enmity. Charged with *hybris* to his own body, Timarchos could be made out as ready to commit *hybris* to the *polis* and therefore needing to be removed from the citizen body (Aischin 1, with Fisher 2001; G. Martin 2009: 165–176). Conversely, in the same year Athens awarded for the first time inscribed honors at the level of the *polis* to its own citizens for commendable fulfilment of office (Lambert 2004). Besides specific causes in each case, all these measures collectively seem a response to the alarming pressure exerted by Macedon on the Greek *poleis*, Athens prominent among them.

## Participation

Membership of the *polis* as community was conditional to participation in the *polis* as society more broadly. Outsiders who were to be involved in *polis* events could do so under certain conditions: ambassadors entered the political space of the *polis* under protection of the magistrates or council, and non-citizens could be introduced into a

*polis* cult under the guardianship of a citizen or other conditions set by the *polis*. At Delphi, accommodation of visitors to the oracle made this guardianship a large-scale enterprise (Bowden 2005: 17–25). At Olympia, participants in the Panhellenic Games in honour of Zeus were guests of the *polis* of Elis. At Athens, the status of *metoikos* ( metic; resident immigrant) was created to regulate the participation, notably in several *polis* cults, of non-Athenians residing at Athens (Blok 2007; E.A. Meyer 2010; Wijma 2013), whose numbers had grown spectacularly since the early fifth century. How all this was organized was for humans to decide, provided it was carried out in a *hosios* way (i.e., approved by the gods). In democratic Athens, the verb commonly used for participation was *metechein*, “to have a share,” with the connotation “a share to use actively with others.” Its usage in combination with “the *polis*” – that is, “to have a share in the *polis*” meaning “to be a participating citizen” – emerged in the early fourth century ([Lys.] 6.48) and became a popular expression in Athenian political discourse. *Metechein* in the *polis* meant belonging to the group and participating in all it did, while *metechein* in the *politeia* usually meant participating in the political decision making of the *polis* (Lys. 2.77; 16.3; Isok. 21.2; 18.49; [Arist]. *Rhet. ad Alex.* 1424a39–1424b14).

As members of the *polis* by descent who honored the same gods at home and in public, all citizens had some claim to fulfilling public roles in the *polis*. All such roles were called *timai*, as they represented the *timē* of each citizen. *Timē* entails one’s value to the community and its recognition by the community; between the two, there should be a certain balance. But if this value should ever be called into question by the community, for instance because a citizen had fallen in disgrace or jeopardized the very core of society, s/he was declared *atimos*. S/he could no longer assert her/his social persona and expect to be valued properly. Conversely, a citizen who felt unjustly slighted, could file a complaint against his/her *atimia*, with the implicit obligation of society to redress this situation. Strife over claims was inherent in this system, but over time citizens forged a (more or less) commonly agreed understanding of which *timē* was due to whom.<sup>10</sup>

Although each *polis* had its own system, a general pattern can be delineated in the distribution of *timai*:

- 1 *Timai* were granted according to distinctions among citizens based on birth, wealth and/or gender.
- 2 *Timai* were performed in the following areas: a. cult exclusively: priesthoods and other offices as cult personnel; b. political office plus cult: *archai*; c. military roles, also requiring sacrifice

Each *polis* had its own configurations of all of these elements, and the relationship between them changed over time. Of course, some *timai* were far more prominent than others. Some were very modest, for instance participating in the rear group of large processions, or attending a dramatic festival, such as the Lenaia at Athens, open to citizens and metics only, or sharing in the festivities of a cult for citizens only, such as the Thesmophoria, in which only married citizen women were involved. Among the prominent *timai* were priesthoods: priests and priestesses were citizens representing the *polis* or one of its subgroups in their exchange with the gods. A particular type of *timai* were called *archai*; this word can be adequately translated as “political offices” because *archai* included ruling one’s fellow-citizens. Yet, “political” does not mean “secular,”

since every *archē* also required making sacrifices and giving votives to the gods on behalf of the *polis*. At Athens, for instance, the three major archons performed several prominent sacrifices and were responsible for many other religious duties carried out by others ([Arist.] *Ath. Pol.* 55–59). Military commanders, in Athens the prominent *archai* of *polemarchos* and *stratēgos* and in Sparta primarily the kings, had to offer sacrifice when crossing the border of the *polis* territory, to consult divine will and to thank the gods for victory. Exchange with the gods was thus the general, common feature of all *polis timai*, whereas *archai* also included duties primarily regarding the human community. Which *timē* and *archē* befitted whom was a matter of tradition and additional rules (*politeia*) of the *polis*. The distribution of *archai* in particular was a topic of deep political dissent in many *poleis* and therefore liable to change.

Of all variables, the distinction according to gender would seem relatively unequivocal: only men participated in *archai* and military duties, while women had access only to cultic *timai*. Nevertheless, access to all *timai*, including *archai*, was usually dependent on wealth qualifications, which applied to the wealth of an entire *oikos*. High wealth requirements excluded many men from political and cultic office, and many women from cultic office. Traditionally, wealth was measured primarily in terms of landed property and cattle (Foxhall 2002; van Wees 2006b). Women received their part of the inheritance as a dowry usually in the form of movable goods, but also rarely in land (Foxhall 1989). The introduction of coined money in the sixth century affected the Greek economy widely, including census requirements. Consequently, the contribution of women to the wealth of the *oikos* into which they married increasingly took the shape of capital, with ensuing effects on the political status of their male relatives.

Many cultic offices, on the other hand, required special birth qualifications, as was the case in the Attic *genē*. The priestess of Athena Polias, a woman born in the *genos* Eteoboutadai and performing the major public priesthood of Athens, arguably had a far more prominent role in the *polis* than numerous male citizens who only had access to the assembly. The Eteoboutadai, like many *genē*, seem to have been of very modest means, but in terms of birth, they were an aristocracy among the Athenians. After 321 BCE, wealth increasingly became again a condition for office-holding. The property classes instituted by Solon had fallen out of use almost entirely after the mid-fifth century, but by the late fourth century office-holding again required ample private means to be used for the common good, if not *de iure*, then at least in practice. This was the case in the Greek world generally. Reliance on euergetism also concerned public priesthoods, notably in the costs of sacrifice. It seems that the Athenian *genē* too needed to marry into “new wealth” to support their priestly offices. In several *poleis*, for instance on Kos, the sale of priesthoods became a regular practice (Parker and Obbink 2000, 2001; Wiemer 2003), shifting the burden of financing cults to the families who could afford to enjoy this *timē*.<sup>11</sup>

Among men, access to political office in the *polis* was based on qualifications set in terms of birth (noble lineage or age class), wealth or military performance. The ways in which these qualifications were defined and combined formed an essential component of the *politeia*. In these respects, *poleis* differed vastly from each other, and in most *poleis* profound changes in the *politeia* were made over time. In democratic *poleis*, all male citizens came to be engaged in these assignments; in oligarchic *poleis*, just a limited group. The actual offices included responsibilities in all areas of the *polis*, most prominently the

major offices (*archontes*, *kosmoi*, etc.) active in cult and jurisdiction, but also magistracies such as those involved with keeping common treasuries, or overseeing the market, the harbor, or the water supply. Of particular political weight was membership of the council or a similar body that prepared the agenda for the assembly, playing a key role in running the *polis*.

The base line, generally speaking, was attendance of the assembly by the male *politai*. In nearly every *polis*, this collective ought to have been present and heard in some way in major decisions on the affairs of the *polis* and in jurisdiction, and for this reason the *polis* assembly could be regarded with justification as the cornerstone of Greek political citizenship. Assemblies were decisive at *polis* level, but in many *poleis* assemblies were equally constitutive of *polis* subgroups. *Phylai* and phratries everywhere regulated their own internal affairs, and in Athens the 140 demes, subgroups instituted by Kleisthenes in 508/507, each with their own assembly, formed the backbone of political participation. Some assemblies were constituted by representation instead of direct participation, and might require higher qualifications than the general assembly. The councils managing current affairs and preparing the agenda of the general assembly in most *poleis* were often composed in this way. In the Archaic Age, assemblies of the *polis* and its subgroups were primarily engaged in legislation; over time, attention shifted to granting honors to outsiders and to its own members, beginning in the fifth century and becoming more conspicuous in the Hellenistic Age. Some Greek states were framed as a commonwealth (*koinon*) of various communities rather than as a single *polis*, a construction attested predominantly in the fourth century. Citizens could be members of the *koinon* and of their own *polis*, whereas participation in the assembly depended on a democratic or oligarchic structure and on the degree of authority of the *koinon* over its members.<sup>12</sup>

That the assembly, indicated in extant decrees with the terms *polis*, *dēmos*, or *eliaia*, or with the *ethnikon*, was usually the ultimate authority to consent to decisions signifies the sovereignty of the citizens in Greek *poleis*. Nonetheless, in some *poleis* access to the assembly was either formally or in practice restricted to the more affluent of the citizen body. Besides such limitations to attendance, a quorum could be required for essential matters to be decided, apparently taken to represent the entire *polis*. In cases where the number of recorded votes of an assembly decision seems rather low, this might represent a deliberately small selection of the citizen body – an oligarchic structure, or a low quorum in a generally more democratic *polis*. In some *poleis*, even non-citizens came to be included in the assembly and its decision-making, especially in Hellenistic and Roman times, when citizenship was more frequently awarded to outsiders, with concomitant tendencies to restrict access to office to the elite citizens. The meeting place of assemblies was originally the *agora*, but in more populous *poleis* the assembly needed a larger space when meeting in full force, such as the theater at Syracuse or the Pnyx in Athens.

Even if access to assemblies were open to all male citizens, this would not mean that all had an active say in the process. In (Archaic) aristocracies and in tyrannies, the assembly was asked to respond to proposals made by leading officials in “plebiscitary politics.” In oligarchies, only a few prominent men were actually engaged in shaping policy and the assembly, if consulted at all, had no role other than to accept (or shout down) decisions prepared elsewhere.<sup>13</sup> Aristotle therefore considered the term *archē*

inadequate for membership of the assembly and *polites* inadequate for male citizens with this capacity only (*Pol.* 1277b33–1278b6). In democratic *poleis* such as Athens, by contrast, the assembly was an essential domain of political decision-making, as all adult male citizens were expected to attend, speak their minds and make proposals. That the majority did not do so in practice and rather left the floor to eloquent, better-educated citizens does not diminish the ideological thrust of a political arena open to all male citizens. Of arguably even greater importance than participation in policy-making was access to jurisdiction and to control of magistrates. The evidence of the Archaic Age shows a varied picture of a few prominent men speaking *dikē* in the presence of a large audience (Homer) or of a few powerful men doing so, without possibility of redress for claimants (Hesiod, *Theognis*). At Athens, the institution of a popular court of appeal by Solon (594) recalls the audience of lawsuits in Homeric epic as to its size, but signifies a new appreciation of citizens' assemblies in the composition and procedures of the courts.

Military performance traditionally made up an important part of men's *timē* in the *polis*.<sup>14</sup> The kind of combat service open to them had much to do with wealth (armor being costly) and therefore with birth as well. Consequently, for male citizens the relationship between military roles and access to *polis* offices was generally a strong one, especially in the Archaic and Classical ages. In Sparta, the connection between wealth and military and political participation was absolute: the Spartiates needed sufficient wealth to contribute to their dining communities, membership of which was a requirement to serve as a hoplite (the only true career path of Spartiates), to take part in the assembly, and to be eligible for certain political offices. In all Archaic *poleis* until the late sixth century, fighting as a hoplite and belonging to the select cavalry was a prerogative of the elite; common citizens could act as light-armed auxiliaries, but generally were not involved at all. Around the turn of the fifth century, many *poleis* drew on larger sections of the male population as hoplites. The catalysts for this increasing involvement of less wealthy men in warfare were the Persian Wars followed by the Peloponnesian Wars. In Athens, the mass of poorer citizens came to serve as rowers in the fleet, strengthening their political claims following their military performance. Likewise, the engagement of male metics in Athenian warfare was an important element in the involvement of this group in the *polis* more widely. Simultaneously, however, the increasing recruitment of mercenaries affected the traditional connection between men's military roles and claims to active participation. Some prominent mercenary captains were granted citizenship at Athens, both as a reward for past service and as a means of ensuring loyalty in the future (*Dem.* 23), but these would remain exceptions. In the Hellenistic era, the balance in warfare shifted entirely to massive, (semi-) professional armies commanded by kings who used them to expand or defend their empires. Even if military service continued to reflect men's roles within the *polis*, clearly the major component of men's *timai* after 300 consisted of the performance of political and cultic obligations, and the financial requirements these entailed.

## Assignment of *timai*: Inequality and Equality

In each *polis*, the citizens were divided into subgroups defined by vertical social boundaries, beginning with kinship groups such as *phratries* and *phylai*. At Athens, the

140 demes created by Kleisthenes combined descent, the principle of membership of demes as subgroups of ten new *phylai*, with geographical elements, that is, a local basis and regional clustering of the demes. In Kamarina on Sicily, a collection of 158 lead tablets found at the sanctuary of Athena shows on the side of each tablet a masculine name with a patronym, or father's name, on the other a number. Whatever these numbers may represent (phratries?), the tablets show a *polis* neatly organized in subgroups, presumably as a result of the re-foundation of Kamarina in 461 BCE (Diod. 11.76.5; Cordano 1992; Robinson 2002). All such *polis* subgroups included rich and poor, high and low birth, men and women. Distinctions as to gender drew vertical lines through the citizen body separating male and female. Age classes made horizontal divisions within each gender group (in Sparta, a class of each year for males), whereas in many *poleis* men and women both were considered to belong to the elders when over 60. Most *poleis* harbored numerous other subgroups, ranging from *andreia* (associations exclusively of men) on Crete to semi-private cult groups (*orgeones*) at Athens, which could include either men or women or both. *Timai* were assigned in the *polis* at large and within its subgroups; the latter often determined their own methods of assignment, though usually with some recourse to the *polis'* system.

The distribution of *timai* fell into two distinct systems, namely along lines either of inequality or of equality. Acknowledgement of inequality meant applying distinctions among citizens, as we just saw, in birth, wealth, and gender and all feasible combinations of these parameters. They divided the *politai* into social categories: in the case of birth and wealth hierarchically, in the case of gender asymmetrically. A few *timai* were based on hereditary qualifications, such as kingship in Sparta and *genos* priesthoods in Athens. All other *timai* were distributed either by making distinctions or by defining the group of candidates as equals.

When inequality was to guide the assignment of *timai*, the *polis* could apply general criteria, such as differences in wealth, as conditions to entrance into particular offices. At Athens, Solon's four property classes assigned access to various offices to specific groups. While at first the archonship was limited to the highest two property classes, after 457 the third class also became eligible, and in the second half of the fifth century Solon's system gradually fell out of use as all Athenians became eligible for most offices. Beside such formal distinctions between groups, distinctions could be made between individuals based on perceived capacities: this was the case when election was an important component of the procedure. By choosing one (or a few) to be the best, the group making this selection acknowledged inequality between the candidates, valuing some individuals higher than others. The ephors at Sparta, for instance, elected by the assembly from among all male citizens, formed a strong counterweight against the kings.

There could be circumstances, however, when it was either impossible or undesirable to decide who was the best among the candidates. In such cases, the candidates were defined as equals and the choice of the right candidate was left to the gods, using the lot as a sign of divine will. This system of allotment was tied intimately to the rights to and transmission of inheritance. Whereas among their Eastern Mediterranean neighbors primogeniture prevailed, Greek communities practiced partible inheritance, which entailed division of the paternal property into parts assigned to equal heirs by lot (*lanchanein*); both the inherited part and the lot were called a *klēros*. Defining the

composition of the group was always a human responsibility, in this case establishing the legitimate heirs, whereas assigning a part to each of them was a divine decision, as the will of Zeus was made manifest in the lots (Berman 2007: 128–133). The methods used in *klērōsis* show unmistakable similarities with various types of divination. As the god of order, Zeus oversaw the proper functioning of the system and the assignment of the part proper to each; there is no aspect of mere chance in such allotments.

This principle, perhaps originally applied at the level of the *oikos*, came to be used more broadly as a method for assigning other kinds of property or status in settings other than family inheritance. How this worked becomes clear when we look at the system from the other side: when selection was made by *klērōsis*, the system by definition made all candidates equals, while the gods would decide who among mortals was to receive this part or role. Early cases in epic, for instance, show the use of the lot to decide who is to throw the first spear in a duel (*Il.* 3.264–339) or who among the Achaian heroes was to fight the Trojan champion Hektor (*Il.* 7.161–180). *Klērōsis* came to be applied in the *polis* generally for distributing positions among a group, demarcated as equals in the process. The most socially resonant metaphor with which to do so was to identify the group of candidates as heirs of a common ancestor or founder, among whom shares/lots were assigned by divine will. Such shares could be anything worthwhile, but allotment was used primarily to distribute *timai*. We cannot be certain how this method spread to other areas of life, but the involvement of the phratries in the transmission of legitimacy and inheritance rights presumably played a role. Selection for priestly office usually took place by the use of the lot, the gods themselves showing who was the right man or woman to serve them (Plat. *Laws* 3.690c, 5.741b, 6.759b). At Athens, selection took place among equal members of a *genos*, who were all equally qualified due to descent (Blok 2009; Blok and Lambert 2009; Lambert 2010). Applying this system to other groups, the conception of *poleis* and their subgroups in terms of (metaphorical) descent may have developed in tandem with the use of allotment as a means of assigning social roles and benefits. In aristocracies and oligarchies, the groups thus defined were small and elitist, while in democracies they were large (Demont 2001).<sup>15</sup>

Some distinctive features of ancient Greek citizenship can be explained on the view that the communitarian element (civic body) and the legal-political framework (participatory roles) of the *polis* were connected by the principle of descent with the inherent notions of inheritance and allotment. Since every citizen was considered an heir of the founding covenant of the *polis* with the gods, legitimate birth was conditional to membership of the *polis* and descent, either real or metaphorical, became the dominant conception shaping the identity of the *polis* and its subgroups. When *lanchanein klēron*, the equal division and assignment by lot of the inheritance at *oikos* level, was applied to other sections of the *polis*, the notion of sharing the inheritance carried an argument for equality in participation.

## ACKNOWLEDGMENTS

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## NOTES

- 1 The Teubner text gives “or,” the *OCT* “and.” This definition is first introduced in *Pol.* 1275a22–24 and 1275a32–34. Aristotle includes the communitarian context in his political definition, stating twice that a *polis* consists of families and descent groups, as well as villages (1280b33; 1281a1). The necessity to live together is a condition, the ultimate aim of the *polis* is the good life (1278b18–31), with a congruent distinction between the goodness of members of the *polis* generally and of a citizen as participant in the *politeia* (1276b16–1277a37).
- 2 On the participation of male citizens: Walter (1993) and Manville (1994); on obligations and duties: Liddel (2007).
- 3 On *polis* and *politeia* in Aristotle: Murray (1993); on citizenship vocabulary: *polis*, Hansen (2007); *politeia*, Bordes (1982).
- 4 Thuk. 2.52.4; Antiph. 5.62, 82; Lys. 30.59; Dem. 23.65; 39.35; 57, pass. (*hiera kai koina*); cf. also the ephebic oath (Blok 2009: 166, with further references) and Apoll. *Neaira* 104.
- 5 Cults constitutive of the *polis* in defining its territory: de Polignac (1995); Hölscher (1998b); Cole (1995); Auffarth (2006). Growth of communities around cults: C. Morgan (2003); cf. van den Eijnde (2010); *polis* as territory with urban center: Hansen (1997).
- 6 For *polis* cult under *polis* responsibility, for *polis* benefit and often but not necessarily funded by common funds, see Aleshire (1994b); Pirenne-Delforge (2005); Lambert (2010: 144–147).
- 7 For *hiera kai hosia* underlying the laws: Maffi 1982; constitutive of the *polis*: Connor 1988b; Blok 2009a; Jay-Robert 2009; Blok 2011; *hiera kai hosia* representing the covenant: Blok 2013.
- 8 Descent shaping *polis* identity: in Boiotia, Kühr (2006); Larson (2007); in Messenia, Luraghi (2008); in Athens, Blok (2009a); prominent Athenian families, R. Thomas (1989).
- 9 *Politai* male and/ or female, e.g., Hom. *Il.* 15.558; 22.429; *Od.* 7.131; 17.206; *Hom. H.* Dem. 99; *politai* used for male, not politically active Athenian citizens: [Arist.] *Ath. Pol.* 35.2; Dem. 23.118. Masculine singular *politēs*: Hdt. 7.237; 9.33; Thuk. 6.54.2–3; Aristoph. *Ach.* 595 (in 425 BCE); *politides*, plural: Soph. *El.* 1227–1229; Eur. *El.* 1337; Sicily: Entella 9.11–12; Cos: Grieb (2008: 139); *politis* singular: Isok. 14.51; Plat. *Leg.* 814c; Arist. *Pol.* 1275b32; 1278a 28; Apoll. *Neaira* 107; Dem. 57.31; 57.43. On this terminology: Blok (2005).
- 10 For *timē* and *atimos*, van ’t Wout 2010, 2011; for participation in modest cultic roles, Jameson 1999. For female cult personnel, Kron 1996; Georgoudi 2005. For the Classical *polis* as open society with various criteria of participation: E. Cohen 2000.
- 11 For euergetism determining civic participation in Hellenistic *poleis*, of women: van Bremen 1996; and men: Perrin-Samindayar 2007.
- 12 See: inscribed decrees, R&L 502–527 on the structure of assemblies; the Kleisthenic demes as units with assemblies, Whitehead (1986: 253–325) and R. Osborne (2010); representation in the Athenian *boulē*, allotted by deme, Rhodes (1972: 1–16), with evidence suggesting property requirements in the early fifth century. Legislation in Archaic assemblies, Papakonstantinou (2008: 51–63); citizenship and assemblies in federal leagues: Beck (1997), overview of representation: 257–259.
- 13 Restrictions of access to the assembly, e.g., at Sparta of those who could not contribute to the common meals (Xen. *Hell.* 3.4.5–6; Arist. *Pol.* 1270a11–34), or as a result of property qualifications in Boiotia in the late fifth century. Quorums: Athens, with a male citizen population of c 30,000 in the fourth century, used a quorum of 6,000; cf. R&L 502–527

for quorums in other *poleis*. Democratic practices continued in the Hellenistic age: Grieb (2008). For plebiscitary politics, Hammer (2005).

- 14 For men's military roles as factor for holding political office, Raaflaub (2006b); van Wees (2004) for hoplite fighting restricted to an elite in Archaic times and wide involvement in warfare in the fifth century.
- 15 Besides *klēros*, *moira* could be the object of *lanchanein* (to distribute the proper part to each), e.g., Hom. *Il.* 23.80–81; Hesiod, *Th.* 428; [Dem.] 43.51.4; Aischin 1.149.6.

## CHAPTER 12

# Officials and Office-Holding

*Alex McAuley*

From the Archaic period to Hellenistic times, in areas ranging from mainland Hellas to North Africa, Asia Minor to the Western Mediterranean, Greek *poleis* were governed by groups of citizens who acted as sanctioned officials, chosen from within the community and vested with the authority to speak and act on its behalf. These officials were given a specific responsibility by the citizens and had a specific tenure, during which they held momentary sway over their peers by virtue of their office. They were entrusted with any number of tasks, from mundane civic administration to the command of armies or navies, but regardless of their specific office they were all subject to the oversight and scrutiny of the community that had empowered them. This balance between the authority of magistrates and the ultimate sovereignty of the collective is one of the unwaveringly constant features of Greek governance. As prominent in oligarchies as it is in democracies, governance via office-holders is one of the common ties that binds an otherwise diverse Greek political culture. As such, the experience of holding public office in the Greek world provides us with a singular lens through which we might catch some glimpse of Greek political culture as a whole, and view our own in a different light.

The notion of “governance by the governed” sets office-holding in Greece apart from our contemporary culture of public officials, especially in representative parliamentary democracies.

Today we clearly delineate public and private, and see a sharp distinction between government and populace. Our complex systems of administration are at once more monolithic and distant, the detached realm of the civil servant who only steps into the public eye at times of election or crisis. We expect our officials to have risen gradually through a system of ranks that are markers of increasing degrees of professionalization and specialization. The higher an official rises, the more removed s/he is thought to be from the electorate, and we perceive this detachment as an indication of importance. We expect our officials to represent our interests, not ourselves. There is a widespread

understanding that one must be a civil servant for life to entertain any hopes of high office; the structures and processes are too intricate to permit either casual or late entry. Once one becomes an official, one enters a professional realm that is distinctly separate, defined by its own rules and standards of professionalism. In contemporary society we expect government to function smoothly, but we hope that it does so invisibly: it is presumed that if one comes into contact with a government official something must be out of the ordinary. Often we the populace, in the waiting rooms and queues of ministries and departments, are separated from the official behind the desk by a glass window; a barrier which we can see through but not reach across.

In Greece, on the other hand, there was a vastly different, more intimate culture of office-holding at work. It was at once participatory and representative, rendering the government of the *polis* and the citizenry of the *polis* virtually indistinguishable. Office-holding by one's peer, by one's neighbor and one's political equal, made power and prominence (the heights of civic influence) infinitely more familiar, more accessible to everyone. In the *polis*, governmental rule was neither distant nor invisible, but exercised by friends (or enemies, for that matter) and colleagues, acquaintances, and relatives. This familiarity of authority was bolstered by the knowledge that at some point – often frequently – the burden of office and responsibility would fall on the shoulders of every citizen who was qualified to bear it. But then again, this was seldom transferred to one citizen alone: magistrates were almost never empowered with sole authority or jurisdiction; rather they were just one of many sharing similar powers in a system of collegiality and cooperation that was much more than just a division of labour. The practice served to reinforce a sense of community, collaboration, and collective concern. Regardless of the responsibilities of any magistrate, the community was always sovereign. While for the most part I share John Davies' objections to grafting the modern concept of "sovereignty" onto Ancient Greek political culture as a whole, nevertheless I believe that it is applicable to the internal dynamics of any *polis* – what Davies would refer to as "Type B" or "Internal Sovereignty" (Davies 1994b). The entire system of magisterial authority is predicated on the recognition of the supreme authority (*to kyrion* or *to kyrios*) of the community as a whole over the individual, and especially over the individual magistrate. The acknowledgement that the authority of the *polis* was inherently detached from the power of any individual, that it was impersonal and abstracted both legitimated office-holders and limited their power. This "final say" of the community in governmental affairs transcended even specific institutions in a way that is neatly captured by Aristotle's syllogistic statement that "the people, being *kyrios* of the vote, become *kyrios* of the polity" ([Arist.] *Ath. Pol.* 9.1). Given that the ultimate authority of the community is recognized by both the populace and magistrates allows us to speak of it as being sovereign at least within the *polis*.

Inasmuch as communities defined their magistrates, so too did they come to be defined by them. Every *polis* had its own unique hierarchy of officials, tailor-made to fit its particular exigencies and interests, and designed to cater to specific regional or local needs. In Thessaly, for example, the leading officials were named *tagoi*, a term that paid homage to seemingly feudal structures that survived into the Classical period (Helly 1995). In Boiotia, the term "boiotarch" signaled that the rule of those officials extended over the entire region. On Crete, as early as the seventh century BCE, the executive official was called *kosmos*, referencing his formative impact on the political

order of the city (M&L 2, trans. Fornara 11). Finally, at Athens, which is of course the best-documented case study for civic hierarchy and public administration, a vast number of offices was available each year that spanned from rather obvious assignments in warfare to generic offices in market oversight and financial administration to more specialized, if not exotic, offices in the supervision of flute-girls. There was a range of officials entitled *epimeletai* entrusted with sundry responsibilities specific to Athens: there were *epimeletai* of springs, dockyards, religious processions, festival management (cf. Develin 1989: 12–13). Each of those offices was a source of pride for the *polis*, as citizens came to identify with the political idiosyncrasies of their community as a mark of distinction. Holding those offices brought further reinforcement of civic identity to the citizens, as officials were recognized members of the community who had been proven to meet the entry criteria and were thus eligible to hold them. Along with religious festivals and civic rituals, the set of public offices added a distinction to each *polis* that was an integral component of the broader constellation of its civic identity.

But offices and office-holding also had a double resonance in the realm of identity: while on the one hand they were critical sources of *polis*-distinction, on the other hand the broader notion of empowering ordinary citizens was one which all Greeks embraced. As a universal component of Greek government amongst *poleis* of all stripes, office-holding was a fundamental mechanism that was common to all Greek political systems. Though one *polis* might scoff at the peculiarities of another, it would nevertheless appreciate and comprehend the system at work – and all would agree on the authority of officials who, as such, embody the authority of the citizen community as a fundamental signifier of Hellenicity. The case is amply attested in the realm of interstate affairs and the governance between *poleis*. For instance, when members of the Aitolian League hijacked a squad of Athenian ambassadors in 367 BCE, the Athenians decreed a note of protest that condemned the act as “contrary to the common laws of the Greeks” (R&O 35, ll. 13–14). The reference is sometimes believed to relate to the sanctioned aura that surrounds *presbeis* or *spondophoroi*; hence, the action of the Aitolians likely equaled a religious violation. But at the same time, the very reference to “the common laws of the Greeks” accused the Aitolians of disregard of a commonly recognized concept – that the interstate officials of a *polis* were vested with the full authority of that community. Any harm, or wrongdoing, against those officials was directed not only at the individuals who filled the post but at the citizen community that had originally empowered them to do so.

In this chapter, I aim to explore the duality of the experience of office-holding in the Greek world by basing my discussion on Aristotle’s famous notion of *archein kai archesthai*, “to rule and to be ruled.” In doing so, I do not necessarily wish to endorse Aristotle’s idiosyncratic attempts to categorize the exercise of power, which has almost become a scholarly cliché. But the formulation nevertheless provides a convenient structural tool for considering both the powers and limitations of office-holders. Though Aristotle’s turn of phrase is used to describe the participatory power of the citizen and his simultaneous subordination to public officials, this same duality resonates well with a mix between active governance and passive control that characterized the experience of office-holding. The persistent manner in which any office-holder was scrutinized and held accountable to the community proves just as definitive of the experience of office-holding as the prerogatives that came with the station, and thus merits consideration

as well. First I shall consider the exercise of power by Greek magistrates through an exploration of their various roles, responsibilities, and expectations – focusing on both Panhellenic commonalities and local eccentricities. I will then examine the other side of the rhetorical coin by discussing the various mechanisms by which this exercise of power was curtailed by the *polis*, ultimately rendering Greek magistrates comparatively feeble by both ancient and modern standards. This distinctly Hellenic mechanism of civic governance spans both time and space thanks to a consistency and ubiquity of use that allows us to discuss it in relatively static terms. While of course there were diachronic changes in the use and prevalence of civic officials in government, I am more concerned with approaching office-holding paradigmatically as a window into Greek political culture writ large. The ideology and mechanisms that both empowered and hindered magistrates were as well understood in the sixth century BCE as they were in the second. Although the use of the practice ebbed and flowed over time, a consideration of the commonalities of the experience and culture of office-holding reveal it to be an unmoving cornerstone of Greek government.

## *Archein: The Experience of Office-Holding*

To begin we must consider the Hellenic conception of office-holding and the patterns of agency and responsibility that lay beneath any exercise of magisterial power. In Greek, magistrates were referred to as *hai archai* or *hoi archontes*, terms which relate interchangeably to both the office itself and the person who held that office (singular: *archē*). But *hoi archontes* does not refer simply to any group of people in public service; rather, it connotes a defined set of responsibilities and expectations as prescribed by law. When referred to as a group, *hai archai* can be thought of, to quote Mogens Hansen (1991: 225), as “another branch of the government on par with the *ekklēsia* and the *dikasteria*.” They are legislated as a joint group, referred to as a collective, and regardless of his specific responsibility any citizen holding office was automatically part of a body set apart.

The Greek vocabulary of office-holding is derived from the verb *archein*, generally translated as “to rule, govern, or command.” But to consider Greek magistrates as “the rulers” of a city would be both misleading and overly simplistic. There is an anecdote in Herodotus which captures the difference between the authority of a monarch and that of a magistrate: deposed from his kingship, the Spartan Demaratos was elected to public office instead of the throne. Leotychidas, his successor, “as a joke and an insult, sent a messenger to him to ask what it was like to hold office after being king.” Demaratos was so offended by this that he consequently, so Herodotus claims, defected to the Persian court and accompanied Xerxes during his invasion of Greece (Hdt. 6.67). Magistrates were decidedly not rulers in the way kings were. They were chosen by other means, and the exercise of their power, or rule, followed a different trajectory.

Instead of a straightforward top-down exercise of magisterial power over the citizens, there was a much more nuanced system at work whose precise dynamic depended on the particular *polis*. Aristotle goes so far as to use magisterial power as a litmus test for determining the constitution of a city: in closed oligarchic states (i.e., Sparta) all power lay in the hands of magistrates who formed an exclusive group enjoying institutionally

unchallenged sway over the citizen body (Arist. *Pol.* 1275b13–17; Hansen 1991: 228). In democracies, the pattern was inverted: the popular assembly meets and makes every decision impacting the city's governance. Magistrates are then charged with the implementation of that decision, and adopt a purely reactionary and obeisant role (Arist. *Pol.* 1298a28–32). Of course most Greek cities must have lain somewhere between the two extremes, but across the spectrum we detect commonalities that allow for certain generalizations. Regardless of who made the decision, all officials were charged by the *polis* with a specific task and given responsibility for its oversight or completion. Countless decrees unearthed throughout the Greek world conclude by assigning responsibility for carrying out whatever the *dēmos* has decided – be it the erection of a statue, the revision of a law, or an embassy to another city – to particular magistrates. Even the task of supervising the inscription of the decree itself in stone fell to a specific official, the “*grammateus* of decrees” (*epi ta psēphismata*) or the “*grammateus* of laws” (*epi tous nomous*) (Develin 1989: 20–22; cf. also chapter 26 in this volume). In this sense a fundamental function of magistrates was enacting the collective will of the *polis*, and bridging the gap between political decision and concrete reality. They made word into deed.

While carrying out this task, the magistrate was imbued with the authority of the *polis* and spoke on its behalf. A citizen in office had the recognized clout to give orders to citizens (who were otherwise his peers) in the fulfilment of his responsibility. Citizens, for their part, were bound to obey the dictates of their magistrates by ephebic or civic oaths. Refusal to recognize the jurisdiction of a magistrate was perceived as a slight against not only the office but the authority of the community, and carried with it stiff penalties. In Athens, for instance, magistrates were given the authority to fine intractable citizens up to 50 drachmae (*IG I<sup>3</sup>* 82, l. 26). Physically attacking a magistrate incurred harsher punishments than attacking a normal citizen; while in office, a magistrate often even had a different legal status than his fellow citizens (Dem. 21.32; [Arist.] *Ath. Pol.* 45.2).

Yet not just anyone was fit to wield such authority on behalf of their peers, and office-holding was as much an affirmation of a citizen's status as it was a boon to it. Throughout the Greek world there was a more-or-less universally acknowledged set of qualifications that had to be met in order for one to eligible for office. Though the specifics varied, the general pattern remains the same. Of course one had to be male, given that women were as excluded from office-holding as they often were from the public eye, in democracies in particular. Access to offices was strictly limited to Greeks: naturally one had to be a Hellen in order to take part in such an intrinsically Hellenic exercise. Being chosen from amongst the citizen body meant that one had to be a recognized member of it, and citizens often had to prove their civic status for several preceding generations. It is in this requirement of citizenship that women come to have an indirect prominence: in most *poleis* citizens had to be descended from a mother and father who were both full citizens, and thus eligibility is as much defined by maternity as it is by paternity.<sup>1</sup> Many offices carried with them a minimum age requirement, implying that several years' experience gained by fulfilling the responsibilities of any average citizen was necessary before one might take on a greater role (Timmer 2008). Whatever ephebic or military service that was dictated by a *polis* as a prerequisite for citizenship likewise became a prerequisite for office-holding. While these requirements are somewhat exclusive at first glance, in theory magistracies were open to essentially

every citizen: property requirements, hereditary concerns, or a clearly defined career path like the Roman *cursus honorum* were all conspicuously absent. This theoretical equality of citizens runs deeply through the Greek conception of office-holding, so deeply that in the rather circular logic of Aristotle one must be a citizen to hold office, and if one holds office, then one must be a citizen (Arist. *Pol.* 1275a20–35).

Following our exemplary magistrate along his career path, if he were eligible, how then did he come to hold office? In short, he was selected from amongst his peers – but this selection was made by methods as varied as the offices themselves. The most simple was to leave the selection of magistrates to chance: many magistracies – entrusted with everything from overseeing the employment of flute-girls (*astynomoi*), to enforcing standards of weight and measures (*metronomoi*) and roads (*hodopoioi*) – were chosen by lot ([Arist.] *Ath. Pol.* 50.1–54.3). Chapter 16 in this volume offers a more detailed discussion of the inherent assumptions of leaving such appointments to chance, but nonetheless it is important here to draw special attention to how the mechanism of allotment relates to the ideology of civic equality that pervades the magisterial system as a whole. Appointing such a range of magistracies by lot ensures that every citizen who is eligible for office – and presumably nearly all are – has an equal chance at actually being selected to hold office. To see just how seriously the importance of selection by lot was taken, we need only look to the Athenian example: in Athens, even the magistrates who oversaw the selection of officials by lot were themselves officials who had been selected by lot, the *thesmoothetai* ([Arist.] *Ath. Pol.* 66.1). Placing appointment in the hands of *tychē* (“fortune”) defuses the potential of factionalism, personal popularity, or even bribery to influence magisterial appointments. With such a system, a citizen who was not selected for office had no one to blame but chance, and one could not arouse the sorts of partisan accusations and manipulation of appointment that were endemic in the Roman republican system. In the same vein this also disregards any sense of prerequisite experience for holding office: a young citizen who has never before held an official position might be selected instead of an older citizen who has held many, and over the course of a decade one might find themselves charged with any assortment of legal, religious, economic, and military duties.

This principle of equality also manifests itself in the composition of certain boards of magistrates that are designed to ensure that even the subdivisions of a *polis* are given an equal voice. In Argos, for instance, there was a council called “the Eighty” which was divided into four sections of 20, whose members were drawn from the four *phylai* into which the city’s populace was grouped (Thuc.5.47.9 and SEG 33.286; Leppin 1999b). Such equality of representation amongst magistrates chosen by lot continues as the scale becomes smaller: the finances of each *phylē* were administered by a group of 12 magistrates, most likely one from each *phratria* into which the *phylē* themselves were divided.<sup>2</sup>

All of this served to distribute not only responsibility (at random) throughout the entire civic body, but also knowledge and experience. Taking part in the day-to-day administration of such diverse facets of urban life through office-holding made citizens intimately familiar with a range of activities that they might never have encountered otherwise (Ober 2008b). This ensured the perpetuation of the system as well as its smooth operation. Magistracies provided the gateway to a communal experience of urban life in all of its diversity, providing a common reservoir of experience and knowledge that

further buttressed the civic solidarity of a *polis*. While one might question the competence of a young citizen who had just emerged out of the ephebate to handle such seemingly specialized tasks as urban planning and accounting, the system of collegiality and boards of multiple magistrates all assigned to one task ensured that he would likely have more experienced colleagues. The experience of office-holding was thus another cog in the machinery of life-long civic education.

But not all magistrates were selected by lot, and in the distribution of certain offices by election we begin to see another system at work, one that takes experience, personal skill, and popular appeal into greater account. The most eminent of these elected *archai* is of course the office of the *stratēgos* (military commander or general) and *taxisarchai* (subcommanders) which we see throughout the Greek world. The customs of Kyrene epitomize the practice neatly: every year, five *stratēgoi* were elected by the *myrioi* (“the masses,” i.e., the citizens) from amongst the entire citizen body (*ek pantos tou politeumatos*) and served a one-year term (Cary 1928: 230–232). All had to meet a fairly high minimum age requirement of 50, and thus these “higher” offices had different requirements as well as mechanisms of selection (Chamoux 1953: 176–207; Robinson 1997: 105).<sup>3</sup> Athens had a similar system at work, with ten *stratēgoi* elected annually.

In both cities, and elsewhere in Greece, it was common practice to draw one *stratēgos* from each sub-unit of the citizen body, and in this we can again see a proportional equality of representation. Sparta also opted to elect its most prominent officials instead of leaving their appointment to chance. Here 28 *gerontes* (literally: “old men”) were elected from amongst men aged over 60 and served for life on the *gerousia*, membership in which was considered to be the pinnacle of civic achievement for Spartan *homoioi* (Plut. *Lyk.* 5.6–8; Hdt. 1.66). We can see a system similar to that in Classical Sparta even in Seleukid city foundations in Hellenistic Syria, most of which had a Macedonian-style council of elders called the *peliganes* as one of their highest bodies, second only in power to the royal governor (*epistates*) (Strabo 7 fr. 2; G.M. Cohen 2006: 114–115; IGLS 1261).<sup>4</sup> The implicit assumption both here and in the high age limit of Kyrene’s *stratēgoi* is that one needed nearly a lifetime of experience as an active citizen of a *polis* to be considered eligible to hold its most prominent offices. Not just anyone – even citizens eligible to hold other offices – was up to the job.

Though the principal of election to high magistracy was fairly consistent, the actual process of that election varied according to local custom. Unlike in modern elections, one seldom put forward one’s own candidacy for elected office; instead, a citizen was recommended for the task by his peers. Once a candidate was put forward, voting would then take place in any number of ways. In Athens it would be by show of hands, elsewhere by casting stones in favour of a certain candidate, and the *gerontes* in Sparta were chosen according to who received the loudest and most raucous applause from the citizenry (Plut. *Lyk.* 26.1–3; Flraig 1993). However it was expressed, a candidate had to have popular support in order to win an election and in this the otherwise level playing-field of competition for lower magistracies becomes a bit more rocky. Suddenly a candidate’s ability as a *rhetor* and as a politician, his renown amongst his friends and opponents, and his personal record come into consideration in determining his eligibility. The higher one ascends into the upper echelons of office-holding, the less we see the theoretical equality amongst citizens actually put into practice. As soon as popularity is put to the test in such elections, a slew of other factors come to the fore. Then again, even if one

was elected to such offices they would not find themselves alone: though the mechanism of selection changed, the principal of collegiality stayed the same, and even the most popular *strategos* would share his influence and responsibilities with his colleagues in office. Oligarchies, on the other hand, had no such qualms about the accessibility of office, and whether magistrates were appointed or elected, they were all subject to stiff minimum property qualifications (Arist. *Pol.* 1292a39–b7).

Regardless of how they came into it, almost immediately upon entering office one began to reap the rewards of social prestige that came with their new station. It is not difficult to imagine our new magistrate fussily adjusting the *stephanos* (“wreath”) which his office entitled him to wear in public (Dem. 26.5), and then promenading around the *agora* with a bit more *gravitas* than he thought himself to possess before he had taken office, with all the cool confidence of one who now sees himself as *primus inter pares*. And why not? For this was not so much simple self-aggrandizement as it was an exhibition of authority of the *dēmos* and of the *polis*, now vested in his person. An office-holder was delightfully visible, conspicuous in everything from his specific mention on decrees, to dating systems according to eponymous magistracies, to the order of religious processions and seating at the theater. Their public appearance was consistent with the separate legal status their office afforded them. Such intangible benefits were not the only perks of office-holding, and some could be more substantial. If our magistrate were lucky enough to be counted amongst the *prytaneis*, for instance, who formed the executive committee of the Athenian *boulē*, then he would enjoy the added privilege conferred by his station of dining for free in the *tholos* along with his colleagues ([Arist.] *Ath. Pol.* 43.3; Dem. 18.169). With this he would not only gain his sustenance at public expense, but also access to the prestigious clubhouse on the western side of the *agora* in which he could socialize with his fellow officials. And neither would he or his colleagues be expected to work for free: several office-holders in Athens (jurors, judges, archons) and elsewhere received a *misthos* – “wage” or “pay” – for their service, and while the rate of pay varied according to the precise role fulfilled, the underlying logic was again egalitarian ([Arist.] *Ath. Pol.* 27.3; Plut. *Per.* 9.2).

Offering a wage to magistrates was as much compensation as it was remuneration, and further made offices accessible to all classes by ensuring that office-holding would not become the domain of an elite who had both the wealth and leisure to spend on civic pursuits. Paying a magistrate for his service meant that even a poor citizen farmer would not sacrifice his livelihood by entering office, as he would be compensated for his time and labor. Magistrates serving abroad on embassies and delegations also earned special pay, akin to modern travel reimbursement ([Arist.] *Ath. Pol.* 62.2–3). While such a wage was by no means extravagant it was consistent with an average worker’s daily pay, and allowed for comfortable subsistence.<sup>5</sup> Though one could not become fantastically rich through civil service alone, such pay was enough to spark the interest of poorer citizens who would be far more inclined towards office-holding thanks to this more pragmatic incentive. The pay itself was drawn from public funds, and once all of the magistrates had been paid the surplus public funds (*ta perionta tēs dioikēseos*) were deposited into the Theoric Fund – also administered by magistrates (*hoi epi to theorikon*) – which in turn circulated the money back into the community by subsidizing everything from attendance at the theater to sacrifices or public festivals (Dem. 59.4; Aischin. 3.25; [Arist.] *Ath. Pol.* 43.1).

Once our office-holder had fulfilled the task set to him by the *polis*, he had gained much: the recognition of his status as a full and able citizen, the visibility and pride that came with serving the community that was the bedrock of his society, the fringe benefits that frequently came with his office but did not define it, and perhaps above all the knowledge and experience that only intimate exposure to the inner workings of his city could bestow. But after his term of office was over, he returned to the community over which he had held some momentary measure of control. Once out of office a magistrate went back to the group from which he was selected, giving up his official wreath and again donning the mantle of an average citizen amongst equals.

## Facing the Crowd: Restraints on Official Power

Any reader browsing through the “Politics” section of a contemporary newspaper or website is almost certain to come across stories which question the diligence of public officials, detail an inquiry into mis-spending of public funds by a cabinet minister, sift through allegations of irresponsibility or ineptitude, or debate the legality of an official’s intervention – to select but a few examples from today’s Canadian political news. The same could be said of more or less any parliamentary democracy, so accustomed are we to the scrutiny of public officials as something inherently “normal” in the day-to-day functioning of government. If one steps into the public eye, one must expect constant evaluation as part of the job. But while we may be all too aware of this self-policing innate to modern democracy, this does not mean that we are immediately familiar with it. As is the case with so many of the machinations in the upper echelons of public office, the political drama that plays out with such oversight does so on a distant stage which we can certainly glimpse, but only as observers. While we expect that our officials be monitored and scrutinized, we do not presume that we ought to be the ones actually carrying out the task. Rather in keeping with the representative distance between government and governed in contemporary society, we expect branches of the government to watch over other branches of government, and officials to keep other officials in check. The entire process plays out in a remote governmental setting, detached from what we would consider our sphere of influence. Discontent or complaint in our system must be introduced at the lowest levels and trickle up to the highest; our interface for the redress of mismanagement is at the bottom of the hierarchy.

In the Greek context, there was no such distance between government and governed, and just as it was the community’s authority that ultimately empowered any office holder, so too was it the community that set limits to, and kept a constant watch on, the exercise of that power. From the moment of their election until the point at which their terms of office expired, Greek magistrates were constantly held in check by the laws and scrutiny of the community. And thus we arrive at the other side of the magisterial coin: office-holders ruled over their specific domain, but at the same time they themselves were constantly overseen by a political culture and institutional framework that greatly hindered the exercise of their power.

These limits on the power of office-holders are part of a much broader system of checks and balances pervading Greek government that is discussed by Pierre Fröhlich

elsewhere in this volume (chapter 17). Again I defer to his analysis of specificities, but nonetheless ought to elaborate on those aspects that reassure the ultimate sovereignty of the *dēmos* over the individual magistrate. The most illustrative case study with which to examine this, thanks to its evidentiary abundance, is Athens. Though the temptation to Athenocentrism presents itself with such a line of inquiry, focusing on how specifically Athenian mechanisms represent the Panhellenic culture of office-holding ensures that the case is taken as exemplary, not definitive.

To begin, we return to the figure of our faceless magistrate on the day of his selection – either by lot or by election – for a public office in Athens. Though he had been selected, he still had one critical test to pass before he was confirmed in his station by the *dēmos*: the *dokimasia*. Derived from the Greek verb *dokimazein* meaning “to assay,” “to test,” or “to approve,” the *dokimasia* was the public examination of a magistrate’s qualifications that determined whether or not he was fit to hold office.<sup>6</sup> This was not a test of his competence or his ability with regards to a specific task, but rather a judgment of his status and character as a citizen in the presence of either the court or the *boulē*, depending on his office. Any candidate for office was required to testify to his status as a citizen over several preceding generations, his civic good conduct through military service and paying taxes, and his general moral conduct ([Arist.] *Ath. Pol.* 55.2–5). After giving his answers to all of these questions and furnishing witnesses in support of his testimony, the magistrate’s case was then put to a vote of the assembly. Provided the assembly approved, the magistrate was then sworn in and formally entered office ([Arist.] *Ath. Pol.* 55.5). While by all accounts it appears that precious few would-be magistrates failed this examination, its persistent presence even as a mere formality speaks to its ideological importance. Nonetheless there are attested instances of failure, as the speeches of Lysias tell us that a man could be rejected for office because of his own political leanings, or even as a result of popular perception (Lys.16.9; 16, 25, 26, 31; Hansen 1991: 219). As a process of even merely ritual significance, the *dokimasia* neatly exemplifies the direct accountability to the community that was demanded from public officials, even at the beginning of their tenure.

While in the Roman republic magistrates enjoyed immunity from prosecution and sacrosanctity of their persons for their entire term of office, Greek office-holders never had such institutional protection. If a Roman consul had committed some flagrantly illegal act during his consular year, he could not prosecuted until the next consul took office, but in Greece even the highest magistrates could be put on trial or punished for official transgressions at any time. An Athenian inscription regarding the approvers of silver coinage from 375/374 BCE which stipulates the punishment of individuals guilty of counterfeiting exemplifies this process:

For matters that are exposed, those that are up to ten drachmae the *archontes* shall have the power to decide, those that are beyond ten drachmae they shall introduce into the jury-court. The *thesmophetai* shall provide and allot a jury-court from them whenever they request, or they shall be fined 1,000 drachmae . . . If the seller is a slave-man or a slave-woman, he shall be beaten with fifty lashes with the whip by the *archontes* commissioned in each matter. If any of the *archontes* does not act in accordance with what is written, he shall be denounced to the council by whoever wishes of the Athenians who have the right, and if he is convicted he shall be dismissed from his office and the council shall make and additional assessment up to 500 drachmae. (R&O 25, ll. 20–35)

This inscription beautifully captures the duality of office-holding: one the one hand, specific magistrates are empowered with the responsibility to judge guilt or innocence in the matter, and distribute punishment accordingly. If the perpetrator is a slave, the magistrate responsible in the matter is even assigned the task of exacting the punishment – he is quite literally the one holding the whip. But on the other hand this law is meant to control the magistrates themselves as much as the counterfeiters: individual *archontes* do not have the authority to resolve higher-value cases; these must be referred to the courts. The penalties for failing to fulfill one’s official duty are harsh: an inattentive *thesmoothētēs* is fined 1,000 drachmae, an exorbitant sum for an ordinary citizen. The threat of possible “denunciation” for *archontes* in general is a reference to a process that we see elsewhere in the Athenian context. The “denunciation to the council” referred to here – *eisangelia eis tēn boulēn* – is the right of any Athenian citizen to stand before the *boulē* and publically denounce a magistrate for official misconduct, bringing charges against him that were then judged by entire council (Dem. 47.42–3; [Arist.] *Athen. Pol.* 45.2; Hansen 1991: 221–222). As mentioned above, the *boulē* could then impose a fine on the wayward magistrate. That “whoever . . . of the Athenians who has the right” – in other words, any citizen – could go before the council and charge a magistrate with misconduct speaks to the directness and openness of the process of controlling office-holders. One did not have to wait for one’s complaint to trickle upwards through a complex bureaucracy, one could bring it directly to the responsible assembly. Bear in mind that such a public accusation could be leveled at any time during a magistrate’s tenure, and their punishment did not wait until their term expired.

In addition to *eisangelia*, there were other means by which a magistrate could be held accountable during his tenure. A permanent fixture on the agenda of every meeting of the *ekklēsia kyria* was the *epicheirotonia tōn archōn* – “the vote concerning the magistrates” – during which any citizen of Athens could stand and propose a vote impeachment against any of those currently holding office, at any level of the hierarchy (Hansen 1991: 220–221; [Arist.] *Ath. Pol.* 43.4, 61.2). Such a vote of no confidence could be called for any official misconduct, and not mere individuals but entire boards of officials could come under its scrutiny (Dem. 58.27–28). The empowerment of the individual citizen in *apocheirotonia* (i.e., the vote itself) was such that a magistrate could be tried even if he were not present ([Arist.] *Ath. Pol.* 61.2). If the vote passed, the magistrate was immediately suspended until his conduct could be investigated further. In this process we again see the duality of office-holding from the perspective of the citizen: even though they were bound by oath to obey the dictates of officials, the individual always had public mechanisms through which they could seek redress for official misconduct. Considering this in a contemporary context further underscores the difference between our mechanisms and theirs: a modern *apocheirotonia* would be the equivalent of any Canadian citizen marching into a session of the House of Commons and accusing the Minister of Finance, for example, of some misconduct, at which point the Commons would immediately move to a vote of confidence. Such directness is at once enticing and terrifying to us today, so vast is the rift between government and governed.

Just as our office-holder’s tenure began with an examination, so too did it conclude with one. Every magistrate and every individual who had carried out some sort of public function had to submit to a “rendering of accounts” – *euthynai* – at the end of their term

of office. All involved had to submit their records to a board of accountants responsible for overseeing public funds – the *logistai* – who inspected the magistrate’s evidence, and then called him before a meeting of the court (Aischin. 3.17–20; [Arist.] *Ath. Pol.* 54.2; Dem. 18.117; MacDowell 1978: 170–172). During this meeting of the court, the inspectors presented their audit of the accounts, and throughout the procedure any citizen present was entitled to raise charges against the outgoing official (Aischin. 3.23). After this, there followed a more general scrutiny of the magistrate’s tenure that took into account non-monetary misconduct, and any charges were addressed. Even after the board of inspectors had completed their review, during the three days following the meeting of the court any citizen had the right to present a written charge against the magistrate to the “corrector” (*euthynos*) of his tribe (Hansen 1991: 223). Again in the *euthynai* we see this redundant framework of magisterial oversight at work: on the one hand, there is official oversight of other officials as all of the aforementioned examiners, accountants, and judges were all themselves office-holders, but on the other we see that the door is constantly open to citizens who wish to voice their grievances. Before, during, and after an office-holder’s tenure there was always a mechanism by which any citizen could initiate proceedings against an abuse of official power. Though our office-holder’s relative, neighbor, or friend was sworn to obey him when he was acting in an official capacity, this authority was balanced – or perhaps restrained – by the knowledge that at any time the magistrate himself could be held to account by any of his own neighbors, friends, or relatives. It was not as if a magistrate were untouchable during his term of office; if anything as soon as one assumed authority one automatically became vulnerable to more vectors of accusation and oversight than any average citizen.

While such an elaborate system of control over office-holders may have had the most benevolent of intentions, in practice it could produce detrimental side-effects. We can presume neither benevolence nor altruism in any government, ancient or modern, and the potential for the abuse of these mechanisms to settle personal scores under the façade of governmental oversight was rife, though we lack specific proof of such instances. We see this potential for abuse arise in the Athenian institution of ostracism, the annual tradition of holding a popular vote to preemptively exile someone who may pose a threat to the state due to their popularity, factiousness, or future designs. Ostracism stands apart from the rest of our discussion because it is neither specifically leveled against magistrates, nor does it even require specific charge or explanation. Nonetheless a man’s public career as an office-holder frequently contributed to a perceived need to expel him. Athens at times got carried away with this mechanism of public accountability, as the Athenians executed or exiled so many of their *stratēgoi* that by the end of the Peloponnesian War there was a looming shortage of capable candidates who were willing to fill the post (cf. Xen. *Hell.* 1.7.1–35; cf. Bleckmann 1998). This process was nothing new in Athens, only its pace accelerated as the Peloponnesian War intensified. Shortly after the Persian War, the Athenian *stratēgos* Themistokles was ostracized in 471 for his haughtily overbearing demeanor and public preeminence, a decade later the *stratēgos* Kimon was exiled after a failed expedition against Sparta. The list continues, and it comes as little surprise that such ostracisms contributed to an ingrown hesitance to rise too far above one’s peers in the political arena. With this we would see a less than desirable impression of office-holding begin to trickle down amongst the populace: if those who had served in office returned laden with charges, fines, or even exile, others would not

be so eager to take up the burden of administration. In the same vein, accountability at home could cause difficulty for magistrates abroad: Xenophon recounts a confusing incident regarding the use of the sacred treasures of Olympia in which local magistrates of cities in the Arkadian League clashed with office-holders at the federal level, all over a conflict of jurisdiction in the face of having to explain their actions to their native assemblies (Xen. *Hell.* 7.4.33).

Though the majority of examples that I have discussed above come from Athens, the principles of accountability, transparency, and direct recourse to redress that governed the conduct of office-holders are pervasive in Greek political culture. Processes such as the *apocheirotonia* and *euthynai* are merely specific Athenian manifestations of a common approach to overseeing the conduct of office-holders elsewhere. As magistrates gained their office at the behest of the community, so too did they stay in office at the community's pleasure – if they erred, they would be denounced to the community, called before the community, judged by the community, and, if found guilty, punished and stripped of their powers by the community. Such examination could occur at any point during their tenure, at the accusation of any citizen. In this sense the distance between governor and governed was notably small, and their relationship intimate. These various systems curbing and monitoring the official conduct of Greek magistrates made them remarkably weak by both ancient and modern standards: we see no hint of the immunity that came with office at Rome, and the nebulously broad licence afforded with *imperium* would be unthinkable in the Greek context, as would the highly individualized nature of it. Rather Greek office-holders were always only one amongst many, restrained by legal stipulations to their power and shrinking under the gaze of an ever-watchful community.

## Conclusions

Until now I have predominantly focused on the experience of one hypothetical Greek citizen before, during, and after his one-year tenure as an official of his *polis*. By way of conclusion it would seem fitting to broaden our scope to the *longue durée* of one citizen's public service throughout his adult life. In the Roman republic, a citizen would be elected to one rung of the *cursus honorum* only to serve once and use it as a boost to the next rank or end his career there; official positions were usually held only once – occasional iterations of, for example, the consulate notwithstanding. In Greece, however, office-holding was not such a one-off, linear affair, but rather one whereby any average citizen could expect to hold multiple magistracies over the course of their adult life. I again draw on the Athenian example to illustrate the point: if we presume that there are around 30,000 Athenian citizens during the fourth century, roughly 20,000 would be at or above the required minimum age to hold office. Out of this pool of 20,000 would be selected around 1,200 *archontes* – 500 members of the *boulē* and 700 office-holders – and thus each citizen could expect to hold office every eight to nine years. Over the course of his career as an active citizen, every Athenian would have spent two to three years serving as an official of the *polis* – and this does not include duty as a juror. Of course the specific parameters would vary from *polis* to *polis*, but the general theme applies throughout the Greek world: not only could every citizen expect to hold office, but he could expect to do so multiple times. Athens is an exceptional example by

virtue of its size and its distinctly democratic organization, but the same would hold true of other *poleis* regardless of size or constitution: in smaller *poleis* there would be a smaller number of offices, but these would be distributed amongst a concurrently smaller citizen body. If anything the smaller the *polis*, the more intimate the citizen body and thus the more frequently one could expect to hold office. This rings true of oligarchies as well, which have a much smaller group of eligible citizens who still have to fill mid-sized *boulai* and a range of annual magistracies. Holding such offices several times over the course of one's life was but one of the myriad responsibilities and duties of every citizen.

Thus the experience of office-holding I have described above is only one link in a longer chain of direct participation in government, and one that would be repeated several times over the course of a citizen's life. By holding a magistracy once, any citizen would be exposed to a different facet of political life, he would take part in the administration of things that were perhaps strange and new to him, and would not only gain a glimpse of the inner workings of government, but take part in them. He would do so alongside numerous colleagues also chosen for the task, and between his official duties and his exchanges with his peers, he would gain a wealth of communal knowledge, shared experience, and insight into the functioning of the community that played such a central role in his life. After doing so, he would return to however he made his living; a *nomothetes* would go back to being a butcher, the *logistes* would return to the potter's wheel. The cycle, at some point, would begin again and he would take office, this time rather more prepared, though nevertheless with the capacity to learn more of the workings of his government. When we combine this experience of office-holding – literally several years of every citizen's life – with all of the other aspects of civic life in the Greek world we begin to gain some appreciation of the sheer investment of individual time and effort in the community. By the time he was eligible to hold office, our citizen would have been through the education of the ephebeate, would have served – and continue to serve – as a hoplite in the army of his *polis*, and would have witnessed and participated in the deliberations of the assembly. Perhaps he would also have witnessed or participated in the censure or punishments of wayward officials. He would have voted and would continue to vote on public matters, to judge his fellow-citizens as a juror, and to take part in the smaller assemblies of his phratry and his deme. And this was only the realm of government: in addition, there was the panoply of civic festivals, religious processions, and public events that further reinforced the solidarity of the community.

Such a vast expenditure of time and energy by the individual in the service of communal affairs not only involved the individual citizen in the mechanisms of the *polis*, but more importantly made him more intimate with them. Serving as a public official dispelled the mystique that clouds the heights of civic power, and removed the cold impersonality of government as witnessed by an outsider. Once one has been exposed to the inner works of government, suddenly they cease to be distant or intimidating, and rather one would have seen government for what it was: a collection of individuals, fellow citizens, peers all, laboring in the service of the community which they in turn comprised. The perception of government as remote would be shattered by intimate acquaintance with it, and contributing to its direction would only have made the process of government seem more mundane and ordinary. And thus when we combine office-holding with all of the other participatory facets of civic life in the Greek world, we see

an intimacy and an identification between citizen and *polis*, between government and governed, that is singular in the ancient world, and virtually alien to the modern.

## NOTES

- 1 Perikles' law on citizenship at Arist. *Pol.* 1278a; Dem. 59.16; [Arist.] *Ath. Pol.* 26.3. The Law of Perikles complicated the legal ramifications of marriage between Athenian men and non-Athenian women by stipulating that the children of such marriage would not be fully enfranchized.
- 2 For further discussion of Argive constitutional history during the late Archaic and Early Classical period, see Piérart (1997); Hall (1997); Kritzas (1992); Robinson (1997: 82–85).
- 3 For further discussion of the reforms of Demonax cf. Chamoux (1958: 138–142); N.F. Jones (1987: 216); Jeffery (1961: 141–147); Hölkeskamp (1993). For the best text and commentary on the inscription discussed here, see Cary (1928); also Larsen (1929). Plut. *Mor.* 779d mentions the reputation for unruliness and civil discord in Kyrene.
- 4 For instance, cities such as Laodikeia and Seleukia-in-Pieria feature *peligānes* amongst other *archontes* and priesthoods, as well as the persistent organization of the citizen body according to deme and *phylē*. The most comprehensive compendium of such cities in G.M. Cohen (2006). Grainger (1990) discusses the broader mechanism and practice of city foundations.
- 5 For the specifics of which officials received what amount of pay, see Hansen (1991: 98, 169, 197, 315–316).
- 6 For other ancient references to the *dokimasia* as a general examination process of officials, see Plat. *Leg.* 759d; Lysias 15.2, 16.9; [Arist.] *Ath. Pol.* 59.4; *IG II<sup>2</sup>* 856; and a general discussion in Hansen (1991: 219–220).

## CHAPTER 13

# Councils in Greek Oligarchies and Democracies

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*Robert W. Wallace*

Together with the citizens' assembly and various officials, a council (*boulē*) was a main component of most archaic and classical Greek governments. The term *boulē*, also meaning “counsel, advice,” occurs already in Homer, where leaders gather to offer counsel on issues facing them or their community. The modern word *probouleusis* (adapted from the Greek *probouleuma*), “taking counsel in advance” on the assembly’s agenda, designates a principal task of most Greek councils (R&L 484–491). Because they could meet more frequently and act more expeditiously than assemblies, councils came to attract other executive, administrative, or judicial functions as *polis* constitutions developed. They also reflected important realities of power. Rivalries between ambitious and powerful men meant that leadership was hard to monopolize, but also that councils of competing leaders might be inherently ineffective. Democracies – notably Athens’ democracy, which we know best – coopted, systematized, and expanded the council, especially toward the goals of popular rule. Oligarchic councils tended to be smaller and more permanent; democratic councils were larger, rotating, and might be paid (Arist. *Pol.* 1299b32–34), as in the case of the Council of 500 at Athens.

One quality shared by many councils, as of Greek constitutions and laws generally, was a tendency to permanence, provided a constitution did not change type. At Athens much of Kleisthenes’ democratic constitution, including a large tribe-based *boulē*, lasted into the Roman period. Korinth’s oligarchic constitution including a council of 80 endured for several centuries. At the same time most *boulai* differed, in size, composition, and functions, including within constitutional types. More than historical serendipity, such differences reflected the originality and creative pride of the framers of *polis* constitutions (see Solon 32, 34, 36W). Creative independence is further evident in *polis* legislation, as lawmakers typically devised their own measures instead of copying others’, and in the many variations of democratic and oligarchic constitutions, some hard to classify (see chapter 10 in this volume) as in any case most governments were “mixed” (Arist. *Pol.*

1298a10–1301a15; Hansen and Nielsen 2004: 84). We may compare the contrasting titles of major officials, including *dēmarchos*, *kosmos*, *damiourgos*, *archos*, or *archōn*, *tagos*, *prytanis*; the diverse apparatus of governmental units of territory or population (in Athens deme, *trittys*, and tribe); and contrasting civic coinages.<sup>1</sup>

Councils are already important in Homer, our earliest Greek texts. Meeting in council (*boulē*: *Il.* 2.53, 194, 202; *Od.* 3.127), Homeric leaders are called *gerontes* (elders), *boulēphoroi* (counsel-bearers: *Il.* 10.414), *symphradmones* (those who join in considering: *Il.* 2.372), *hēgētores* (leaders), and *basileis* or *anaktes* (princes, “kings”). Technical terms such as *gerousios oinos* (*Il.* 4.259), the wine the council drank, and *gerousios horkos* (*Il.* 22.119), the council’s oath, indicate that councils were formalized institutions. Although older men sometimes speak first in council meetings (e.g., *Il.* 14.110–112, *Od.* 2.15–16), the term “elders” (*Il.* 6.113: *gerontes bouleutai*; *Il.* 2.53: *boulē* of *gerontes*) was not strictly literal (compare *Il.* 9.89 with 10.108–114, or 2.404 with the following list of heroes). In the *Iliad* (4.344), *gerontes* designates the important men. In Homer and pre-constitutional Greek communities, men joined in counsel because of age, wealth, power, or status within major social subdivisions such as tribe, phratry, or *genos* (“clan”).

The question of whether Dark Age communities had kings is unanswerable and may have varied (compare Carlier 1984: 136–230 and Arist. *Pol.* 1285b4–5, with Drews 1983). In Homer, the Greeks’ commander-in-chief (not their king) Agamemnon often summoned leaders to advise him (e.g., *Il.* 2.53, 372; 10.43 and 18.313 [where *boulē* = advice]), sometimes at common meals (*Il.* 9.89–178), just as King Priam’s son Hektor gathered and offered *boulē* to the Trojan leaders (*Il.* 10.301, 414–415; compare Zeus in *Il.* 20.4–32). However, although Alkinoos “ruled” (*ērche*) Phaiakia (*Od.* 6.12), “the brilliant *basilées*, the illustrious Phaiakians used to call him into council” (6.54–55). In the *Iliad* (19.40–277) Achilles summons the leaders and an assembly of all Achaians. The *Odyssey* (2.25–32) implies that anyone might summon the leaders and the people to assembly if there is public business. Leaders often debate (called *agorē*: *Il.* 2.370; 15.281–285; 18.106) before the assembled army (e.g., *Il.* 9.9–79). The assembly is also called *agorē*, or old Ionic *eirē* (*eirō* = speak: *Il.* 18.531). Leaders should be skilled in both warfare and debate or counsel (*boulē*: 1.258). So far from presenting a common front to the assembly (contrast *Il.* 9.9–78), a signal quality of leaders’ assembly debates is their often sharp disagreements, for example in the angry, nearly violent exchange between Agamemnon and Achilles at the opening assembly of *Iliad* 1 (57–305; see also 18.243–313; *Od.* 3.137–150) or in leaders’ bitter exchanges during the competitive games at Patroklos’ funeral (*Il.* 23.473–498, 539–611; cf. *Od.* 8.178–179). In the *Iliad* (9.33) Diomedes tells Agamemnon, the commander-in-chief, that in the assembly it is *themis*, a customary right, to “fight your folly.” As we shall see, elite strife will prove the bane of ancient Greece. Nowhere in Homer does a council make a decision. The assembly’s importance is implied by the need for leaders to persuade it through skill in *agorē*, and explains why it is the site of major debates. Despite Homer’s elite bias, the voices of the assembled people are recorded in both Homer’s works (*Il.* 2.211–277; *Od.* 2.235–241, 14.239; cf. also 16.425).

Until Greeks began to formalize governments from the seventh century BCE, councils were necessarily ad hoc in some measure. The first known written constitution, Sparta’s “Great Rhetra” (Plut. *Lyk.* 5–6), marks the explosive discovery that a few written

lines could change everything – a “speech act” if ever there was one. In Sparta’s mixed constitution, the Rhetra fixed the number of Sparta’s *gerousia* at 28; stipulated that together with Sparta’s two kings, it was probouleutic; stipulated meeting times for the Spartiate assembly; and granted the assembly power to decide. In what Plutarch calls a later emendation, “if the people choose the crooked, the elder-born [*gerousia*] and the founder-leaders [kings] are to be setters aside [?].” Later sources attest that Sparta’s *gerontes* had to be over 60, served for life, and were chosen by the assembly from leading families (Arist. *Pol.* 1270b24–25; 1306a16–19) through competitive acclamation. Sitting with the kings and ephors (also elected by the Spartiates), they were Sparta’s most important court, alone competent to impose sentences of death, exile, or the loss of citizen rights (Ste. Croix 1972: 124–138, 353–354). In the *Politics* (*Pol.* 1270b35–1271a8; 1272a), Aristotle is sharply critical of the *gerousia*’s immunity from prosecution and life tenure. “Their power of acting at their own discretion – and not on the basis of written rules – is a positive danger.” The historical record indicates that at least in foreign policy (nothing else is documented), “the major decisions . . . were taken in full assembly, and the council [i.e., the *gerousia*] played a relatively inconspicuous part” (Andrewes 1966: 7, accepted by Ste. Croix 1972: 126). At least after the Rhetra was emended, it seems likely that the assembly could only ratify or reject proposals put to it by the *gerousia* and that ordinary Spartiates normally did not speak (Ste. Croix 1972: 127–131). However, even if ordinary citizens did not speak, populist ephors will have ensured that the will of the assembled Spartiates was heard. As in the debate over whether to go to war (Thuc. 1.79–88), the assembly’s importance will have increased especially when leaders disagreed.

The idea of fixing government spread, as did written laws, not least as ways to reduce civic strife, called *stasis* (Wallace 2009). As at Sparta, many polities will have formalized various aspects of *polis* councils, including their size. The council was considered an office, *archē* (Arist. *Pol.* 1322b12–17). For the historical period, classical sources (see Hansen and Nielsen 2004: 81–83) distinguish between governments of one (mostly tyrannies), the few (mostly oligarchies), or the many (democracies). Although in contrast to democracies, oligarchies are poorly attested and poorly known (Hansen and Nielsen 2004: 83), it is a common view that in oligarchies power centered on the *boulē*. In his 1896 study of Greek oligarchies, still considered standard (cf. Ostwald 2000:12; Mitchell 2006: 382), Leonard Whibley stated that the council “was the sovereign power in the [oligarchic] state as the assembly was in the democracy”; “its powers were unlimited,” its “sovereign authority” so vast as to “elude definition” by our sources, as in Athens’ early Areiopagos council and the councils at Knidos, Crete, and Sparta; in oligarchies, assembly and magistrates were “subordinate” to the council (Whibley 1896: 157, 161–162). In *The Greek State* Victor Ehrenberg wrote (1969: 52), “We may say, with only a slight exaggeration, that in aristocracies and oligarchies the political power rested with the Council, in democracies with the popular assembly.” In the absence of a council, Ehrenberg continues, the assembly “retained full freedom to debate and decide. Much more frequently, however – and always in the case of developed oligarchies – the chief power lay in the hands of the Council; the citizen assembly at the most decided as the final authority in the more important cases” (1969: 54). Hansen and Nielsen remark, “if major decisions are left to a general assembly, it is an indication of democracy, whereas major decisions made by a *boulē* or by magistrates

point to an oligarchy.” In oligarchies “a general assembly in which major decisions were made or at least ratified by acclamation” they consider exceptional, mentioning Sparta (which elsewhere they call a mixed constitution), Thebes, “the typical Cretan *polis*,” and Syracuse under Dionysios I.<sup>2</sup>

This conception of oligarchic *boulai* is not supported by the classical sources on oligarchy (the subject of Ostwald 2000) starting with Herodotus (Hdt. 3.81), or by the historical record in individual cases. In particular, having researched the constitutional histories of 158 *poleis*, Aristotle in the *Politics* almost never mentions the *boule*. when discussing oligarchies; he considers the council largely a democratic institution (1299b30–38). In Aristotle and other sources for oligarchies, citizen assemblies retain the deciding voice but the citizen body is defined more narrowly, notably by wealth. Aristotle writes (*Pol.* 1278b10–11), “everywhere the citizen body (*politeuma*) of the *polis* has the final authority, and the citizen body is the polity.” And: “In oligarchy, in aristocracy, and among the people, whatever seems best to the greater part of those who share in the *politeia*, this is decided” (1294a12–14). For “[o]ne should not assume, as some people do nowadays, that democracy is no more than a regime in which the mass of the people has the final authority, for it is true also in oligarchies and everywhere that authority rests with the greater number,” in oligarchies with the wealthy (1290a30–b21). He calls imposing penalties for not attending the assembly oligarchic (1297a17–35), as is assembly membership restricted by wealth or other criteria such as occupation. Neither in Aristotle’s general description of oligarchies (1292a39–b11) nor in his description of the four types of oligarchy (1293a10–34) does he mention a *boule*.<sup>3</sup> A little later (1298b26–32), “in some oligarchies they set up *proboulooi* [“pre-councilors,” an office which 1323a8–9 considers oligarchic] or *nomophylakes* [law-guardians] to *probouleusthai*, and so the *demos* will *bouleuein* without being able to dissolve the *politeia*.” Whether or not these officials served as *boulai*, the assembly decides.

As we have noted, Whibley acknowledged that his general claims about sovereign oligarchic *boulai* are unsupported by the sources for individual oligarchies. After Whibley the epigraphic record, which has increased exponentially, continues not to support such claims. To defend his position Whibley mentions the councils of Sparta, pre-Solonian Athens, Knidos, and Crete. As we have seen, the historical record does not show that Sparta’s *gerousia* was sovereign master of the assembly. As for Athens’ pre-Solonian Areiopagos council, according to Aristotle (*Pol.* 1273b–1274a) “some” (*enioi*) thought that council was actually founded by Solon; according to Plutarch (*Sol.* 19), “most” (*hoi pleistoi*) agreed that Solon founded it (these would include Pollux 8:125 and Cic. *de off.*1.75). With its shrine to the Erinyes, underworld deities of the family curse, the Areios Pagos (“solid hill,” later “hill of Ares”) was an early venue for homicide trials, as the legends of Orestes and others confirm. No early source mentions that a council met there: Solon’s amnesty law (Plut. *Sol.* 19) mentions only those previously exiled (a judicial function) from the Areios Pagos (and see Dem. 23.65–66). Aristotle disagreed: Solon “seems” to have retained the Areiopagos council (*Pol.* 1273b41), which after 594/593, however, was by no means the sovereign ruler of Athens (in fact for the next 130 years it is almost never attested), and the Aristotelian *Constitution of the Athenians* ([Arist.] *Ath. Pol.* 3.6) appears to attribute wide if (some think) largely judicial powers to the pre-Solonian Areiopagos: “it had the function [*taxis*] of watching over the laws, and it

also managed [*dioikei*] most and the most important of the city's affairs, punishing and fining all disorderly persons with final authority." It also was composed of all ex-archons, chosen by noble birth and wealth. Just as Aristotle will come to imply in the *Politics*, the words in the *Constitution of the Athenians* (3.6) closely echo its description of the Areiopagos first under Solon (8.4), where however it had only supervisory functions, "guarding the laws" and "watching over the city's affairs," and then after the Persian Wars, when "again it managed" (*dioikei*) the city albeit "unauthorized by decree" (23). Rather than a genuine or independent source, section 3.6 is thus a construction built from the *Constitution of the Athenians*' statements about the Areiopagos in 8.4 and 23, partly because Aristotle and the *Constitution of the Athenians* considered Solon's polity "the beginning of democracy" ([Arist.] *Ath. Pol.* 41.2; cf. 9.1; 10.1; *Pol.* 1274a2) and so he would not have founded what in the fourth century was considered an anti-democratic council. We shall see later why Solon might have needed a second council at a shrine to the Erinyes. In any case, the view that before Solon an Areiopagos council governed Athens rests on almost no evidence, and most ancients doubted that such a council existed. Before Solon, an informal advisory council may have met at the Prytaneion, the "government house" (for a more detailed exposition of the preceding arguments see Wallace 1989a: 3–47).

As for Knidos, according to Plutarch (*Mor.* 292a–b) "they used sixty men chosen in advance [*prokrītoi*] from the *aristoi* and appointed for life, as overseers [*episkopoi*] and *probouloi* of the most important things. They were called the forgetters [*amnēmōnes*]."<sup>4</sup> He who asked their opinions was the dismisser [*aphestēr*]." In some details Knidos' 60 resemble the early Areiopagos in the *Constitution of the Athenians*.<sup>5</sup> However, no text says that the 60 administered the government or exercised "sovereign, unlimited government." *Pace* Flensted-Jensen (in Hansen and Nielsen 2004: 1124), no text says they "ruled" Knidos. In the *Politics* (1305b12–18) Aristotle remarks, "the oligarchy at Knidos changed over when the notables fought among themselves because too few had a share [i.e., qualified as citizens] . . . for the *dēmos* seized upon their divisions, and taking a leader from among the notables it set upon them and prevailed – for a party in *stasis* is weak."<sup>6</sup> None of this is datable (cf. Robinson 1997: 101–102), and nothing disproves that a restricted *politeuma* had final authority. Rhodes writes, "In Cnidus there is no secure mention of a council's involvement in the decision-making process" (R&L 330), except in the first and second centuries CE.

Whibley also mentions Aristotle's "Cretan council." Limited evidence has discouraged a synthetic or comparative study of Cretan councils, although extant sources suggest much constitutional particularism (for sources and references see Perlman, in Hansen and Nielsen 2004: 1144–1195). Aristotle says "the Cretans call the *gerontes* the *boulē*" (*Pol.* 1272a7–8) and "they chose their *gerontes* from those who had been *kosmōi*," chief officials (1272b34–35). Our fragmentary sources for Cretan *poleis* sometimes mention *boulai*, but none make the council important. In seventh-century Dreros "the *polis*" ratified public enactments and tribes may have played a role. In our oldest extant legal/constitutional inscription, "oath-takers" are "the *kosmos*, the *damioi* [clearly representatives of the *damos*], and the twenty of the *polis*" which some have thought a council (M&L 2; ER 81). In another seventh-century decree or law from Dreros, after consulting (?) with the tribes "the *polis*" stipulates that an official called the *agretas* not punish a certain category of offender (ER 64). Sixth-century Datala was governed

by an assembly, a council of five men from each of five tribes, a *kosmos* or *kosmoi*, and a *poinikastas*, as “recorder” or “remembrancer for the *polis*.<sup>6</sup> Sixth- and fifth-century Axos had a *bola* and possibly a board of 3–4 *kosmoi*, plus *apokosmoi* (ex-*kosmoi*?). One late fourth-century law includes the enactment formula “it was pleasing to the tribes”; the formula in a third-century text is: “It seemed best to the *kosmoi* and the *polis*” (i.e. assembly). In Classical Gortyn a variety of constitutional arrangements are attested, although not a *boulē*; the assembly enjoyed wide powers. Partly dependent on Gortyn, fifth-century Rhitten had an assembly (*agora*), a council called *preigistoi* (Hansen and Nielsen 2004: 1186) and *kosmoi*. In Classical Knossos the *bola* oversaw the *kosmoi*; a fifth-century federal assembly (with Tylisos and Argos) is attested (M&L 42). Lyktos had an assembly and a council, *wola*, possibly with legislative powers.

Oligarchic Thessaly further indicates the greater importance of the citizen body and officials as compared with councils. Possibly in the seventh century the Thessalian federal state already had an *archos* or *tagos* (chief official) serving for life, and a powerful assembly which elected him (Hansen and Nielsen 2004: 680). Herodotus (5.63.3) mentions the Thessalians’ “common decision”; Thucydides (4.78.2–3) refers to “the consent of the whole people” (*to pantōn koinon*), and mentions that the *plēthos* of the Thessalians was always favorable to Athens. An inscription of the earlier fifth century from Argoussa declares itself a *thethmos* (“law”) of the *damos* (Hansen and Nielsen 2004: 692). Larisa was oligarchic (Arist. *Pol.* 1305b22–30, 1306a20–30), but Aristotle adds that “the *politophylakes* [‘citizen- guardians’] played the demagogue to the *ochlos* [‘common crowd’] because it elected them.” Of the government at Skotoussa, only a meeting of the *ekklēsia* in 367 BCE (Diod. 15.75.1) and an undated decree of the *polis* (R&L 177) are attested. References to *boulai* in oligarchic Thessaly are “extremely rare” (R&L 180); decrees almost always mention officials (especially the *tagos*) and the assembly. Although larger Thessalian cities will surely have had *boulai* (R&L 475–476), their obscurity contrasts with the prominence of assembly and officials.

Perhaps reflecting oligarchies in other times and places, modern views of dominant Greek oligarchic councils might consider first the competitive and agonistic rather than cooperative culture of Greek elites, as Aristotle (we saw) implied at Knidos, and second the authority of the assembled *dēmos*, as at Sparta. Unlike political (or financial) oligarchs from ancient Rome to our contemporary world, an elite Greek’s goal was not to present a united upper-class front to the *kakoi* (“base” or “vile”), as they called the lower classes. His goal was to be on top, in politics, wealth, and athletic competitions, along with his extended family (*genos*) and friends (*hetairoi*). Otherwise he might well refuse to cooperate, whatever – or rather, because of – the cost to his community. As we have noted, in the first Panhellenic (and paradigmatic) text, Achilles withdraws from his community rather than tolerate dishonor from Agamemnon, to the suffering of all. Later, Odysseus massacres the suitors, elites who were consuming his estate, sleeping with his maids, and plotting to kill his son. A century after Homer, the poets Alkaios, Theognis, and Solon supply parallel contemporary evidence for intra-elite competition and violence at Mytilene, Megara, and Athens.<sup>7</sup> No *boulē* is mentioned at Megara until democracy was established in the late fourth century BCE (Hansen and Nielsen 2004: 464). At Athens, elites fought for dominance among themselves and against the people until the end of the fifth century. In *Ajax* (?444 BCE), Sophokles, himself an aristocrat, presents an aristocrat who tried to kill the Greek army and its leaders because he felt cheated out

of his war prize as being worthy of honorable burial (Wallace 2010). Driven from Athens through the machinations of his political rivals, Alkibiades betrayed his city first to Sparta and then to Persia, all to gain his own return to power. Athens' oligarchic revolutions of 411 and 404 partly collapsed from the ambitions of individual participants.<sup>8</sup>

Intra-elite rivalries for personal dominance, and what already Homer had called “the harsh voice of the *dēmos*” (*Od.* 14.239), will have compromised the cohesiveness and effectiveness of oligarchic councils. As Dareios says in Herodotus’ constitutional debate (3.82): “In an oligarchy, a number of people are trying to benefit the community, and in this situation violent personal feuds tend to arise, because every one of them wants to come out on top and have his own views prevail. This leads them to become violently antagonistic towards one another, so that factions arise, which leads to bloodshed.” This helps to explain why Aristotle ignores any oligarchic councils while reaffirming what we see in every case, that citizen assemblies held the deciding voice. One fourth-century complaint against oligarchy is that only the powerful can address the assembly (Aischin. 3.220; Dem. 15.18, 22.32). If oligarchic councils typically abused the power of *probouleusis* to bridle the assembly’s will, we might expect to hear of it. But we do not. Where we have information, in oligarchies the citizens elected the council (Ehrenberg 1969: 60). As in Cretan oligarchies, individual councils came to assume various executive, administrative, or judicial functions, now mostly forgotten, which helped to justify their existence. Both they and city officials will have made many smaller decisions which Athens’ democracy controlled more carefully. However, no oligarchy is said to have been ruled by a *boule*.<sup>9</sup> In their pages on oligarchies, Brock and Hodkinson (2000: 16–21) almost never mention councils. Gehrke rightly says (2009: 399) that in Archaic Greece, “there is no doubt that the formal power of decision-making rested with the popular assembly.” If “some councils must have had great authority” (note that modal verb: there is no evidence), this authority will have rested on less “defined” qualities such as “experience, reputation, and skill.” Gehrke locates their function “essentially in deliberation and preparation” (2009: 405), comparing them to the Roman senate. However, the senate is everywhere in the political history of republican Rome. From Greek history oligarchic councils are largely absent. Extant sources may support the thesis that Greek oligarchies were mostly restricted democracies, with a variously limited citizen body (from all hoplites down to very small numbers) making major decisions by vote in assembly, sometimes potent executive officials, and councils, elected by the citizens, performing various administrative, executive, and judicial functions as well as debating major issues before they reached the assembly.

Following up these themes, a survey of several better-attested oligarchies shows how differently power might be distributed among *politeuma*, council, and officials. The *politeuma* of Massalia, founded by Phokaians c.600 BCE, was elected from the worthy (*axioi*) and included outsiders (Arist. *Pol.* 1321a26–31; Domínguez, in Hansen and Nielsen 2004: 166–167). At some point *stasis* by the wealthy who had been excluded from “power” (*archē* or *archai*, not otherwise defined), caused “the oligarchy to change into something like polity,” a moderate regime (1305b1–10, 1320b18; Aristotle wrote a *Constitution of Massalia*: fr. 549R). Its *synedrion* of 600 is not attested before the Hellenistic Age.<sup>10</sup>

A late sixth-century inscription from the territory of Ozolian Lokris, city unknown (M&L 13; ER 44), indicates that persons might put questions about land distribution

to a vote in the *preiga* (i.e., *gerousia*, at least in Crete), in the *polis* (i.e., assembly), or in the *apoklesia*, which Effenterre and Ruzé (ER) guess was a council of elected men or an assembly of recent colonists, and Rhodes (R&L 480) suggests “possibly some body intermediate between” the *preiga* and the assembly. This inscription also mentions that “a majority of the one hundred and one men, chosen by birth” (*aristindēn*) – and thus not a preexisting council of 101? – might authorize inviting as settlers 200 fighting men.

According to Plutarch (*Mor.* 291d–e, probably from an Aristotelian *politeia*), Archaic Epidauros (with a territory of 473 sq. km, see Hansen and Nielsen 2004: 606) had a *politeuma* of 180 “from which they elected *bouleutai*,” called *artytai* (“arrangers”), a name also attested at neighboring Argos.<sup>11</sup> The common people, called “dusty-feet” (*konipodes*), lived in the countryside. Archaic Epidauros was a very narrow oligarchy in which the *politeuma* elected the *boulē*. The many fourth-century decrees passed by the *boulē* and *dēmos*, *aliaia*, or *polis* indicate that by then it was a democracy (R&L 74).

“Rule by a Thousand” based on a property qualification is attested in fourth-century Rhegion (Herakleides fr. 55 Dilts). Presumably this is the oligarchy mentioned by Aristotle (*Pol.* 1316a35). Meetings of Rhegion’s *ekklēsia* are attested in 398 and 345/344 BCE (Hansen and Nielsen 2004: 291).<sup>12</sup> However, an oligarchic council of 1,000 would dwarf any democratic council. As at Epidauros, these were small *politeumata*.

Replacing the Kypselid tyrants who themselves had driven out the Bakchiad *genos*, Korinth’s oligarchic government lasted almost continuously down to Hellenistic times. Its council of 80, nine *bouleutai* and one *proboulos* from each of Korinth’s eight tribes, is attested in the fourth century but may have been part of the original oligarchic polity (Nik. Dam. *FGrH* 90 F 60; Salmon 1984: 231–239). The eight *probouloi* may have formed a superior council. Under 346/345 BCE, Diodoros (16.65.6–9) calls Korinth’s council a *gerousia* but also mentions a *symedrion*, apparently a meeting of the people’s assembly which adopted a *probouleuma* of the council. Plutarch (*Tim.* 7.2) places the incident in question in the people’s assembly (*dēmos*). Thucydides (5.30.5) mentions a *xyllogos*, assembly, at Korinth in 421 BCE. In *Dion* 53.4 (353 BCE), Plutarch says that the Syracusan Dion wanted a government like the Korinthians’, being “governed rather oligarchically, and not managing much of their common business in the people’s assembly.” However valid this description of Korinth’s oligarchy, the statement could imply that other oligarchies were not so managed. Korinthian inscriptions of the Hellenistic period attribute decisions to the assembly and do not mention the council (R&L 476).

Considered a moderate oligarchy (*oligarchia isonomos*: Thuc. 3.62.3; cf. 5.31.6; 4.76.2), Boiotia’s constitutions from 447 to 387/386 reflect systematic thought,. Within each city (according to *Hell. ox.* 19.2–4 Chambers) all eligible citizens as determined by a (possibly hoplite) property qualification (and ten years’ inactivity in commerce) were appointed to one of four annual councils. Beyond the business that individual councils controlled, each was probouleutic. Resolutions adopted by all four councils, probably voting separately, became valid. This system allowed every citizen to contribute to important public decisions, while staying free from public service nearly three-quarters of the year (Bruce 1967: App. 2). In Boiotia’s contemporary federal constitution, a council of 660 (60 from each of 11 wards, as determined by population), guided by 11 Boiotarchs (Thuc. 5.38.3), decided general and foreign policy, one-quarter

being probouleutic (*Hell. ox.* 19.3; Thuc. 5.38.2–4; Xen. *Hell.* 5.1.36). Decrees of the mid-fourth century imply a people's assembly (R&L 122). If hoplite status was the property qualification, Boiotia's constitutions empowered the hoplite masses.

Some of Boiotia's constitution was copied in the “future constitution” proposed by Athenian oligarchs in 411. Here four councils were composed of those members of the Five Thousand (the *politeuma*) over 30, each council serving for a year. No provision is made for all four councils (i.e., the Five Thousand) to assemble, but any council could ask each member to bring a second qualified person. Their function was to deliberate, *bouleuesthai*, about finance and other matters ([Arist.] *Ath. Pol.* 30.3–6). In the actual oligarchy of 411, the citizen body was limited to 5,000 ([Arist.] *Ath. Pol.* 29.5; Thuc. 8.65.3, 97.1) and in 404 to 3,000 (Xen. *Hell.* 2.3.18; [Arist.] *Ath. Pol.* 36.1).

Tyrannies and democracies followed dysfunctional aristocracies from the mid-seventh century (Wallace 2009). Our sources record virtually no tyrant's councils: understandably so, if council members would mostly be tyrants' elite enemies against whom many had bodyguards. One apparent exception (Rhodes 1972: 219) was Peisistratos, as Athens' people's *boulē* had existed since 594/593. *Dēmotikōtatos*, “most oriented to the *dēmos*” ([Arist.] *Ath. Pol.* 14.1), according to Herodotus (1.59.6) Peisistratos “ruled not disturbing the existing offices [the *boulē* was an office] nor changing the laws, but governed the *polis* on the existing arrangements” (see also Thuc. 6.54.6; Plut. *Sol.* 31.3; [Arist.] *Ath. Pol.* 16.8). According to Diogenes Laertius (1.49/10W) possibly from Solon's poetry which Diogenes quotes, when Solon opposed Peisistratos, “the *boulē*, being Peisistrateans, said he was mad.”

When *dēmoi* overthrew oligarchies and established self-government, they inherited the idea of councils but developed these in democratic ways, especially by expanding their size and regularizing their functions. While in oligarchies leaders came together to discuss important issues before presenting them to the assembly, democracies used *probouleusis* to ensure that major issues were not suddenly presented and decided without significant prior discussion (and at Athens sometimes a preliminary resolution) by a large and representative group of citizens.

The first attested people's council was in Athens, although it was not necessarily the first in Greece. In 594/593 BCE Solon was appointed *archōn*, lawgiver, and “mediator” between an elitist oligarchy and the masses in revolt. In politics, he sought to balance powers. As at Sparta, the people's assembly, now formally open to all citizens, was officially given final authority in *polis* decisions, also in electing officials; Athenians could now appeal officials' judicial verdicts to the people; and a people's council of 400 – 100 per tribe – was to “*probouleuein* the *dēmos* and allow nothing not discussed in advance (*aproprobouleuton*) to be brought before the assembly” (Plut. *Sol.* 19.1).<sup>13</sup> Solon's people's council was far larger than any of its known predecessors. Its size confirms Solon's intention to empower the *dēmos*, while at the same time providing an important brake on uncontrolled initiatives. No further competence is attested; how the council operated (and who presided) remain uncertain. As we have seen, Solon's popular council continued to operate down through the Peisistratean period, and Herodotus (5.72.1) confirms its importance in 508/507 BCE, when the Spartan Kleomenes' attempt to replace it with a council of 300 sparked a popular backlash.

As we have seen, Solon also established, or systematized anew, a second council on the Areios Pagos: two anchors for the ship of state, as his poetry may have said. This council,

formally composed of all ex-archons serving for life, adjudicated cases of premeditated homicide (before Solon, judges called *ephetai* adjudicated homicide), and (at least after Ephialtes' 462/461 reforms) wounding with intent to kill, arson, and harming Athens' sacred olive trees. Solon sought to use the full authority of Athens' highest officials, meeting at a shrine to the dead, to curtail the murderous political violence responsible for his own appointment. He assigned his Areiopagos council other powers as well, beginning with *nomophylakein*, “guarding the laws” ([Arist.] *Ath. Pol.* 8.4). If *nomoi* refers to statute laws (and Solon wrote hundreds of these), “guard” against whom? Later sources suggest that Athens’ ex-archons should ensure that current *archai* followed the law. The possibly late fifth-century “Constitution of Drakon” ([Arist.] *Ath. Pol.* 4.4) states that the Areiopagos “was guardian of the laws, and watched over the *archai* to see that they exercised their *archai* according to the laws.” Teisamenos’ decree of 403 BCE authorized the Areiopagos to “take care of (*epimeleisthai*) the laws, so that the *archai* may employ the laws that have been passed” (Andok. 1.83–84). Philochoros reports that, probably after 462/461, the Athenians instituted a board of *nomophylakes* to “force the *archai* to abide by the laws” (*FGrH* 328 F 64). If so, these *nomophylakes* will soon have been abolished. In any case Philochoros’ statement sheds light on the meaning of *nomophylakia*.

It is further possible that *nomophylakein* authorized Solon’s Areiopagos council to block improper actions by the assembly. Just so, Sparta’s *gerousia* may have been authorized to “set aside” if the assembly spoke “crookedly.” In the passage cited, although again questions are raised, Philochoros adds that the fifth-century board of *nomophylakes* “sat in the Assembly and Council . . . , preventing the enactment of things disadvantageous to the city.”

Finally, according to [Arist.] *Ath. Pol.* 8.4 Solon’s Areiopagos was charged with “protecting the popular government” (*dēmos*) through a *nomos eisangeltikos*, “a law on giving information.” Although the word *dēmos* may be anachronistic, Aristotle had studied Solon’s *nomoi*, and in an age of tyrants Solon could well have sought to safeguard his new government (Wallace 1989a: 64–66). Yet just as the Areiopagos failed to prevent Peisistratos’ tyranny, virtually no evidence shows that it acted on its Solonian competence until 479–462/461, when [Aristotle] says (*Ath. Pol.* 23) it “again managed” Athens. What “managing” means is unclear, but its political activities (whatever they were) and emerging democratic ideology provoked reforms by the people and their leader Ephialtes in 462/461, reducing the Areiopagos to a narrow judicial competence ([Arist.] *Ath. Pol.* 25). Four years later, Aischylos’ *Eumenides* celebrated the court but as a symbol of peaceful adjudication, against vendetta and *stasis*.

Shortly after Solon, perhaps c.575, an inscription attests another “people’s council” (*dēmosiē boulē*) at Chios, “chosen fifty from each tribe” (M&L 8; ER 62; Robinson 1997: 90–101). If the Chians were divided into the standard four Ionic tribes, 200 citizens served on this council – and Chios was far smaller than Attika. This inscription sets a date for council meetings and authorizes it “to conduct [*prattein*] the other business of the people,” probably also to hear judicial appeals (possibly in a preliminary way), possibly also to fine. It grants other powers to the people’s assembly, here designated “the *dēmos* called together.” The word *dēmos* and its cognates recur throughout this text. *Dēmosiē* does not imply that Chios also had an aristocratic or oligarchic council. Robinson concludes that “true power” resided with the assembly and a representative popular

council (1997: 99, 101). As Gehrke says, “the text unequivocably indicates . . . that the central political and judicial power was the people (*dēmos*). They made decisions (*rhetrai*) – which certainly included court rulings – and did so in the popular assembly” (2009: 397).

A third sixth-century people’s council is attested at Elis, which controlled Olympia. Aristotle (*Pol.* 1306a14–18) describes an early oligarchy (resembling a *dynasteia*) of 90 *gerontes*, holding office for life. However, Elis was apparently democratic by c.525–500, when a measure states, “the *wrhatra* of the People shall be final” and allowing emendations to written law only by “the whole Council of 500 and the People in full assembly,” *damos plēthuōn* (*IvO* 7.4; cf. 3.8). Here the *damos* has taken over the function of lawgiver. Other early inscriptions mention the *bola* and the *damos* (*IvO* 3, 7/ER 108, 109). The size of the council was later increased to 600 (Thuc. 5.47). Democratic government had ended by 365 (Hansen and Nielsen 2004: 497).

In 508/507 Athens’ democratic reformer Kleisthenes enlarged Solon’s people’s *boulē* to 500, 50 from each of his 10 new tribes. Patently, Solon’s earlier council had proved a success. Attika’s 139 new demes (local administrative units) now contributed councilors according to their population. Membership was allotted among those who presented themselves, and was open to all citizens over 30. The average age of Athens’ *bouleutai* seems to have been about 40 (Hansen 1991: 249). At least in the fourth century, councilors could only serve twice in their lifetime, although perhaps in actuality few served twice (Hansen 2006a: 25–28). Hence the *boulē* was not dominated by the wealthy, although it was easier for them to serve, not least because the council met every day except certain holidays (Sinclair 1988: 106–114; Hansen 1991: 250–251). The councilors of each tribe served one of Athens’ ten civic months as *prytaneis*, executive councilors, in a sequence determined by lot. At least between 462/461 and the early fourth century, one *prytanis*, called *epistatēs* and chosen by lot, presided over the council and the assembly. Subsequently, this task was assigned to one of a board of *proedroi*, chosen by lot from the *bouleutai* who were not then *prytaneis*.

According to [Aristotle] (*Ath. Pol.* 25), in 462/461 BCE Ephialtes transferred various powers from the Areiopagos council to the assembly, the *boulē* of 500, and the courts. Probably from this period, the *boulē* of 500 assumed ever more administrative, financial, supervisory, and judicial powers (see [Arist.] *Ath. Pol.* 43–49; Rhodes 1972; Hansen 1991: 257–265). A council house (*bouleutērion*) and a prytany house were now erected for it in the *agora*. Its preliminary authority over officials helped to ensure that Athens’ administration functioned efficiently and honestly: financial accounts were a principal concern (Sinclair 1988: 73–76). It supervised public buildings and the construction of new triremes; helped ensure the viability of Athens’ fleet; superintended various aspects of the cavalry; aided in collecting the tribute; kept public records; and exercised various judicial functions such as bringing public cases into court. A notable aspect of its many activities essential to the functioning of the Athenian state is that virtually all members of this council were ordinary citizens with limited administrative experience, a new group of 500 rotating into service every year.

The main function of Athens’ council of 500 remained *probouleusis*. How far did *probouleusis* qualify direct democracy by the assembly (see especially Rhodes 1972: 82–85; Sinclair 1988: 84–105; Hansen 1991: 138–140)? The *boulē* decided what the *ekklesia* was to discuss, and new questions had to be sent to it for consideration.

Many decrees began, “[i]t seemed best to the *boulē* and to the people,” when the assembly adopted its formal proposals (*probouleumata*). On the other hand, the *boulē* did not have to craft a proposal, it did not have to discuss an issue before putting it on the assembly agenda, and it did not have to take a position on a *probouleuma*. In the assembly any citizen could propose an amendment to an existing motion, and the *boulē* could be directed to discuss any issue. Although no bouleutic speeches survive, the *boulē* was a place for serious debate; leading citizens could attend its daily meetings (Dem. 19.17; Aischin. 3.125; Xen. *Hell.* 2.3.50); its 500 members, chosen from the *politeuma* by lot, may typically have had a good sense of public attitudes. While the *boulē* was a remarkable institution of Athenian democracy, the assembly held primary authority.

By contrast, between 458 and 404 BCE the Areiopagos council largely disappears from our sources. In 404 ([Arist.] *Ath. Pol.* 35.2) and especially from 357 (Isokrates' *Areopagitikos*), Athenian conservatives promoted that council as a symbol of pre-Periklean order, their anachronistic elaborations or fabrications of its early, allegedly political and moralizing functions helping to corrupt the historical traditions of pre-democratic Athens (Wallace 1989: chs. 6–7). Following Athens' conservative turn after 350, the Areiopagos regained a certain civic although not legal authority, especially to investigate and report (*apophainein*) treason (Wallace 2000); the *dēmos* retained the power to punish. Eukrates' law (337/336, SEG 12. 87) targeted the Areiopagos' potential collaboration with tyranny, reflecting the *dēmos'* fears of its political and conservative ideological resurgence.

Different versions of Athens' *boulē* of 500 can be traced abroad where Athens was active (although not in Attic demes, which were governed by assemblies and officials). *Inscriptiones Graecae* (IG 1<sup>3</sup> 14.8–12/M&L 40) records Athens' mid-fifth-century political settlement at Erythrai after its revolt from the Delian league and later the expulsion of its medizing “tyrants.” Among other reforms, the Athenians establish an annual council of 120 citizens over 30 years old, chosen by lot and serving not more than one year in four. Each councilor is to swear to obey the laws or pay a fine, to “deliberate as best and as justly as I can for the people [*plēthos*] of the Erythraians and of the Athenians and the allies,” and not to expel or restore anyone without authorization from Athens' *boulē* of 500.

Despite uncertainties, the governments of Athens' fourth-century cleruchies, at Lemnos, Imbros, Skyros, Samos, Poteidaia, Chersonesos, Sestos, and Krithote, were also based on the Athenian model, with assembly, council, tribes, and small variations in officials although apparently no *dikasteria* (Cargill 1995: ch. 3; R&L 479).

Many other classical democracies had *boulai*, most now obscure. Some of these can be detected in the pages of *The Decrees of the Greek States* (R&L) and Hansen and Nielsen (2004). I end with two democratic *boulai* from the Peloponnese, ever shadowy but functioning alongside powerful *politeumata*. The best-known Arkadian constitution is Mantinea's, mostly democratic from the later fifth century (Thuc. 5.29.1; Xen. *Hell.* 5.2.7; Arist. *Pol.* 1318b27) and possibly much earlier (Robinson 1997: 113–114). Decisions were made by the people's assembly (Xen. *Hell.* 6.5.4–5). Its council (Thuc. 5.47.9) may have been called the Three Hundred (SEG 37.340; Nielsen 2002: 334–338). Sometimes democratic, neighboring Tegea also had a council called the Three Hundred; the Fifty were possibly its executive committee (Hansen and Nielsen 2004: 532).

Finally, an inscription of c.575–550 BCE (*IG* 4.614/ER 87), provided a list of *damiourgoi* who “ruled” (*ewanassanto*) Argos, documenting the political power of early officials, which we have seen elsewhere. From around 494 Argos was democratic, with a probouleutic *boulē*. Its annual presidency may have rotated among the four tribes; its secretary served for a year. The *aliaia* (assembly) issued decrees (*SEG* 13.239; M&L 43 B 44). The identity and functions of “the Eighty” (Thuc. 5.47.9, also mentioning *artynai*) remain obscure (Piérart 2000a).

*Probouleusis*, a basic function of councils in both democracies and oligarchies, implies the fundamental authority of popular assemblies, whether open to all or only to those who met a property qualification. As we have seen, Aristotle himself confirms the assembly’s authority in both types of polity. Neither he nor the historical record anywhere documents the dominance of councils in oligarchies. These conclusions may well have consequences for the broader history of Greek democracy, by narrowing the gap with oligarchy and potentially challenging what many scholars have considered democracy’s late arrival and rarity. In one fundamental way, oligarchies were democracies also. Larger councils proved especially effective in the major democracies, as representative of the *dēmos* yet far more nimble than assemblies in handling a city’s administrative, judicial, and political business. This may help explain why Aristotle considered the council fundamentally an institution of democracies. The nature of Greek oligarchic government and oligarchic councils remains largely obscure. A central problem may be – and may have been – the relations of powerful executive officials both with the council, whose functions may have been less systematized than in democracies, and with the assembly, powerful but where apparently freedom of speech was limited. Further work on Greek oligarchies and their councils is an urgent desideratum.

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## NOTES

For the sources on Greek councils also into the Hellenistic and Roman periods, see especially R&L 475–501 and *passim*, noting that smaller *poleis* may not have had councils.

- 1 For territorial or population units, see N.F. Jones (1987). On coinage, compare the main currency issues of central Greece (Boiotia didrachms except independent-minded Orchomenos obols, Thessaly drachms, Phokis hemidrachms), which hoard-evidence shows did not circulate together.
- 2 See also, e.g., Andrewes (1956: 15–16): oligarchies were “governed mainly by a small council”; de Laix (1973: 6): the *boulē*’s “sovereign decision-making authority”. In his *OCD*<sup>3</sup> article “*boulē*,” Rhodes writes that in oligarchies “the council might be relatively powerful and the citizens’ assembly relatively weak,” while in democracies “the council would be the servant rather than the master of the assembly.”
- 3 Hansen and Nielsen (2004: 83, 84 with n. 53), but contrast n. 8 below. The remarks on oligarchies at [Arist.] *Rhet. ad Alex.* 1424a39–b16 and 1446b24–26 also ignore *boulai*.
- 4 Or else, Plutarch suggests, “rememberers of many things,” the initial alpha an intensifier.

- 5 Appointed for life according to noble birth, and “overseer” *episkopos* (8.4): Plutarch’s source for Knidos may have been an Aristotelian *politeia*.
- 6 At *Pol.* 1306b3–5, Aristotle mentions that a Knidian oligarchy was overthrown because it was too authoritarian.
- 7 At Mytilene, after overthrowing the Penthilid dynasty *c.640*, aristocratic *genē* began a murderous competition for power, fighting or else fleeing into exile. Alkaios fled at least twice (schol. Alk. fr. 60 and 114); in exile he longed “to hear the assemblies called, and the *bollas*” (fr. 130b: 3–5). Sappho also fled (T 251). The names of three Mytilenean *genē*, Demoanaktidai, Archeanaktidai, and Kleanaktidai (who were exiled: Sappho fr. 98b), reflect their ruling pretensions (Alk. fr. 112.23–24; 296b). Alkaios mentions the “endless” fighting between his *genos* and another (fr. 305a). As for Megara, van Wees has remarked, “Theognis’ world is characterized by violent competition for power and property... which made it impossible to sustain any kind of closed elite... Within his own circle of friends, too, solidarity is limited” (2000a: 53, 55). Theognis laments, “You’ll find few companions (*hetairoi*) who prove dependable when things are difficult” (79–80; see also 97–99 and 299–300). “My friends (*philoī*) have betrayed me” (811–813). Van Wees continues, “Theognis... responds ferociously to serious transgressions. He switches allegiance, joining forces with former enemies (813–814), and seeks revenge. ‘When great harm is done to a man, his heart shrinks, Kyrnos, but after avenging himself it grows big’ (361–362)” (2000a: 56).
- 8 Cf. Ober (1989: 84–86) and my (forthcoming) essay in *Teoria*.
- 9 On councils in smaller *poleis*, see R&L. Although Hansen and Nielsen’s “decision-making institutions” (2004, App. 12) might seem to imply that (in addition to some Cretan and Boiotian *poleis* already considered), Andros, Kallatis, Chersonesos, Dardanos, and Libyan Euhesperides were ruled by councils, no such claims are advanced on pp. 736, 939 (the meager evidence for Kallatis is Hellenistic only), 942 (fifth-century Chersonesos “a vigorous democracy”), 1007, and 1242.
- 10 In an inscription of 196/195 BCE (R&L 319) and Strabo 4.1.5, Massalia had a *synedrion* (*senatus*: Val. Max. 2.6.7) of 600 *timouchoi* (“honor holders”), serving for life. Of these “the Fifteen” were *proestotes* and managed immediate business; three officials “holding the most power” and called “the Three,” presided over the Fifteen. They were to be married with families, or Massaliote for three generations.
- 11 In *Il.* 2.55 and 10.302 *artynein/-esthai* is used with *boulēn* (“counsel”); *c.480*, neighboring Halieis had *synartunoī* but may have been democratic (see *IG* IV 554 and below).
- 12 For the debate over the identity (assembly or council?) of the Thousand at Kroton, see Hansen and Nielsen (2004: 268). A fifth-century “oligarchy of the 1,000” is also attested at Akragas (Hansen and Nielsen 2004: 187). Apparently western Greeks did copy each other.
- 13 See also [Arist.] *Ath. Pol.* 8.4; cf. 21.3; 31.1 (ancestral council of 400); Rhodes (1972: 208–209).

## CHAPTER 14

# Law Courts

*Domingo Avilés and David C. Mirhady*

From a time before written law, let alone constitutional government, Homer (*Il.* 18.497–508) provides a vivid description of a primitive law court, which he depicts on the shield of Achilles as part of a city at peace (the following is a paraphrase): The people are gathered in the assembly area (*agora*); two men in dispute over settlement of a homicide plead their case before the town (*dēmos*) and seek an *istor* to provide a resolution (*peirar*); the people are split, with supporters on both sides; heralds restrain them so that elders, who sit on polished stones in a sacred circle and hold the heralds' scepters, may each stand and give judgments in turn; a prize of two measures of gold awaits the one who speaks a judgment “straightest” (see Gagarin 1986: 26–33).

The presence of a permanent structure in the assembly area, the circle of polished stone seats, suggests that legal disputes had an appointed place, and Homer elsewhere (*Od.* 12.440) also confirms that they had a normal time of day. Besides the disputants – no witnesses are mentioned – the personnel include the people gathered at the periphery, the heralds keeping order, and elders giving judgments. It seems that the elder giving the straightest judgment would be the *istor*, but that is not made explicit, nor is it quite clear what the *dēmos* is supposed to do, besides observe, or who decides which judgment is straightest. Hesiod and Homer's *Odyssey* also depict the people observing as straight judgments put an end to disputes in the *agorā*, but they see kings, rather than elders, making the judgments, and some role to be played also by rules (*themistai*) (*Th.* 84–92; *Od.* 9.105–115, 11.568–571).

Later in the *Iliad* (23.566–613) Menelaos seems to invoke law-court procedure when he disputes a prize after a chariot race. He uses much of the same language as in the other passages. However, as both disputant and king, he takes the herald's scepter and accuses Antilochos of having wronged him during the race. Then, after asking the other kings to judge, he seems to change his mind and proposes his own judgment, which he claims follows a rule (*themis*), presumably about using oath-swearings to end disputes.

He challenges Antilochos to swear that he had not wronged Menelaos, at which point Antilochos concedes rather than swear the demanded oath.

In short, Greek epic presents a fairly consistent view of proto-law courts. They were open to the public, staffed by multiple elders or kings who carried scepters as symbols of their judicial function, and supported by heralds who kept the people and the litigants' supporters in check but allowed them to observe the proceedings. The disputants offered their cases voluntarily for a resolution from some sort of aristocratic figure. The elders or kings followed rules (*themistai*), which appear to have involved traditional norms of dispute resolution.

## Early Greek Law Courts: Epigraphical Evidence

In the judicial procedure that we have seen so far, written statutes played no role, if only because of the lack of written legislation in the societies depicted in the epic poems. The modern legal assumption, that in making decisions a law court must follow written legal rules established by a legislative body, does not apply to every culture and almost certainly not to Homeric Greece, even though the latter knew unwritten norms of dispute resolution. This picture changes toward the end of the Dark Ages, when the first specimens of writing appear in Greece, around 750 BCE. About a century after its introduction writing is applied for the first time to the codification of legal rules.

To be sure, the evidence shows that in the beginning there was no direct connection between statutes and the law courts in the sense that the former were meant to give the latter guidance in making decisions. The statutes are instead aimed at regulating the exercise of power in the *polis*, but that includes judicial power. Early legal texts were not meant to be handbooks for judges, but to regulate the functioning of the city's institutions. On the other hand, officials like the Cretan *kosmoi* were also judges, and here the connection with the law courts comes into play. In the Homeric and Hesiodic worlds, judicial power was a mark of kingship; the idea of a separation of powers had not yet arrived. The royal rulers were also concerned with passing judgments on the disputes of their subjects. If we can assume an early historical reality behind epic literature, with the development of Greek political structures some of the kings' powers were taken over by appointed magistrates. The oldest statute we know of, for instance, an inscription from about 650 BCE found at Dreros (Crete), which forbids repetition of office, limits the power of a magistrate who had judicial functions in as far as it declared his rulings invalid if passed after the end of his term of office (cf. chapters 1 and 15 in this volume). There is as yet no hint, however, that there was any kind of written instruction as to how an official had to decide cases.

In time, however, the lawgivers devised fines for magistrates who did not abide by the statutes in their judicial duties. The following example is from the fifth century, a bronze tablet found at Olympia containing a regulation for a man named Patrias:

This is a statute binding on the Eleans: Patrias shall be safe, as well as his offspring and his possessions. Should anybody curse [?] him, he shall be banned as though he had done so to an Elean. Should the highest magistrate and the kings [*basileis*] not inflict the due fine, they shall pay ten *minae* each, to be dedicated to the Olympian Zeus. The *hellanodikas* is charged with the prosecution, and so is the *damiorgia* with respect to the other fines; should they not prosecute, in the audit they shall be sentenced to pay the double amount .... (ER 23; the translations are, if not stated otherwise, our own)

Statutory punishments are devised only for officials, the highest magistrate and kings, or at least full citizens (“the Eleans”), which confirms the notion that Archaic statutes were specifically meant to bind those in power (Harris 2006: 301–312; cf. Avilés 2010: 96–97). Since judicial power was a basic component of governance, written laws served to limit the judges’ freedom of decision by imposing rules as to how they were to judge according to different circumstances. While in the beginning this seems to have happened rather incidentally, with the lapse of time the regulation of judicial matters by means of written statutes grew more and more sophisticated, at least in some parts of Greece. An outstanding example of this development is found in Gortyn, a Doric town in central Crete famous for the exceptional amount and length of its legal inscriptions (see chapter 15 in this volume for further details).

The famous code of Gortyn (*IC* 4.72; Willets 1967) is commonly dated to about 450 BCE, some 200 years after the Dreros law. Since most of the other statutes found in Gortyn are dated earlier, there is little doubt that the code represents the progress of a long legal and judicial culture. Not only does it address the judges, however, but with it Greek legislation seems to have fully adopted what we usually regard as the function of statutory law in providing law courts with guidelines about how to decide cases. The term “code,” by which modern scholars like to refer to this statute, well describes the breadth of issues it covers and the obvious attempt at logical order in detailing provisions. Despite some appearances, which will be addressed below, the code of Gortyn was probably meant to be a guideline for the use of the magistrates called to settle disputes and to decide suits; only indirectly does it set legal rules for the general public. That is, it is largely procedural rather than substantive. The texts of statutes often refer to the *dikastas* (judge), always in the singular, and set rules for his decision-making.

It is not clear whether the *kosmos*, whose judicial functions are well attested in Cretan cities, is the same person as the *dikastas*. Most scholars assume that in Gortyn the *kosmoi* no longer had a judicial function (*contra* Thür 2007). The fact that they are apparently not supposed to be a party to a lawsuit themselves<sup>1</sup> argues for them being still judges. It may be noted that, if this is correct, the code calls the same officials by different names according to the function they have in the context at hand, which shows a considerable level of abstraction.

The opening itself consists in barring self-help, thus strongly establishing the rule of law and the law courts as the primary means to solve conflicts: “Gods! Whosoever may be likely to contend about a free man or a slave is not to seize him before trial. But if he make seizure, let (the judge) condemn him to (a fine of) ten staters for a free man, five for a slave . . .” (col. 1.1–6, trans. Willets 1967: 39).

Placed as it is at the very beginning of the text, this provision seems to be, in a sense, the heading under which the whole statute is to be read (Gagarin 2004: 178). In the same column we find the provision regulating procedure in the case of litigation involving the slave of a *kosmos*, who could not be directly sued as long as he was in office (1.51–55). Whether or not the text is to be construed as regulating any litigation involving a *kosmos* rather than only the specific case of a dispute about a slave we cannot know; probably a clever litigant could argue one way or the other.

The judge’s activity is described by means of two different verbs: *dikadden* (= *dikazein*) and *krinen* (Willetts 1967: 33). The former is used whenever the judge is not free to decide but must conform to the instructions given in the statute; the latter refers to situations in which he is to make a decision based on his own free evaluation of the evidence; in such cases he has to swear an oath (perhaps to the effect that he shall give his

“best judgment,” see below). The typical procedural provision of the code establishes the decision to be made if certain evidentiary requirements (number of witnesses, oaths) are fulfilled, and allows the judge discretion if the requirements are not met or both parties fulfill them equally. For instance, “if they contend about a slave, each declaring that he or she is his, and should a witness testify, the judge is to judge [*dikadden*] according to the witness; but if witnesses testify to both sides, he is to decide [*krinen*] on oath [*omnunta*]” (11.18–24).

From the very beginning the code seems to direct only the judges or, at most, the full citizens involved in litigation. The verb *dikadden/dikazein* can only have a judge as its subject. He is instructed on how to decide cases and also on when to inflict fines and how high they shall be. With respect to the provisions on rape, the connection to the law court is less evident, but the provision about the female slave being *horkiotera* (that is, the person whose oath is to weigh more) points unmistakably in this direction (col. 2.15–16).

Of course, one might argue that in this way the slaves or the women themselves are advised as to what they are not allowed to do; but this happens only indirectly, as an aside of the main intent of the regulation, which is to provide the judge with guidance. At one point we find a provision that the fines be so high or lower, and it is explicitly stated that they may not be higher (1.36–38). Never, on the other hand, does a provision establish a minimum amount and allow judges to inflict higher fines at their discretion. It seems likely, therefore, that the code is meant to be a limitation imposed on the power of the judges. The extent to which it makes use of the words *dikazein* and *dikastas* (“judge” as verb and as noun) is apparent from even a quick glance at the text. The whole code seems to be aimed at making sure that the position of an aristocratic lord as judge may not give him too much power. As Thür (2007: 84) points out, this aim did not necessarily result from conflicts with the lower classes; we should rather assume that within the ruling elite there was a struggle to avoid any of its members becoming too powerful, thus endangering equality between him and his peers.

## Drakonian and Solonian Law Courts

A fragmentary re-inscription of the law code of Drako (*IG I<sup>2</sup> 115/I<sup>3</sup> 104*) presents evidence for judicial procedure from seventh-century Athens: “Even if someone kills not from forethought, he goes on trial, the kings judge the cause, whether the actual killer or the planner, the *ephetai* ‘decide’ [*diagnonai*]; and the father or brother or sons, if unanimous, reconcile.” Much of what remains of the fragment deals with the procedures for reconciliation, for instance if there are no remaining family members. But the initial bifurcation of the judicial process between a (presumably preliminary) judgment of responsibility by the kings, both of the actual killer and of anyone involved in planning the killing, and a subsequent decision of volition by the *ephetai* (men to whom the case is appealed or referred) seems to signal a movement away from royal or aristocratic judgment toward a more popular judicial process. From later in the inscription we learn that there were 51 *ephetai*. It likewise moves away from the assignation of cause and the judicial conceit of responsibility or liability that follows from being the cause of a death to the more social concern for reconciliation.

The judgment (*dikazen*) of the kings seems to set out the terms according to which the subsequent decision of the *ephetai* was to take place. In the Classical period, a preliminary procedure, called a *prodikasia*, which had to be repeated three times over successive months, took over this function. It also made a preliminary assignation of causation, or responsibility (*aitia*), for the homicide, which diverted the pollution (*miasma*) associated with bloodguilt away from the city as a whole and assigned it to an individual, who had to keep away from the sacred places and so on until his trial. Scholars such as Sealey (2006) have recently doubted the significance of pollution in the judicial process, and there is no doubt that its legal significance is difficult to define. But that should not lead us to dismiss it too hastily, especially in light of the evidence from drama, notably Sophokles' *Oidipus the King*, and the *Tetralogies* ascribed to Antiphon. Drako's laws on homicide are reported to be the only part of his law code from the late seventh century that the Athenians preserved after the reforms of Solon. The apparent concern for reconciliation in the surviving text seems to belie the connotations that the term "draconian" has acquired.

Solon, whom the Athenians saw as their principal lawgiver, is credited in the *Constitution of the Athenians* with several innovations that increased the power of the law courts and their democratic character: he allowed a voluntary prosecutor, not just the wronged parties themselves, to seek retribution for any wronged person ([Arist.] *Ath. Pol.* 9.1); he allowed any decision, by a magistrate, the council, or assembly, to be appealed to a law court (9.2); whether intentionally or not, he wrote laws vaguely, so that the law courts were free to interpret them as they wished (9.2); finally, he also allowed even the lowest classes to participate in the law courts as well as the assembly (7.3).<sup>2</sup>

## Arbitration

The processes by which a dispute came to be settled in a law court in Athens is fairly well documented (Scafuro 1997; Roebuck 2001). Forensic oratory is replete with protests about how the speaker tried to avoid coming to court.<sup>3</sup> There are preliminary discussions and challenges to settle the dispute based on someone swearing an oath or torturing a slave. Provisions for arbitration (*diaita*) of private suits are also well known, certainly for Athens. In a sense both private and public arbitrations became part of the formal judicial process. Private arbitrations involved the two parties, who appointed either a single mediator (*diallaktes*) or arbitrator (*diaitetes*) or a panel of three arbitrators. The procedures to be followed were worked out in advance and the two parties swore to abide by the arbitrators' decisions. The settlements arrived at had legal force. The freedom with which the private arbitrators could run their hearings should not be underestimated. Depending on how private the hearings were, even women could offer statements.

Public arbitrators were chosen by a lottery from among the citizens who were 59 years old, in the last year of military eligibility ([Arist.] *Ath. Pol.* 53.4), and private suits were automatically referred to them by magistrates called the Forty. Unlike the private arbitrators, these experienced men had to follow several of the norms of Athenian judicial procedure concerning, for instance, evidence, although the impression is given that the arbitrations were pretty freewheeling affairs, without set speeches. There was a lot of posturing by the litigants, probably interrogation of each other and the witnesses,

proposals for alternative means of dispute resolution, and so on. The arbitrator's first goal was to reconcile the parties. In the end he was obliged to propose a settlement, on oath, but, unlike the popular courts, he did not have to adopt the position of either side and could propose a compromise solution. Unlike the settlements proposed by private arbitrators, those of the public arbitrators were not binding. Scholars have debated the extent to which Athenian public arbitration amounted to a judicial hearing, from which the trial in the popular court would be an appeal. Although the Athenians used the term *ephesis*, which could be translated as "appeal," when it comes to the transfer to the popular court it seems clear that they did not see the two procedures as analogous, as if the decision of one court were appealed to another. The term "referral" may be more accurate.

## Administration of the Courts

Together with their secretary, Athens' nine annually selected magistrates represented each of Athens' ten tribes, and it fell to them to administer the court system, which was organized according to the different magistrates rather than under the categories of substantive law. Of these, the six *thesmoothetai* took on this role as their principal duty and steered most of the cases through the judicial structure. Three magistrates, however, had special responsibilities. The eponymous *archōn* (so called because Athenians referred to his year in office by using his name) had special responsibility for ensuring the property rights of Athenians. Cases regarding citizens' obligations to perform civic responsibilities thus came before him. Wealthy citizens were called on to finance festivals or military equipment, but could escape by claiming that another man had more financial ability. Likewise, he handled cases regarding the estates of elderly parents, orphans, heiresses, and the mentally unstable. The *archōn polemarchos*, whose title suggests that his position once had a military function, handled all cases involving non-Athenians.

The *basileus*, or "king" magistrate, had responsibility for all those cases touching on religion. This meant not only disputes over impiety and the distribution of priesthoods but also homicide and intentional wounding, which entailed a religious pollution. Depending on the circumstances of a homicide or wounding, a case might go to one of five courts, all of which were located away from the central core of Athens and in the open air because of the pollution associated with the killer. Cases of alleged intentional homicide went before the Areiopagos, the large board composed of former magistrates. When there was a claim of unintentional homicide, an attempted homicide, or the killing of a slave or foreigner, the case was heard at the court at the Palladion. When the killer claimed justifiable homicide, the trial was held at the Delphinion. When an exiled killer wished to plead innocence of intent, the case was heard at the court of Phreatto, with the defendant on a raft off the coast so as to remain in exile. When it was unknown who the killer was, or where an animal or inanimate object seemed to have caused a death, a court at the Prytaneion, the town hall, assigned responsibility; the animal was slaughtered or the inanimate object removed from Athenian territory. Aside from the Areiopagos court, a committee of 51 *ephetai* ("appellate" judges) heard the cases at the homicide courts; they appear to have been members of that council.<sup>4</sup> In homicide cases the charges had to be sworn three times in succeeding months and the witnesses

had to swear not only to a particular fact but also to the accused's guilt or innocence. This requirement meant that the homicide courts had the highest reputation for the relevance of the argumentation, since no testimony was presented before them that was not directly material to the point at issue.

## The Dikastic Oath

Aristotle identifies participation in rule (*archē*) and in judging (*krisis*) as the two key aspects of citizenship (*Pol.* 3.1.1275a22–23). In doing so, he likely reflects the common Greek view. “Rule” in this context probably refers to participation in the assembly (*ekklēsia*) and council (*boulē*), the two deliberative bodies of Greek government, the assembly being the authoritative deliberative body, its decisions identified as those of the *dēmos*. “Judging” was a distinct activity. In Athens it was made distinct principally by the oath the judges swore and by the method of jury selection, though the latter was only introduced at the end of the fifth century. It remains an open question to what extent the Athenian law court represented the Athenian *dēmos* in a judicial capacity. The judges were called *dikastai* (sing., *dikastes*), a word that describes their function, to judge (*dikazein*) questions of both law and fact. Since, unlike the members of the assembly, the *dikastai* swore an oath, they might be, and sometimes are, referred to as jurors (from the Latin *iurare*, “to swear”), but that would obscure their wide-ranging functions, since the Athenian *dikastai* also had roles in overseeing the auctioning of public works and confiscated property and in vetting legislation.

In swearing the dikastic, or heliastic, oath, Athens' judges solemnly declared what reasoning would guide their judicial decisions. The oath included two key elements: first, that they cast their votes “according to the laws,” and second, that they do so by their “most just understanding.” The meaning of both clauses has been contested. It is not entirely clear what it meant that Athenian *dikastai* followed the “rule of law” (see Wohl 2010: 28–31 and E.M. Harris 2006b: 159–161). Also, it is uncertain if the “most just understanding” implies reference to specific laws covering a particular situation, or if it represents a general application of equity governing all the considerations of the *dikastai*. Mirhady (2007) has proposed that the “most just understanding” generally referred neither to gaps in the laws nor to equity considerations but to the question of fact, which corresponds to the first clause, which clearly deals with the question of law.<sup>5</sup> (Questions of fact are answered without reference to law, but by hearing and evaluating evidence; a question of law is answered with reference to the law, what it means and what its consequences are. Questions of fact clearly deal with the particular; questions of law with the general.) In Athens, the lay judges made both decisions without the guidance of professional jurists.

The oath nowhere survives in its complete form, or even in one that includes both key elements in a single text. Nevertheless, the following reconstruction by Max Fränkel (1878: 464)<sup>6</sup> has won broad approval:

I will vote according to the laws and the votes of the Demos of Athenians and the Council of the Five Hundred and, concerning matters about which there are no laws, by the most just understanding, and for the sake of neither favor nor enmity. And I will vote concerning

the very matters about which the prosecution is, and I will listen to both the accusers and defendants, both of them equally. I swear these things by Zeus, Apollo, and Demeter, and may I have many good things if I swear well, but destruction for me and my family if I forswear.

The wording “according to the laws” is explicitly attested 26 times in the orators, and there are many, many more passages that suggest its inclusion. The relative clause “concerning matters about which there are no laws,” on the other hand, appears in only three texts, one the late lexicographer Pollux. The wording “by the most just understanding” stems verbatim or close to verbatim from five classical texts. Each of the other parts of the oath are likewise attested by only half a dozen or so texts, not all of them necessarily in a courtroom context. The evidence is thus diffuse, and aside from its opening clause, “I will vote according to the laws,” explicit support for every other element in the oath is quite modest. The clauses on voting on what the specific prosecution is and on hearing out both sides seem both to be procedural guides about how one forms a “most just understanding” (*contra* Harris 2006b). There seems a basic distinction at the heart of the oath between judging (*dikazein*) according to the laws and understanding or deciding specific matters that lie beyond or outside the law’s general formulations (for which the basic verb was *diagnonai*, which is reflected in the word *gnomē*). A similar distinction occurs in Drako’s law, in the decision of an arbitrator (called a *gnosis*), and in the Gortyn code.

## Democratic Rituals: Jury Selection in Athens

In a *Festschrift* for Mogens H. Hansen, Victor Bers (2000) argues that the “rigmarole” of jury selection described in section 63–66 of the *Constitution of the Athenians* is best understood as a “ceremony aimed at alleviating the Athenians’ anxiety about the democratic jurors – their general quality, number, and probity” (Bers 2000: 553), and that “the ordinary man is likely to have felt that it was not an entirely random process that assigned *dikastai*” (558), in other words, there was a divine element in the lottery. Bers’ views are a solid advance on previous accounts, but it seems unlikely that most Athenian citizens had such anxieties about democratic jurors – a great number of them were Athenian jurors themselves. The *Constitution of the Athenians* itself remarks repeatedly on measures being used that prevented cheating, but that seems a fascination of its author rather than a defining element of the system and, at any rate, it is largely a preoccupation with cheating by individuals against the collective rather than a challenge against the probity of the massed Athenians in general.

Mirhady (2006) has outlined some of the reasons why Aristotle felt some confidence in the quality, number, and probity of Athens’ courts. His writings touch on several interesting questions surrounding law courts, such as the lack of experts in ancient Greek jurisprudence; the need for a balance of rich and poor on juries and the use of jury pay and a secret ballot; the range of cases and issues to be decided by law courts; fidelity to the law; and methods of jury selection. Aristotle seems to represent a normative Athenian view in this, but we could also enlist Thucydides’ speech attributed to Athenagoras of Syracuse, which also describes “the many” as the best judges (Thuc. 6.39.1). As Headlam (1890) argued long ago, the religious origin of the

lottery also seems a forgotten element inasmuch as the selection system conceded that the lottery could inadvertently select unqualified jurors. Where religion did play a decisive role in the courts was in the judges' oath, about which speakers remind them repeatedly.

The democratic elements of the jury selection process that need highlighting are those that diverge from a purely random selection of citizens. In the fifth century no random selection was used at all; those served who showed up earliest in the morning (Hansen 1991: 183). The democratic elements include the age requirement, tribal distribution (including divisions within tribes), and the level of jury pay. That the *dikastai* were all at least 30 years old is akin to the requirement that public arbitrators had to be 59 ([Arist.] *Ath. Pol.* 53.4) – that is, the Athenians put some premium on experience and skewed the judicial lottery process in this direction. That the *dikasteria* included equal numbers from each of Athens' ten tribes, randomly divided in ten further divisions, suggests that the Athenians valued geographical distribution and were likewise willing to skew the lottery process in order to ensure it (see Hansen 1991: 184, who attests to the geographical spread of the judges' allotment plates).

That the Athenians introduced jury pay at 2 obols, then increased it to 3 obols, and finally stuck with that number, even while levels of pay for other forms of democratic participation climbed, suggests that they had some appreciation for a level of payment that would produce what Aristotle describes in his *Politics* (*Pol.* 4.9.1294a41–b1, 4.14.1298b13–25) as an appropriate mixture of rich and poor. After all, even if we acknowledge that the number of judges at the time of the *Constitution of the Athenians* was no longer fixed at 6,000 as it was in the fifth century, there does seem to have been an annual oath-swearing by those interested in participating as judges, at which time their allotment tickets were presumably distributed with the ten tribes further divided into ten letter groups, again through a lottery. Those interested in this annual process probably remained in the neighborhood of 6,000, and the 3-obol amount continued to attract enough citizens to keep the lottery process running effectively. For instance, if Dow (1939) has correctly interpreted the physical evidence for the *kleroterion*, in order to fill four courts on a given day, one of 201 *dikastai*, two of 401 *dikastai*, and one of 501 *dikastai*, totaling 1,500 plus four (the four presumably being the magistrates who ran the proceedings), the Athenians would need to have approximately 2,650 potential *dikastai* show up for the lottery, which would ensure that each hundredth of the dikastic pool had at least 15 judges 95 percent of the time.<sup>7</sup> That is, somewhat less than half of the 6,000 who were empanelled as *dikastai* each year were needed to attend on a typical day in order for the lottery process to work effectively. Days when really large public cases were tried, needing 1,500 or more *dikastai* in a single *dikasterion*, the lottery process would likely be severely tested, but more *dikastai* are also likely to have shown up for such well-known cases.

As well as the 3-obol incentive, however, we should also consider the probability that the judges who actually showed up on a given day would be selected. If the probability were too low, unless jury pay were increased to the level of a windfall that would justify showing up several days without payment, which it was not, it seems likely that attendance for the lottery would diminish until it reached a level that made winning the lottery payoff reasonably probable. In the scenario outlined, where four courts met on a single day, the approximately 2,650 *dikastai* would have been needed just to fill the

1,500 spots. If some rows in the *kleroteria* got black balls, excluding the *dikastai* in it (and we know they did, but not how many), considerably more *dikastai* would be needed.

Courts for private suits consisted of 201 or 401 judges and could hear as many as four suits in a day ([Arist.] *Ath. Pol.* 53.3). Presumably their 3-obol payment served for the whole day's service and not just for one trial. The courts for public suits consisted of multiples of 500 (68.1) and heard just one suit. Hansen (1979; 1991: 186) has argued that the courts could meet as many as 150–200 days a year. Since the lottery seems to count on a multiplicity of courts, many of which will have heard several trials in a day, we might infer that the Athenian courts handled as many as ten or more trials in a single day. In fact, the effectiveness of the lottery seems to have depended on this sort of number, so that, unless Athens, with a citizen population of, say, 30,000, experienced as many as 2,000 lawsuits a year – lawsuits that made it past all forms of pre-trial resolution, including private and public arbitration, and into the public courts – the courts likely met many fewer days than Hansen suggests. It is hard to imagine that, even in Athens, there was one trial for every 15 Athenians every year, especially since each trial had at least two sides, and many included several witnesses as well.

The premiums put on experience, geographical distribution, and the level of jury pay created a *dikastērion* that was not a purely random selection of the *dēmos*. Experience no doubt led to better-informed judgments, but it also served a democratic value of equality by balancing off judicial power against the physical superiority of younger citizens. Geographical distribution served the interests of political unity in ways that stretched back to the time of Kleisthenes, and jury pay served to redress practical inequities of opportunity to participate among the rich and poor.

We have so far avoided talking about the rigmarole to which Victor Bers has rightly drawn attention, so we might review the daily procedures that are outlined in the *Constitution of the Athenians* sections 63–68 from the point of view of a typical Athenian judge, say Pytheas, son of Glaukon, of Phaleron, who is named on Kroll's *pinakion* number 84 (Kroll's bronze allotment plates are admittedly earlier than the boxwood *pinakia* in the *Constitution of the Athenians*). Pytheas arrives early in the morning at one of the ten entrances to the court complex, the one assigned to his tribe, Aiantis, where two sorting machines stand ([Arist.] *Ath. Pol.* 63.1). He hands over his *pinakion* on which is inscribed his name, his father's name, and his deme, as well as a letter, from alpha to kappa, and the *pinakion* is placed in a box with the rest of the tribe's *pinakia* that have that letter before being inserted, randomly, into the sorting machine (63.4). If he is lucky, his ticket is eventually drawn from a row of the *kleroterion* honored by a white cube and his name is called out (64.3–4). Pytheas then draws from a water pot an acorn on which the letter of a courtroom is inscribed, and shows it to an attendant, who gives him a colored staff (*bakteria*), its color also indicating his courtroom (65.1). He then goes there and is given a token (*symbolon*), which he puts in his third hand (?), since he is still apparently holding the acorn and staff; Boegehold (1960: 9; 1995: 34) has argued that this token was used to designate the judge's seating area within the courtroom. Once the speeches have been made and the vote is to be taken, Pytheas then receives two ballots, each of which needs to be held between the thumb and index fingers – somehow in his fourth and fifth hands (?) – to ensure the secrecy of his vote (68.2). He also exchanges his staff for a bronze token in his second hand, which he will exchange for his 3-obol payment once the voting is complete (69.2).

The rigmarole that Bers laments evolved over time, as Boegehold (1995: 21–41) has documented, with new innovations being added incrementally. A selection system created *de novo* would no doubt have been more efficient. However, the innovations appear always to have served to perfect the randomness of the selection process and thus the democratic principle of equality. The *Constitution of the Athenians* records no fewer than eight lotteries taking place for a single round of trials, and an annual distribution of the letters alpha to kappa for the allotment tickets adds another lottery. Kroll (1972, 1984) notes at least five changes in the design of *pinakia* over a 40-year period in the fourth century. We could obviously do away with some of the rigmarole if we could accept a reading of the *Constitution* whereby the acorn and stave were given up when the seating assignment was made, as Boegehold has argued. But Demosthenes independently suggests that, as the judges listen to his speech, they are still holding both the staff and token (Dem. 18.210), and the *Constitution of Athens* gives us no way to separate the staff from the acorn. The acorn is essential as a secret and random mechanism for directing each judge to his court, but once the judge receives his staff, its size and color become the public signs for the acorn, which need not be used again. During voting the seating token is joined by the payment token, and it was perhaps easy enough to hold both these tokens either in the mouth, as was common practice even if not hygienic, or between the palm and third and fourth fingers while simultaneously holding the two ballots.

The Demosthenic speech *Against Euboulides* (57) illustrates what might happen in Athens when stringent voting procedures were not followed. There, as a member of the *boulē*, Euboulides organized a vote on deme membership in 346 within the deme Halimos. As the speaker Euxitheus describes it, the day-long meeting of the deme was taken up largely with speeches, and the voting only began when the afternoon was well along. As many as 73 deme members were sworn in to vote on the membership of approximately 90 individuals. Euxitheus was voted on 60th, when it was already dark, and his was the last vote that day. Many of the older members of the deme had already left for the four-mile walk home, since the vote was being taken in the city. Only 30 of the 73 were left to vote, and many of them took two or three ballots. As Euxitheus describes it, the unscrupulousness of Euboulides led to the complete corruption of the voting process.

The testimony of Demosthenes with regard to the symbolic significance of the staff and token for the democratic role of the judges should not be underestimated. He says that with them each judge must believe himself to express the “thinking of the *polis*” (Dem. 18.210). But why both objects? We have already noted how the staff, the *bakteria*, gives larger and more visible expression to the lottery selection through the acorn and publicizes the *dikast*'s right to enter a specific court as judge. When arriving there he receives his token, *dēmosai* (“by public auspices”), from the magistrate assigned to that court. We should observe that the staff is likely a classical analogue to the Homeric scepter, which is held by the elders proposing settlements in *Iliad* (18). It signifies the age and dignity of the judges as those who will hear the arguments of the contending litigants. Boegehold has argued that the token indicated a seat designation; members of the *boulē* had such seat assignments. But the significance of receiving the symbol from the magistrate in charge of the court suggests to us that it indicated something like the *dikast*'s political right to cast a vote. The two roles of the *dikastai*, to hear the dispute

and to vote on it, would thus be separately symbolized, the staff being the symbol for hearing and the token for voting. Recall that the staff is surrendered for the payment token once the speeches have been delivered and the voting starts ([Arist.] *Ath. Pol.* 68.3, 69.2).

In order to achieve the goal of the dikastic lottery, the daily random selection of multiple large jury panels that preserved a broad geographical distribution, a good deal of rigmarole was likely necessary. The *Constitution of the Athenians* identifies the largest danger to the justice of the system in the motives of individuals and magistrates and notes the repeated use of the lottery to obviate this danger. There is no doubt that there was a great deal of “ritual” to the activities, the lottery being solemnly honored as a symbol of the democracy. And the selection process no doubt took a good deal of time, but all involved were experienced hands and what seems complex and confusing to us was commonplace for the *dikastai*. As they and the magistrates were going through the rituals of their various lotteries, the litigants were no doubt happy for the delay as they waited anxiously for their witnesses to appear and rehearsed with the court secretary the order in which their documents would be read out. The normality of the rituals that many of us regularly endure now to board airplanes should serve as a reminder of just how much rigmarole the Athenians were also willing to take.

## Evidence

With a notable exception, the Athenians did not use physical evidence in their law courts – the story is told of Phryne (Athen. 13.590c–d), who revealed her own naked beauty in order to escape a charge. But generally the litigants themselves presented their speeches, some of them written by professional speechwriters, sometimes with the assistance of a co-pleader. The speaker could pause from time to time, however, so that an evidentiary document could be read aloud by the court secretary. In a typical private suit, a litigant could only have those documents read aloud that had already been read before the public arbitrator, the Athenians’ version of the modern disclosure proceeding. For the Athenians, therefore, evidence took different forms of reified speech, especially after about 380 BCE, when a legal requirement that it be written down came into effect. Aristotle (*Rhet.* 1.15) refers to them as *atechnoi pisteis*, proofs (*pisteis*) that were outside the *technē*, art or skill, of speechwriting (because their wording had been composed by someone other than the speechwriter).

Among the documents that the litigants could submit were excerpts from the laws themselves, so to that extent the separation between law and evidence was not as clear as it is in modern law. As we mentioned above, the judges most likely swore to vote “according to the laws,” which meant in practice that the litigants often either cited in their own speeches or had read aloud by the court secretary several different laws from which they attempted to draw principles relevant to their cases. They were under no obligation to limit themselves to the laws most relevant to their cases.

A particular claim of a litigant was only a claim (and lacked rhetorical force) unless it had the support of a *martyς* (“witness,” plur. *martyres*), a free adult male willing to take legal responsibility for the statement he made in support of the litigant’s claim. Only in some cases, such as homicide, did the witnesses swear an oath to support their testimony,

for which reason witnesses' accountability was generally assured through a suit not for "perjury" (*epiorkia*) but for "false testimony" (*pseudomartyrion*). There has been debate about the importance of the status of witnesses, whether the Athenians recognized the concept of expert witnesses, and whether the rhetorical strategies surrounding witness testimony differed on the basis of whether the suit was public or private (Rubinstein 2004; Mirhady 2002).

Contracts and wills were both forms of documentary evidence that play large roles in the surviving forensic oratory. Their authenticity depended on witness testimony, however, and their legal force was clearly dependent on laws. Because of its dependence on the maritime grain trade, Athens' courts saw a great deal of litigation over the financing of trading expeditions. For this purpose they identified written contracts (*syngraphai*) in law. Otherwise a contract (*symbolaion*) and its terms (*synthēkai*) appear to have been recognized as forms of transaction (*synallagma*) much like the purchase of property (Carawan 2006, 2007).

Since witnesses had to be free adult males, both women and slaves were excluded from giving testimony (*martyria*) about what they knew in a law court. Women knew a great deal, for instance about the history of families, and slaves were ubiquitous, so they knew a great deal about everything. The solution in Athenian law was the challenge (*proklesis*), a procedure by which one litigant challenged the other, in writing, either to have a woman (or a free man) swear an oath confirming the truth of her statement, or to have a slave tortured (by both parties, the owner generally supervising the torment being inflicted by the non-owner). As a document, it is the *proklesis* that is entered as evidence in a law court. The challenges have generally been refused, so the question arises whether the challenge procedures were really a sort of legal fiction used to introduce the statement of women and slaves in a roundabout way (Gagarin 1996). The oath-swearings and torture were not supposed to take place in the law courts themselves. It seems a real possibility that they were only ever used as mechanisms for extra-judicial dispute resolution (Mirhady 1996, 2000).

Most people living in liberal democracies today will likely live their entire lives without participating in a law court, either as a lawyer, a jury member, or, unless they are unlucky, a litigant or witness. Participation in a modern liberal democracy is not dependent on it. The same could not be said for the Athenians, for whom participation in the law courts was almost equally important as that in the political assembly. With approximately one hundred speeches that were composed for delivery in those courts, a fulsome description of their operation in the *Constitution of the Athenians*, commentary from contemporary philosophers and simulated courtroom dramas from tragedians and writers of comedy, as well as the help of lexicographers and epigraphy, the evidence for the ancient Greek law courts is as rich as it is for any aspect of the ancient world.<sup>8</sup>

## NOTES

- 1 Col. 1.51–55: suits against a *kosmos* are to be suspended until the end of his term of office; cf. *IC* 4.41, col. 4.10–14.
- 2 On this section see Stroud (1968); Gagarin (1981); Carawan (1998); Mirhady (2008: 15–30).
- 3 Johnstone (1999) documents the processes in light of democratic ideology; Herman (2006) examines several of the psychological aspects.

- 4 It seems possible that some archaically organized group of “tribal kings” served at the Prytaneion, or perhaps the *prytaneis* served this function in Classical times. It seems unlikely that a full body of 51 *ephetai* were needed to declare a loosened roof tile responsible for a homicide.
- 5 In some ways “most just” may be a faint echo of the Homeric “straightest” judgment (*Il.* 18.508). Cf. also Hesiod, *Works and Days* 225–226.
- 6 See also Scafuro (1997: 50–51) and Harris (2006b: 159) with further references. Dem. 24.149–151 gives a much more extended version of the oath, but its authenticity has been rightly challenged.
- 7 For the calculations of the numbers of *dikastai* needed to fill the law courts, see Mirhady and Schwarz (2011).
- 8 For further discussion, see also [www.sfu.ca/nomoi](http://www.sfu.ca/nomoi).

PART IV

## **Process and Procedure**

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## CHAPTER 15

# Laws and Legislation in Ancient Greece

*Michael Gagarin*

The Greeks began to enact laws around the middle of the seventh century BCE, and from that time on legislation became widespread and played an important role in the development of the *polis* and its increasing authority, especially in the Archaic period. The Greeks wrote virtually all their laws down on more or less durable materials – usually stone, bronze, or wood – and displayed them prominently in a central civic space, usually in the *agora* or in some sacred area in the city. Each city had its own laws, though naturally there were similarities among the laws of different cities, similarities that were greater for cities that were closely related to one another, geographically, ethnically, or historically. One can debate whether such similarities make it useful to talk about “Greek law” as a single legal system (see Gagarin 2005), but however one answers that question, the enactment of legislation was a common feature of almost all Greek cities and was carried out on a broader scale in Greece than in any other premodern society (Gagarin 2008). In the pages that follow, I will trace the history of Greek legislation in general, will examine several specific pieces of legislation, and will investigate the nature of legislation in Greece as a whole. Among other issues, I will consider the question of codification – whether certain well-known compilations of laws can truly or usefully be called codes – and the status of decrees, which were clearly distinguished from laws at Athens, but perhaps nowhere else.

### Preliterate Greece

Although several different forms of writing were known in Greece during the Bronze Age (*c.*3000–1100 BCE), no written law survives from this period, nor to our knowledge were any laws ever written during this era. Customary rules undoubtedly helped guide conduct and more or less formal procedures for dispute settlement may have existed, but

we cannot speak of legislation until after the end of the Bronze Age, when a new form of writing, which was essentially the classical Greek alphabetic script, was introduced into Greece, probably around 800. During the intervening period (1100–800), often known as the Dark Age, Greece was an entirely oral culture. Whether, or in what sense, we can speak of oral laws as existing during this period is debated (R. Thomas 2005; Gagarin 2008: 13–38). Customary rules and traditions certainly existed. In Homer these are collectively called *themistes*; they are said to come from Zeus and kings in particular know the *themistes* and apparently draw on them in judging disputes, such as that portrayed in the famous trial scene on Achilles' shield (Hom. *Il.* 19.497–508). Examples of such rules are scattered throughout the epics: for example, in *Il.* 9.632–635 Ajax says to Achilles, “A person accepts from the killer of his brother or his dead son the blood-price (*poinē*), and when he has paid a large compensation, the killer remains in his land, and the person's heart and manly anger are curbed.” But there is no indication that such rules were ever collected into a body of “laws” that were distinct from other sorts of moral, religious, or practical rules.

Whether we call a rule like the one just cited an “oral law” is to a large extent a matter of definition and personal preference, my own preference being to call it a rule, not a law, for two reasons. First, the rules we find in Homer and other poetic texts generally lack the precision and specificity of written rules, and second, they can and sometimes do coexist with other rules that prescribe a different, and in some cases almost the opposite kind of conduct. The rule cited above, for example, can be juxtaposed with another rule in the *Odyssey* (23.118–20), where Odysseus tells Telemachos, “A man who kills another man in his community, even one who leaves only a few avengers behind, that man flees into exile, leaving behind family and fatherland.” It would be impossible to apply both these rules together to the resolution of a homicide dispute, and so I prefer to call them rules or customs and to think of them as guidelines that judges could draw on in settling disputes – guidelines, moreover, that continued to influence litigation throughout the period of written laws (R. Thomas 2005).

## Legislation in the Archaic Period

Writing changed all that. Tradition has it that the earliest legislation in Greece was enacted by Zaleukos for Epizopherian Lokroi around 650 BCE (Gagarin 1986: 51–80). This tradition is probably not very reliable as concerns the details (Szegedy-Maszak 1978), but stories about other early lawgivers (Charondas in Katana, Lykourgos in Sparta, and others) make it likely that legislation was in fact first enacted in several parts of Greece during the second half of the seventh century. The evidence is strongest for Athens, where Drako's legislation is traditionally dated to 621 BCE and Solon's to 594. Nothing has survived from their original legislation, because Drako's laws are said to have been written on *kyrbeis*, or bronze slabs, and Solon's on *axōnes*, which were rotating blocks of wood (Stroud 1979), and neither of these materials would be likely to survive into the modern era. But a fragment of Drako's law on homicide survives in a copy on stone from the late fifth century BCE, and Solon tells us in his own poetry that he wrote laws for the Athenians. Thus, it is almost certain that Drako enacted legislation in Athens in the late seventh and Solon in the early sixth century; and this being the

case, it is very likely that at least some of the stories about other lawgivers elsewhere in Greece are also based on historical reality.

Further support for the historicity of these early lawgivers can be found in the fact that actual laws inscribed on stone have survived from the seventh century. The earliest examples of alphabetic writing in Greece date from the middle of the eighth century, but public documents do not appear among the surviving inscriptions until the second half of the seventh century, and until the late sixth century virtually all of these public inscriptions are laws. Only a few of these date from the seventh century, but in the sixth century inscribed laws are found in large numbers all over Greece. For reasons that are not entirely clear, they are especially abundant on the island of Crete, where the earliest Greek law, usually dated to around 650, was found in the small city of Dreros, and inscribed laws from the Archaic and Classical periods have now been found in ten Cretan cities, most notably Gortyn (about which we shall say more below).

It is impossible to know whether this pattern of distribution represents a historical reality, namely that the Cretans and especially the Gortynians enacted more legislation than other Greeks, but two other factors (at least) need to be considered. The first is the accident of survival. The surviving inscribed laws represent only a fraction, probably a very small fraction, of the legislation that was actually enacted in Greece, and thus, in addition to pure chance, the quantity and quality of excavation in an area probably plays a large role in determining the amount of early legislation that has been discovered. Second, the materials on which the laws were inscribed must have played a large role. In Athens, as noted above, Drako and Solon wrote their laws on materials that were unlikely to survive more than a few centuries (though a few Archaic legal inscriptions on bronze survive from various parts of the Greek world). Even when we take these factors into account, however, it remains likely that the Cretans enacted more legislation than other Greeks, with the possible exception of Solon's legislation in Athens.

At this point it is worth pausing to look more closely at the law from Dreros that is generally considered the oldest Greek law. It appears to be complete, and reads as follows:

The *polis* has decided: when someone has been *kosmos*, within ten years the same person is not to be *kosmos* again. But if he does become *kosmos*, whenever he gives judgment, he himself will owe a fine of twice the amount, and he is to be without rights as long as he lives, and whatever he does as *kosmos* shall be void.

And oath-swearers [are] the *kosmos* and the *damioi* and the twenty of the *polis*. (SEG 27.620; Gagarin 2008: 45–49)<sup>1</sup>

The most significant part of this law may be the initial enactment clause, which literally says “the following is pleasing to the *polis*.” The precise meaning of “*polis*” is uncertain, but it cannot refer to the physical “urban area,” which was one of the meanings of “*polis*” at the time. And since “the twenty of the *polis*,” who are included among the oath-swearers (presumably swearing to uphold the law), are probably a select group of *polis*-members who are swearing on behalf of the entire group, the word *polis* probably designates a group of at least several hundred members of the community. The members of this group would almost certainly all have been free adult males, and they may have all been property owners, but since Dreros was a fairly small hilltop town, the *polis* probably

included all who met these criteria. We must thus conclude that at this early date new laws were being approved by a group of Drerians that must have been larger than a traditional aristocracy.

Almost all imaginable subjects are represented in the legislation of the seventh and sixth centuries. The city of Gortyn enacted a law similar to that from Dreros, but also laws regulating damages to animals, public sacrifices, homicide, judicial procedure, inheritance, serfs, marriage, and other matters. And the laws of Solon that survive, mostly in later quotations, cover an even broader range of subjects. Scholars generally accept the tradition that Solon kept Drako's earlier law on homicide but wrote new laws on everything else; and if we accept the categories of genuine laws from the standard edition of Solon's laws (Ruschenbusch 1966: 70–103), his subjects included (in addition to homicide) wounding, damage to property, rape and adultery, libel, injury to animals, treason, remaining neutral during civic strife, judicial procedure, evidence, family law, marriage, inheritance, "heiresses," family support, adoption, planting trees, digging wells, interest rates, security for debts, dowries, funeral expenditures, perfume sales, pederasty, naturalization, associations, sacrificial animals, political organization, the sacrificial calendar, public meals, and wild animals.

This catalogue of Solon's legislation inevitably brings us to the question of codification and whether it is legitimate to speak of Solon's laws as a "code." Hölkeskamp has argued at some length (1999; see also Hölkeskamp 1992) that modern scholars are wrong to speak of codification anywhere in Greece, because, he claims, the inscriptional evidence, which is a more reliable guide to actual practice than the stories of early lawgivers, suggests that early laws consisted of "single enactments, independent, complete and self-contained statutes" motivated by specific problems or crises (1992: 91). This conclusion is largely correct: large-scale legislation was almost certainly uncommon in early Greece; but it requires modification. First, almost all early inscriptions are fragmentary, and some, at least, may originally have been much longer. Some inscriptions, moreover, that appear to preserve single enactments presuppose much other legislation from the same city (R. Osborne 1997). And in a few cases, even when texts are quite fragmentary, we can see that groups of laws on the same or related subjects were inscribed together. Thus, the absence of large groups of inscribed laws from the seventh and sixth centuries, though worth noting, does not prove that no legislation on a large scale was written in this period.

In fact, the evidence we have for Solon's legislation, which is quite reliable even though none of it comes from inscriptions, makes it clear that, as we noted above, it contained a large number of provisions and addressed a wide range of different matters. Hölkeskamp argues (1999: 263–264) that Solon's laws are not a systematic codification, but a "series of concrete single provisions" (*Einzelgesetze* in German), but the evidence points quite clearly to something between these two poles – a large collection of laws on many different subjects that appears to have been organized in some fashion. Hölkeskamp is undoubtedly correct to say that "we cannot speak of an abstract, logical systematization of all substantive law and legal procedure,"<sup>2</sup> but even modern law rarely achieves this high standard, and it would be futile to expect it in the legislation of any premodern legal community. In ordinary usage, the terms, "code" and "codification" are broad and flexible concepts, and there is no good reason to insist on such a narrow definition. Because of insufficient evidence, I will not call Solon's laws a code, but it is important

to recognize that he, and perhaps some other early legislators, did envisage legislation on a very large scale – that is, a set of laws covering most or all areas in which disputes or uncertainties arose at the time.

The broad range of Solon's legislation raises the question of his sources: did Solon and other early legislators draw on certain models when enacting their laws, or was early legislation largely the creation of its authors? The oral *themistes* preserved in Homer and other traditional sources would have provided models of proper conduct and the consequences of wrong conduct in certain areas, such as that of personal injuries or family law and inheritance, and legislators would presumably have been guided by these in their own legislation, but it is also likely that they modified the traditional rules in various ways. In areas such as commercial or political legislation, moreover, conditions in the Archaic period would have differed so much from what is portrayed in the epics that the epic *themistes* could not have provided any suitable models. Someone at Dreros, for example, must have devised the non-iteration law for that city. Thus some combination of tradition and innovation is likely to have determined the content of archaic legislation, though rarely do we have enough evidence to know how much any single factor contributed to a law.

One example, however, where we do have good evidence is Drako's homicide law (Gagarin 2008: esp. 101–103). As we saw above, the Homeric poems contain two broad rules (*themistes*) concerning the treatment of homicide: in one the victim's relative accepts ransom and puts aside his anger, in the other the killer flees into exile in order to escape the avenging relatives. Drako in fact managed to combine these two rules in his homicide law, prescribing exile for homicide (but apparently offering protection for the killer during the trial, on his way to exile, and while in exile) but then setting rules for a reconciliation between the killer and the victim's relatives, presumably after a monetary settlement. Drako also specified a number of details in connection with these rules that added clarity and precision to the general and rather vague *themistes* (e.g., exactly which relatives could accept a monetary settlement), and he provided for some remote contingencies that are not imagined in the epics (such as how to arrange reconciliation if no family members were still alive). The result was a comprehensive law on homicide that preserved the essence of two Homeric *themistes*, providing for both exile and reconciliation in response to homicide, organized these into a coherent structure (first exile, then reconciliation), and gave clarity and specificity especially to the rules about reconciliation.

The result of Drako's combination of tradition and innovation was a new rule that was qualitatively different from the *themistes* – a fixed, detailed rule that could serve in practice in the resolution of cases of homicide – and much of early Greek legislation must have been similar in nature. To mark this difference from the traditional *themistes*, moreover, the Greeks gave their new rules a new name, or rather different names depending on the city. In some cities, including Athens, they used a term related to *themistes*, such as *thesmos* (“what is set down,” “enactment”). Other cities used the term *rhetra* (“what is spoken,” “pronouncement”), and others simply referred to their laws as *graphos* (“writing”), or variants of this term (such as *ta geogrammena*, “things that have been written”). All of these terms refer to (and suggest the importance of) the manner in which these new kind of rules – “laws” in the strict sense – were created: they were “set down” in a public space, or “spoken” by an authorized individual or public

body, or “written down” for public display. These features of early laws differentiated them from traditional rules that were not specifically authorized, not written down, and not displayed in a public space reserved for laws.

The term we are more familiar with today, *nomos*, was not normally used for written law in the Archaic period (but see Gagarin 2008: 63–64 on *IG IV.1607* from Kleonai), but it continued to be used in its traditional sense of “custom.” *Nomos* as “law” only came into common use in Athens and most other cities during the fifth century, perhaps, as Ostwald (1969) plausibly argues, because its traditional meaning carried with it the suggestion that a law simply emerged from the customs and traditions of the community rather than being somehow imposed on the community by some person or group, even though the method of enacting a *nomos* remained the same in the fifth century as it had been earlier when a different name was used. (There are some similarities here to the use of the term “common law” in early England: allegedly this designated the common laws and customs of the land, but in fact it designated the rules that the king’s court determined would be common for all of England but that certainly were not common before then.)

Whichever term was used, and whatever the specific method of enactment, most early Greek laws were in some way authorized by the community, either through an appointed or approved representative, such as Solon, or through a communal body. As we saw above, the earliest law we know of, from Dreros, is more explicit than most on this point, for it begins with an enactment clause (“the *polis* has decided”). Enactment clauses such as this are rare in Archaic legislation, but references to a political body, such as a council, or to the people of a city as a whole (e.g., “the Gortynians”) occur often enough in cities all over Greece to suggest that community involvement in legislation is likely to have been widespread at the time, even if the political structure of most of these cities is generally considered oligarchic (Raaflaub 2009b: 46).

In addition to being authorized by the community, Archaic laws were always (to our knowledge) written down and displayed in a central civic space, usually in the *agora* or on or in the vicinity of an urban temple or shrine. Some scholars have argued (e.g., Whitley 1997) that the main purpose of such display was to make a monumental visual statement – to impress a largely illiterate population with the majesty and authority of the law. But even if the laws were displayed for visual effect (and although many are imposing as monuments others are quite unimposing), they were also intended to be available to those who might want to read them. Even if only a small percentage of the population could read (and determining literacy rates in this period is largely a matter of guesswork), those who were, or were likely to be, involved in litigation would mostly be those who possessed more property and would also be more likely to know how to read. Many Archaic texts also have features such as word-dividers that are clearly intended to assist readers. It seems most likely, then, that laws were displayed both as visual monuments and in order to be read by at least some members of the community (Gagarin 2008). The presence of the laws at the center of the community would make them available to be read by some and would at the same time convey the visual message to all that their action as a community gave authority to these texts. And however one interacted with the laws, the enactment and display of legislation would also have served to foster the growing cohesion, sense of identity, and authority of the *polis* at this time.

## Legislation in the Classical Period: Gortyn

During the fifth and fourth centuries the amount of legislation increased substantially in many, if not most, Greek cities. Most of this legislation has not survived, but we have enough evidence from two classical cities, Gortyn and Athens, that we can treat these separately. A short section will then be devoted to the question of legislation in Sparta before we turn to the Hellenistic period.

As noted above, more inscribed legislation survives from Gortyn than from any other classical city.<sup>3</sup> Among this legislation is the “queen of inscriptions” – the Gortyn law code (*IC* 4.72), as it is often called.<sup>4</sup> Far larger than any other collection of laws that survives from ancient Greece, the code, inscribed in the second half of the fifth century, is in a class of its own. In 11½ columns of text, with 621 lines and more than three thousand words, it sets out laws on a broad range of subjects, primarily related to the family and its property, but also concerning many other issues. Even apart from the code, moreover, Gortyn has an extensive record of legislation dating back to the beginning of the sixth century but increasing dramatically in the fifth. The quantity of legislation probably was the reason why early in the fifth century the Gortynians shifted the location where their legislation was displayed: sixth-century laws had been inscribed on the walls of the temple of Apollo Pythion, but early in the fifth century they began inscribing laws in the *agora*, some 500 meters northeast of the Pythion, on free-standing stone slabs (*stelai*) or on walls that may have belonged to public buildings. The change of location was probably caused by lack of space on the temple walls, and especially the lack of suitable surfaces for inscribing larger groups of laws.

The fifth century also saw a change in the physical layout of texts at Gortyn. Sixth-century laws were inscribed in long rows of text extending over many blocks of stone, so that readers would have to walk along the side of the temple, and sometimes even go around a corner, in order to read the whole text. Fifth-century laws, on the other hand, are generally written in relatively narrow columns (most are about 50 to 65 cm wide), with longer texts extending over more than one column. In addition, in the fifth century two or more laws are sometimes grouped together. The most extensive of these groupings from the first half of the fifth century is the so-called Little Code (*IC* 4.41), of which seven fragmentary columns survive. Originally, this inscription extended to at least one more column on either side, so that the Little Code may have originally contained between one-quarter and one-half as much text as the Great Code. The preserved text of the Little Code treats litigation involving animals (1–3), a runaway serf (4), an indentured servant (5–6), and purchases (7). It is not clear whether these subjects were thought of as loosely related, perhaps because they all concern agents owned or controlled by someone else, but it is possible that they were inscribed together for that reason.

The Great Code treats many more subjects; some, like the “heiress,” occupy more than two columns; others, like ransoming a prisoner of war, are just a few lines long. Most of the longer sections are carefully organized, with the provisions arranged systematically in a logical order (Gagarin 2006; Gagarin 2008: 159–162). Gortynian legislators were clearly paying attention to the way they formulated laws and were becoming

increasingly skillful at producing texts that could be more easily comprehended by a reader. The overall organization of subjects on the code, on the other hand, is rather loose. In some cases one subject is followed by another that is closely related (divorce in 2.45–3.16 is followed by the death of a spouse in 3.17–40); in others, however, an unrelated subject follows (status disputes in 1.2–2.2 are followed by sexual offenses in 2.2–45). Thus the Gortyn code is not a code in the strict sense of a comprehensive and systematic treatment of all legal matters, but rather a large collection of laws on many different subjects. Family and property issues dominate the collection and some notable subjects, such as criminal law (except for sexual assault), are not treated at all.

The overall length of the collection and the broad range of subjects it treats are remarkably similar to another ancient collection of laws, those of the Babylonian king Hammurabi inscribed some thirteen centuries earlier (around 1750 BCE). This has naturally led to efforts to compare the two texts and to trace influence from Near Eastern law on Greek law generally. In the most recent treatment of this issue Raafaub (2009b: 41–48) notes several ways in which Near Eastern laws influenced Greek legislation. These include the basic idea of inscribing legislation and displaying it in public, which, he argues, would not have been obvious to Greeks given the limited degree of literacy at this time, the correspondence between Near Eastern laws (for which we only have evidence of large-scale collections, not of individually inscribed laws) and Greek monumental legal texts such as the Gortyn code, the habit of beginning laws with an invocation of a god or gods, and the form of expression of Near Eastern laws, normally as conditional sentences. For Raafaub, these factors put the fact of Near Eastern influence beyond doubt.

Raafaub makes a strong case for influence, and it is not impossible that the idea of inscribing legislation and displaying it publicly came to Greece from the Near East, but as he is aware, there are also problems with this view (Gagarin 2008). First, most early Greek legislation differs significantly from the large-scale collections that we know from the Near East. In Greece, with the possible exception of the laws of Solon, legislation before the fifth century consisted primarily of single enactments displayed individually. Moreover, Greeks displayed their laws in public not in order to celebrate the ruler who enacted them, which appears to be the motivation for most of the Near Eastern codes, but at least in part because their laws were actual legislation, and could be consulted by those who were involved in litigation concerning the matter regulated by the law. By the time the first laws were written, Greeks had been writing for more than a century, and no matter how restricted literacy may have been at this time, it was almost certainly more widespread than in the ancient Near East, where very few besides professional scribes could read and write. Thus, it is quite possible that the Greeks came up with the idea of writing down and displaying legislation on their own and without outside influence.

Second, the Greek text that is most monumental and thus most comparable to Near Eastern legislation, namely the Gortyn code, is the end result of more than a century of legislation in that city. The abundant evidence for Archaic and Early Classical legislation at Gortyn allows us to trace a clear evolution in the writing and display of laws, beginning with single enactments adapted to fit the available surfaces of a temple, and then progressing to longer and longer texts that are increasingly well organized in terms of both content and manner of display. Seen in this context, the Gortyn code is

the natural result of a century of indigenous development. Even if outside influence at some point cannot be ruled out, such influence is unnecessary in order to explain the existence of the code. Indeed, if Near Eastern influence initially prompted the Greeks to write and display their legislation, it is hard to see why it would have taken a century of development before the Greeks could create a monumental collection of laws of their own. These are the main reasons why I think it unlikely that the Near Eastern law collections significantly influenced the Greek legislative process.<sup>5</sup>

Finally, it is worth noting a few significant differences between early Greek laws and those of the Near East (some of these are also noted by Raflaub). First, not only were most Greek laws enacted singly, but very few are explicitly attributed to a specific legislator (individual or group) at the time of their enactment, though in later discourse they may be attributed to a specific lawgiver (such as the laws of Solon); Cretan legislation in particular never names its author. By contrast, the laws of Hammurabi have an extensive prologue celebrating the king by name. Second, Greek laws were actual legislation, intended to govern actual practice in such matters as inheritance and guide the settlement of disputes that had arisen or might arise in real life. Near Eastern law codes, by contrast, were idealized expressions of their author's justice, not apparently intended to be used on practice (Gagarin 2008: 145–175, with references). Third, procedure plays a much larger role in Greek laws than in the Near East. Commonly, in Greek law a substantive law is followed by procedural rules governing whatever litigation may arise in such cases (Gagarin 2001); Near Eastern laws, on the other hand, rarely concern themselves with procedure. Fourth, not only was the community involved in enacting at least some Greek legislation, as at Dreros, but Greek laws often explicitly make even the highest officials subject to their legislation, whereas Near Eastern laws only regulate very minor officials, and that only rarely. The law from Dreros, for example, and a similar law from Gortyn (*IC* 4.14) limit office holding, and in many Greek cities laws prescribe fines for the officials in charge if they do not enforce judgments. In the Near East, on the other hand, a king like Hammurabi would not be subject to his own laws. Greek laws thus present a more community-based (“bottom-up”) approach to law, in contrast to the ruler-imposed (“top-down”) approach of the Near Eastern codes.

## Legislation in the Classical Period: Athens

In Athens, after the legislation of Drako and Solon was enacted (in 621 and 594 respectively), new laws continued to be approved and publicly displayed throughout the sixth and fifth centuries BCE, though we only have information about a few of these. Kleisthenes, for example, must have enacted legislation to accompany his creation of the deme structure and his other political reforms in 507; Ephialtes reformed the duties of the Areiopagos in 462 so that it only heard cases involving religious matters, which included homicide; and Perikles enacted his citizenship law in 451 restricting citizenship to those born of two Athenian parents. By the time of the brief oligarchic coup in 411 the laws were in a chaotic state: earlier and later laws, sometimes conflicting with one another, were displayed all over the city, making it hard to know which were still valid. When democracy was restored, therefore, the Athenians appointed a commission to re-examine their laws, with the aim of eliminating obsolete laws and removing conflicts between

laws, and to record in one place those laws, and only those laws, that were currently valid.<sup>6</sup> The commission succeeded in having Drako's law on homicide reinscribed in 409/8, but it is not clear how much more they accomplished before another oligarchic coup in 404/3, under the direction of the dreaded Thirty, dismantled much of the legal system. When democracy was again restored, the commission resumed its work, and in 403/2 produced a large set of laws for the city. It is not clear how (or whether) these laws were organized, and so it is better not to speak of a code (Thür 2002), but from then on, this compilation of legislation formed the basis of Athenian law.

Along with these reforms, the Athenians approved a new, stricter procedure for enacting new legislation: the council would appoint a board of *nomothetai* ("legislators") to examine any proposed new laws and to solicit input from the people. Only after a law was approved by the *nomothetai* and by the council, could it then be voted on by the assembly. The Athenians also enacted five new regulations about the use of their laws (see Andok. 1.85–87). For our purpose, the most important of these are the first two: "the magistrates are not to use any unwritten law (*agraphos nomos*) on any matter whatsoever"; and "no decree (*psēphisma*), either of the council or of the assembly, is to have more authority than a law (*nomos*)."<sup>7</sup> As Andokides' report makes clear, the first of these rules does not refer to a general category of unwritten laws, like those famously cited by Antigone in Sophokles' play, but rather to any law that had not been recorded in writing in the republication of 403/2 or officially enacted after this date with the approval of the *nomothetai*. It thus prohibited the use of all older obsolete laws.

The second new law established a formal, legal distinction between a *nomos* and a *psēphisma*, terms which before 403/2 had been more or less synonymous.<sup>7</sup> After the reforms of 403/2, however, laws were officially distinguished from decrees, in part by their method of enactment. After a decree was proposed by the council, it could be approved by a simple vote of the assembly, whereas a law could only be enacted by the procedure described above (beginning with the approval of the *nomothetai*). As a general rule, *nomoi* applied to all Athenians, whereas *psēphismata* usually pertained to a specific person or event. And in keeping with the implicit message of the new law, that a *nomos* had priority over a *psēphisma*, the Athenians created a new procedure for invalidating a *psēphisma* – the *graphē paranomōn* or "indictment for illegal [decrees]" (illegal because they violated a *nomos*); any citizen who wished could indict the decree or its proposer, and if he won the case, the decree was invalid. A different procedure was created for repealing a *nomos*, the *graphē nomon mē epitēdeion theinai* or "indictment for proposing an inexpedient law."

The distinction between *nomos* and *psēphisma*, which is only known from fourth-century Athens, became an important factor in the political struggles in the middle of the century, when it became common to attack an opponent by bringing a *graphē paranomōn* against a decree that he or someone allied with him had proposed. Thus if someone succeeded in having the assembly pass a decree honoring a person or promoting some policy of his, opponents of that person could, in effect, reverse the assembly's vote by bringing a *graphē paranomōn* against the decree's proposer; the case would be tried in the popular court, where a different (and slightly smaller) group of citizens would vote on it, though there must often have been considerable overlap between these jurors and the citizens who had voted in the assembly. The process gave a person two chances to block a decree that he opposed.

It has been argued that the new, stricter rules for enacting laws caused a significant shift in Athens at the end of the fifth century from the sovereignty of the people to the sovereignty of law (Ostwald 1986), but it is questionable how much practical effect the change had. Our evidence for fourth-century legislation is slight, but the impression it gives is that most laws (as opposed to decrees) addressed relatively uncontroversial issues. The nine surviving inscribed *nomoi* from the fourth century (conveniently listed in Stroud 1998: 15–16) with one exception address matters of public finance and administration, and the exception, a law against tyranny (from 337/6, *SEG* 12.87), was probably no more controversial than the others. Significant public issues were addressed in decrees and the *graphē paranomōn* cases brought against them or by litigation based on laws enacted earlier. True, Athens appears to have been more stable in the fourth century, avoiding even the threat of a coup like those at the end of the fifth. But this stability may have resulted not so much from changes in the legislative process as from the ending of the demoralizing Peloponnesian War. The brutality of the Thirty, moreover, virtually eliminated support for any substantial change in government and made it almost impossible for any Athenian thereafter to argue publicly in favor of a purely oligarchic form of government.

## Legislation in the Classical Period: Sparta

Information about legislation in cities other than Gortyn and Athens is scanty and widely scattered before the Hellenistic period, and the nature of epigraphical collections makes it difficult to find, let alone study, such legislation.<sup>8</sup> It appears, however, that most cities continued to enact legislation and to display it in public. The strict distinction between laws and decrees is not found outside of Athens, and the specific content of laws certainly varied from city to city. But many laws from other cities bear some resemblance to Athenian laws, especially with regard to procedure (Rubinstein 2003).

The exception is Sparta, whose law presents several difficulties (MacDowell 1986). Beginning in the fourth century we have a good deal of evidence for the rather idiosyncratic Spartan system of government and social organization but almost all of it comes from non-Spartan sources (e.g., Xenophon, Aristotle, Plutarch), and these writers are likely to be emphasizing strange and exotic features while passing over more ordinary aspects of life or the law. Another difficulty is that after some very early enactments the Spartans apparently did not put the rules governing their system in writing. The city was often said to embody *eunomia* (“good order”), but the Spartan *nomoi* were traditional rules and customs, not written statutes. Thus, the only Spartan legislation, in the strict sense, that survives today dates from the Archaic period when the semi-legendary lawgiver Lykourgos is said to have given Sparta its laws after obtaining them from Delphi.

Ancient writers thought that the laws of Lykourgos established the entire Spartan social and political system as it existed in the Classical period, but this is improbable; more likely, only a few pieces of written legislation were enacted by Lykourgos himself (if he existed), perhaps in the second half of the seventh century. The best attested of these, called the Great *Rhētra* (for the name see above on Archaic legislation), is quoted

by Plutarch (*Lyk.* 6.1–2, 7–8); it sets out the basic structure of Sparta's government as follows:

Having founded the temple of Zeus Skyllanios and Athena Skyllania, having tribed the tribes and obeyed the obes, having established a *gerousia* of 30 with leaders, season upon season there are to be meetings... in this way proposals are to be introduced and withdrawn; and the people [*damos*] will have the supreme authority and power.... But if the people chose crookedly, the elders and the leaders are to adjourn [the meeting].'

This single archaic law, which appears to be a written version of an originally oral pronouncement, is the main evidence for actual legislation at Sparta. The elaborate social customs that characterized Sparta may have been approved by some formal method, but we have no evidence of this, and the tradition that the Spartans prohibited written laws is generally supported by the scanty amount of epigraphical material from that city. It thus seems possible that no legislation (in the strict sense) was enacted in Sparta after the seventh century.

## Legislation in the Hellenistic Period

Our evidence for legislation in the Hellenistic period comes almost entirely from inscriptions, which were written in many different cities over the course of several centuries (see R&L: 473–563). These suggest that despite the political changes brought about in Athens and other Greek cities by the conquests of Philip and Alexander, a considerable degree of continuity characterized the laws of these cities, particularly in the area we can loosely refer to as “private law.”<sup>9</sup> Laws and decrees continued to be routinely written down and publicly displayed in virtually all Greek cities. For the most part cities maintained their traditional forms of constitutional government, including a council and an assembly, and most cities which previously had democratic governments seem to have preserved these.<sup>10</sup>

The situation was quite different, however, in those parts of the ancient world that became Greek only after the conquests of Alexander. The most notable and best attested of these was Egypt under Ptolemaic rule (for which see Wolff 2002). Egypt had had a strong, centralized government for several millennia before Alexander, and the Ptolemies, who ruled from 323 to 30 BCE, continued this tradition, building an administrative structure for the country and establishing three official cities (*poleis*): Alexandria, Naukratis, and Ptolemaïs. These *poleis* had their own councils and assemblies, but these bodies were closely controlled by the king and his administration, and enacted very little legislation (R&L: 467–469). Only the king and his royal administration truly legislated, in the sense of enacting authoritative legal rules, and their legislation took the form of royal edicts and decrees (*diagrammata*, *prostigmata*; see A.S. Hunt and Edgar 1932–1934: II.54–131). These regulated the governance of the city of Alexandria and the territory of Egypt; they were circulated only to those charged with implementing or enforcing them or directly affected by them, but were not displayed for the general public.

In addition, the Ptolemies devised a dual legal system for the mixed Greek and Egyptian population. They established Egyptian courts to rule on matters relating to Egyptian laws (“laws of the country,” or *nomoi tēs chōras*), and Greek courts for the “laws of the cities” (*nomoi politikoi*). But it is doubtful whether these *nomoi politikoi* and *nomoi tēs chōras* took the form of actual legislation by an authoritative body, or were less formal collections of traditional rules and customs (Modrzejewski 1995). Some of the *nomoi politikoi* may have been collected by notaries or lawyers in the form of handbooks, which might help them prepare cases (see Graeca Halensis 1913), but we can only speculate on the sources that these handbooks may have drawn on.

## Conclusion

As the Greek *polis* developed in the Archaic period, legislation on a large scale was one of its defining characteristics, and legislation continued to be a major feature of Greek law through the Hellenistic period, at least in the traditionally Greek parts of the ancient world (in this, as in so much else, Sparta seems to have been exceptional). This legislation was almost always publicly displayed, most impressively in the Gortyn code, but also on a large scale at Athens and probably in many other cities. Some of these pieces of legislation undoubtedly made powerful visual impressions; but Greek laws also were normally intended to be read by at least some members of the community who were, or might be, affected by them. Greek legislation, in short, was true legislation, intended to be used in litigation, not propaganda on behalf of a ruler as were the Near Eastern laws. And in this respect, at least, Greek legislation was probably unique among premodern legal systems.

## NOTES

- 1 I omit a few letters squeezed between lines 1 and 2 on the stone which may be making reference to a god. The *kosmos* was the highest official in most Cretan cities.
- 2 “Von einer ‘logisch-abstrakten’ Systematisierung des gesamten materiellen Rechts und des Verfahrensrechts kann dennoch keine Rede sein” (Hölkeskamp 1999: 263); see further Hölkeskamp (2005).
- 3 See Guarducci (1950 = IC 4); more than one hundred of her texts (IC 4.41–159) are from the Classical period, mostly from the fifth century.
- 4 I shall use the term “code” despite the claims of some scholars that it is not a code in the true sense (see above on codification in Archaic Greece).
- 5 Two other considerations can be noted here. First, the Greeks may have had their own reasons for inscribing some early laws on temples and beginning some laws with an invocation of a god; both practices, moreover, were by no means universal in Greece and are not found, for example, in Athens. In some cities like Dreros or Gortyn a temple may have been the largest building with the best surfaces for public display available in the city’s center in the Archaic period. Second, although conditional sentences are common in early Greek laws, imperative sentences (sometimes introduced by an infinitive acting as an imperative) are also common; the percentage of conditionals in Greek laws is thus significantly lower than in the

- Near Eastern laws, where it is nearly universal. It is certainly possible, moreover, that the Greeks could have expressed some laws as conditional sentences without being prompted by any outside influence.
- 6 The details of the legal reforms of 409–399 are controversial; my account is based primarily on Robertson (1990); Rhodes (1991); Todd (1996); Sickinger (1999: 94–105) – though these scholars do not entirely agree with one another.
  - 7 In the fifth century the difference was mainly one of emphasis: *nomos* emphasized the law's content, whereas *psēphisma* – literally, something enacted by a vote (*psēphos* – “voting pebble”) – emphasized its method of enactment (see Hansen 1978).
  - 8 The last general collection of Greek legal inscriptions was published more than a century ago (Dareste *et al.* 1891–1904–1904). The work of Thür and Taeuber (1994) is limited to Arcadia; it includes both Classical and Hellenistic texts in chronological order. Many of these are not laws but other sorts of documents, though these sometimes reveal information about legislation.
  - 9 Although the Greeks sometimes speak of private cases and public cases, Greek law never established the formal distinction between private law and public law that is fundamental to Roman law.
  - 10 See Crowther (1992) for arguments against the traditional view that democracy declined through the Hellenistic period; also R&L 531–536.

## CHAPTER 16

# Tyche's Force: Lottery and Chance in Greek Government

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*Elizabeth Kosmetatou*

*The selection of magistrates by lot is considered to be democratic, their election oligarchic.*  
(Arist. *Pol.* 1294b7)

The combination of two selection procedures for public magistrates in Classical Athens, majority election and lot, certainly contributed to the notoriety of the world's first democracy among many of its contemporaries. In Antiquity, this was often perceived as amounting to the elimination of rational politics. Democratic selection procedures were extensively analyzed and criticized by a rich ancient tradition that opposed popular rule, while modern scholarship has often focused on the aggregation of dispersed knowledge (Ober 1998: 14–51; Ober 2008b).<sup>1</sup> Indeed, any assessment of how well the Athenians measured up as citizens, especially as they faced the challenges of empire in the fifth century BCE, becomes a discussion of the tests and perils of effective democratic citizenship and of its dependence on civic knowledge. For ancient critics, including the so-called Old Oligarch (Ps.-Xen.), Athenian democracy virtually became the rule of the worst (*ponēroi*) and of the poor (*penētes*), so blatantly the opposite of the good old *aristoi*, who were previously involved in every aspect of civic life and of the political process (Ps.-Xen. *Ath. Pol.* 4).<sup>2</sup> Even the less emotional Aristotle agreed on this point, defining democracy as the rule of the poor and oligarchy as the rule of the wealthy, while pronouncing both as deviant constitutions of polity and aristocracy respectively (*Pol.* 1279b39–1280a3). Several authors, including Herodotus and Thucydides, often represent the Athenian citizenry as a volatile crowd possessing little education and dauntingly low levels of factual knowledge about government and politics. To make matters worse, it was a commonplace that their lack of political sophistication made them easily swayed by undeserving politicians who knew how to trigger the ripple effect of emotional contagion within their audience (cf. for example Thuc. 2.65.4, 8–10; 3.36–40; 4.21–22, 27–29; Aristoph. *Knights* 864–867).<sup>3</sup>

Far from settling the question of what constitutes a good citizen in a democracy, Antiquity has bequeathed to us a debate on civic knowledge and responsibility that is as intricate as it is fascinating, yet still elusive in its definition (Hardin 2006; Borgida *et al.* 2009; Delli Carpini 2009; cf. Frank 2008: 175). Besides presenting the material evidence of extant allotment machines from the Greek world (see the appendix), this chapter will take a fresh look at the origins of Greek lottery selection as an alternative, inclusive, and rational decision-making procedure. Rather than allowing the presumed ignorant masses to destroy the city and impede the flourishing of the wealthy, knowledgeable, and experienced elite, selection by lot aimed at motivating the Athenian citizens into political learning. In a democracy, lottery thus allowed the government of a *polis* to be more inclusive and contributed greatly in the production of fairer outcomes for the entire citizen body. As part of the democratic process, then, lottery did not reinforce a presumed, and much-criticized, majority rule which often became synonymous with the majority rule of the poor and undeserving in the eyes of the Athenian elite (cf. Ober 2005: 128–156; 2008a).<sup>4</sup> Rather, it promoted civic education and collaboration among the competing Athenian social identities of the Archaic period, whilst also becoming a unifying force that built a new, stronger, and group-centered Athenian identity. At the same time, its success led other Greek city-states to adopt this system as well. Last, but not least, rather than being a peculiarity that is partly to blame for the presumed demise of the Athenian democracy following the adoption of ineffective, even disastrous policies in the late fifth century BCE, lottery has been proposed by modern theorists of democracy as a valid and effective alternative to majority rule (Saunders 2008).<sup>5</sup>

## *Klērōtēria: The Literary and Archaeological Evidence*

In Athens, many officials were annually selected by lot, while hundreds, if not thousands, of jurors were further chosen every time the law courts were in session. Indeed, in a political system where democratic offices were selected by lot, allotment machines were a fixture in the daily democratic process (Dow 1937, 1940; Kroll 1972; Boegehold 1995: 32–34). In Aristotle's time in particular ([Arist.] *Ath. Pol.* 43.1), all offices in the regular administration were selected by lot with the exception of the treasurer of the Military Funds (*tamias stratiōtikōn*), the controllers of the Spectacle Fund (*hoi epi to theōrikon*), and the superintendent of wells (*epimelētēs tōn krēnōn*). Epigraphical, literary, and archaeological evidence from several areas of the entire Greek world, including Athens (cat. 1–14), Delos (cat. 16–19), Paros (cat. 20–21), Kamarina (cat. 15), Smyrna, and Kyrene, whose dates span from the Classical through the Roman periods, allow us a relatively clear view of how the allotment machines, the *klērōtēria*, worked, although modern scholars still debate some particulars.<sup>6</sup> Interestingly, many surviving examples postdate the Greek democratic experiment so that the allotment of offices seems to have continued to be considered as a practical procedure in the day-to-day business of a Greek *polis* at all times.

The most detailed description that we have of the allotment procedure is by Aristotle ([Arist.] *Ath. Pol.* 64.2–3) and involves jury selections for dikastic courts. In his text, the philosopher provided a description of the Athenian *klērōtēria*, which were

sometimes referred to as *klērōtrides* (*Schol. Aristoph. Wasps* 674a.2, 752a.2) and in later sources *klērōtikai archai* (Suda s.v. *klērōteria*). Contrary to previously held belief, mainly by Hommel (1927) and maintained by *LSJ* (s.v.) to this day, the suffix “-*tērion*” etymologically denoted the instrument, rather than the room or hall where the allotment process took place (Dow 1939: 1–8; Demont 2003: 27). This becomes evident in Aristotle’s text:

The man drawn is called the ticket-inserter, and inserts the tickets from the box into the columns over which is the same letter as there is on the box. This man is selected by lot to prevent malpractice if the same man should always make the draw. There are five columns of slots in each allotment machine. When the *archōn* has put the cubes into the machines, he draws lots for each tribe according to the allotment machines. The cubes are bronze, some white, some black; he puts in as many white cubes as *dikastai* are needed, one per five columns, and black cubes in the same proportion. When the *archōn* takes out the cubes, the herald calls the men who have been selected; the ticket-inserter is included in the number.” ([Arist.] *Ath. Pol.* 64.2–3, trans. J.M. Moore)

In his classic 1939 article on the Athenian allotment machines, Sterling Dow examined the evidence of fourteen surviving, albeit fragmentary, Hellenistic *klērōteria*, ten of which were recovered during the *agora* excavations (cat. nos. 5–14). Challenging previously held views that the *klērōteria* were urns for casting lots or votes, rather than actual mechanical devices, Dow identified them as marble *stēlai* whose crown moldings were trimmed to form *aediculae*, thus resembling temple-like structures or typically Attic grave *stēlai*. Contrary to our understanding of modern allotment, ancient *klērōteria* did not have any capability for mixing votes and most certainly were not used for voting. Their front sides bore a number of slots that were arranged in one or more vertical columns of slots, which, according to Aristotle, were called *kanonides*, and the structure included a tube for drawing out lots one at a time (Dow 1937: 202; 1939: 4, 7, 29). Extant *klērōteria* from Athens preserve 1, 2, 5, possibly 6, 11, and possibly 12 columns (Dow 1939: 4; cat. nos. 1–14; cf. figures 16.1 and 16.3), while their surviving Delian (cat. nos. 18–19) and Parian (cat. nos. 20–21) counterparts had 5 and 8 respectively. Similarly, the number of slots of ancient *klērōteria* could differ significantly: an almost complete machine (cat. no. 1) had only 12, all arranged in a single column and probably representing the 12 tribes of Hellenistic Athens. Of the remaining surviving allotment machines, the better-preserved examples appear to have had up to 50 slots in each column (cf. cat. no. 6). Dow took note of the fragmentary state of the evidence and suggested that *klērōteria* could very well have had as many as 60 or even 300 slots to a column (Dow 1939: 5).

Aristotle’s description ([Arist.] *Ath. Pol.* 64.2), references from Aristophanes (*Ekkl.* 681–683), the early fourth-century comic playwright Euboulos (Athen. 450b), as well as the archaeological evidence (cat. nos. 3 and 4), have allowed for a reconstruction of the procedure followed for the sortition of *dikasts* from the ten Athenian tribes of the Classical period. To begin with, the *klērōteria* were movable objects that were set up outdoors, most likely in the *agora*, for the process of allotment.<sup>7</sup> In the case of juror selection, the *dikasts* of each tribe were divided into ten sections, and each tribe had two *klērōteria* serving five sections each. An inserter (*empēktes*) was selected from each section

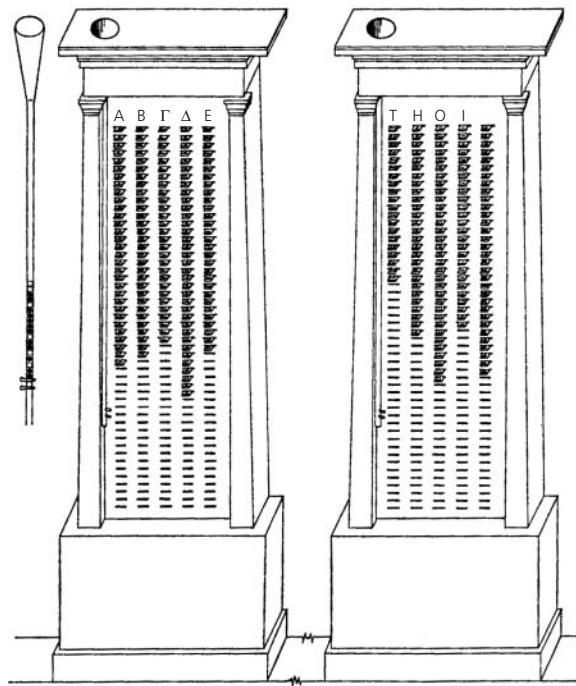


**Figure 16.1** Fragment of an allotment machine (*klērōtērion*), probably used in the Council House. Agora Museum. American School of Classical Studies at Athens: Agora excavations.



**Figure 16.2** Fragment of a *pinakion*, Athens, mid-fourth century BCE. Its thinness and uneven edges, from hammering, evidence earlier uses. The surviving text reads “Demophanes : Phili – of Kephisia.” American School of Classical Studies at Athens: Agora excavations.

of each tribe to operate his assigned allotment machine: he inserted the small bronze or boxwood plaques (*pinakia*) with the names of other members of his section into the slots of one of the vertical columns (*kanonides*) that represented the specific section, probably from top down. A typical extant *pinakion* (figure 16.2) is about 1.18 cm long, 2 cm wide, and 2 cm thick and is therefore of perfect size to fit the average slots of extant *klērōtēria*, which measure an average 3 cm wide, 6 cm high, and 2 cm deep (Dow 1939: 7). Depending on the number of dikasts needed on a specific day, the *archōn* would pour black and white cubes (*kyboi*) down the tube, located on the left of the *klērōtērion*.<sup>8</sup> The first dice drawn by the *archōn* would settle for the five *pinakia* in the first perfectly horizontal row of slots, the second for the second row, and so on. The names of jurors that were aligned with the white cubes would serve on that day, and the procedure was refined enough to allow every section of dikasts within each group of five the exact number of jurors in court as every other section in that group, thus avoiding packing courts (Dow 1939: 8).



**Figure 16.3** Athens: allotment-machines for assigning jurors to lawcourts. From Dow (1939). Reprinted with permission of the Department of the Classics, Harvard University.

Further information furnished by Aristotle shows how much thought the Athenians put into devising their intricate, logical, fair, well-controlled, and presumably fraud-proof allotment procedure ([Arist.] *Ath. Pol.* 63.2). To ensure that the crowd of prospective dikasts could witness the allotment unobstructed, each tribe had two *klērōtēria* that selected five sections of jurors each for a total of ten (cf. Dow 1937: 23–34, who argues convincingly that two *klērōtēria*, rather than one, were also cheaper to produce and lighter to carry). Once the process was complete, the selected dikasts entered the courtroom in tribal formation through its ten entrances. As they did so, they would deposit their dikast tickets which bore their section number into one of the ten boxes, each marked by one of the ten letters from A to K that belonged to their tribe. In theory, then, the system was designed to keep inequalities to a minimum: the ten Athenian tribes were probably almost equal in size originally, and the system made every effort to keep all tribe sections, or 100 divisions, equal as well. Population fluctuations and citizen freedom to participate in juries or not must have played a role in how equal these sections remained, but the Athenians seem to have been convinced and pleased with the balances of power as maintained by the allotment procedure (Dow 1939: 25–27).

Finally, it is noteworthy that juror tickets (*pinakia*), bearing the name, patronymic, and demotic of a dikast, appear to have functioned as an “identity card” of sorts that symbolized citizenship itself for the Athenians. According to Euboulos, dikasts brought them along for the allotment process, and rejected jurors received them back after the

selection was complete. In a fragment from his now lost comedy entitled “The Riddle” (*Problēma*) that was preserved by Athenaios (650b), the playwright even hints at the occasional resentment felt by some of those that the lot did not favor:

There is an image which stands on top, its lower parts gaping,  
bored sharply clear through from head to foot;  
it gives birth to men at the tail, each one in his turn,  
and some of them obtain the right to live, while others must wander forth,  
each bearing his own fate in his own person, but calling out “Beware”!  
(trans. C. Burton Gulick)

Athenaios informs us that Euboulos’ text is a riddle and a reference to *klērōtēria* which he compares to an *agalma* that gives birth to living children (i.e., the selected jurors), as well as to stillborn infants (i.e., those rejected). Not favored by the lot, the latter wander off like ghosts, uttering expressions of disgust at the missed opportunity to live, or in this case, to serve in the government of their *polis* (Dow 1939: 11–12). This disappointment was probably due to more than having missed the opportunity for earning a juror’s compensation of 3 obols for his service. Rather, it also appears to bear evidence for the love that the Athenians bore for their democracy. Indeed, archaeological evidence suggests that the *pinakia* became lifelong prided possessions that symbolized citizen rights to such an extent that several Athenians chose to be buried with them (Dow 1939: 11).

## The Lottery as Pioneer, Equalizer, and Guarantor for Social Order and Political Stability

There is little doubt that lottery functioned as a system of checks and balances in government that minimized the risk for malpractice and fraud while ensuring access to office for all citizens. In a *polis* in which most offices were assigned by lot and terms of office were very short, there was little opportunity for electioneering or bribery (C. Taylor 2007: 325–327). Nevertheless, human nature being what it is, there are several reports of bribery of both elected officials and those that were selected by lot (Hypereid. *Eux.* 1–2; Dem. 19.277; [Arist.] *Ath. Pol.* 27.5).<sup>9</sup> Additionally, being selected to serve on diplomatic missions in Athens also seemed to have its perks in the form of a significant *per diem* compensation. For this reason members of these missions tried to extend their trip as much as possible and enjoy the luxuries of foreign hospitality, especially in legendary Persia (Aristoph. *Ach.* 64–93).

Be that as it may, and the rise of populist rhetoric among ambitious candidates for election to office notwithstanding, the phenomenon of patronage, which was ubiquitous in the Roman republic, was all but absent in democratic Athens. Millett (1989) has attributed this Athenian success of warding off undue influence and electoral corruption to the introduction of jury pay by Perikles in response to Kimon’s use of personal funds in influencing elections in his favor (cf. [Arist.] *Ath. Pol.* 27.3–4; Theopomp. *FGrH* 115 F89; Plut. *Kim.* 10.1–6; Rhodes 1986: 135–136; Zelnick-Abramowitz 2000; C. Taylor 2007: 326). By introducing this highly popular and radical measure, Perikles appears

to have targeted any form of dependency by the majority of Athenian citizens on the city's elite, which virtually handed over to them control of state resources. Perikles' law had obvious benefits in promoting the cause of the complete democratization of Athens, in that it promoted the participation of as many citizens as possible through offering financial incentives, besides giving them more freedoms and independence from those who historically had controlled state affairs. At the same time, however, Perikles was a shrewd, ambitious, and at times even ruthless politician. One may argue that he established a patron-client relationship between the Athenian citizens and the *polis'* democratic institutions (C. Taylor 2007: 326), but there is little doubt that he personally benefited politically from this as his popularity soared. The aftermath is well known: Perikles dominated Athenian politics almost absolutely, crushed his enemies, became "the first citizen of Athens," and put his mark on an entire era (Thuc. 2.65). One may wonder then whether jury pay and related citizenship financial incentives did not establish a patron-client relationship between Perikles and the Athenians, and later between the demagogue *du jour* and the citizenry.<sup>10</sup>

Apart from these considerations and reports on isolated incidents of bribery or fraud, the Athenian democracy seemed to be functioning smoothly; an opinion that was also shared by its citizens who did not complain about their institutions and procedures (cf. C. Taylor 2001a, 2001b). Indeed, any grievances associated with the political affairs of the day usually involved those accused of taking bribes in order to speak at the assembly, propose decrees, or offer questionable advice, but the integrity of the elections themselves never seemed to be in question. However, even bad advice that may have led to bad policies was not overlooked, and those responsible had to be held accountable as a result.

The accountability of officials is universally regarded today as one of the major strengths of a democracy. Yet, in a twisted, shaky argument based on false premises, the Old Oligarch blames precisely this practice among the Athenians as being responsible for holding back some talented, presumably wealthy and aristocratic, citizens from holding office and propping up the below average and very judgmental crowd (Ps.-Xen. *Ath. Pol.* 1.3). The truth is very different, and even though our evidence is fragmentary, there is an excellent sample that allows us to draw statistically significant conclusions. In her valuable article on the sociology of election and lot in Athens, Claire Taylor has pointed out that all citizens theoretically had access to offices, yet the wealthy elite were disproportionately represented in many areas of public life. She furthermore calculated that of the 631 known elections, 61 percent were won by known liturgy payers (C. Taylor 2007: 330). That candidates with significant financial resources and exposure due to their activities could increase their chances for election to major offices that required expertise and experience, like the *stratēgoi*, is not surprising. However, other factors played a role in determining who held office. C. Taylor's study of the geographical distribution of elected officials has shown that it was very different than the distribution of those selected by lot (2007: 330–336). It was already known that the *stratēgoi*, arguably the most influential Athenian officials, were initially chosen one from each of the ten Athenian tribes, a practice that lasted from 501/500 to around 441/440 BCE, when it was allowed for the first time for tribes to be doubly represented in the Board of Ten. Between 375/376 and around 329/328 BCE, tribal representation was abandoned,

and the *stratēgoi* were henceforth elected from the entire citizen body ([Arist.] *Ath. Pol.* 61.1). While the reasons behind the introduction of double representation for certain tribes remain unclear, it seems that it eventually favored the election of *stratēgoi* from demes that were in closer proximity to the *asty*, at least in the fifth century (cf. Andronion *FGrH* 324 F38).<sup>11</sup> As a result, the demes closest to the city became instrumental in bypassing the fairness of the tribal system of representation and consequently in establishing an urban elite.

Taylor's analysis of all known offices that were filled through the allotment procedure, and her case study of the elite office of the *tamiai* in particular, presents a consistent picture. While the elected *stratēgoi* were not evenly distributed throughout Attika, the *tamiai* were drawn more evenly from demes of the entire territory. Moreover, in any given board the *tamiai* were not heavily weighted toward the city (C. Taylor 2007: 335–336). In an attempt to explain her results, Taylor argues convincingly that there was a certain balance of responsibility versus power in Athenian democracy. The *tamiai* were considered to have held more responsibility than power, so their office-holders were rotated often, thus offering the opportunity for wider representation from all over Attika. On the other hand, the office of *stratēgos* held more power and the possibility of running for successive terms, circumstances that all appealed to the politically ambitious urban elite. Similar patterns can be observed in other elections and lot selections. Just like the *stratēgoi*, candidates for ostracism, who were presumably also ambitious individuals, were distributed unequally throughout Attika. On the other hand, lot-selected dikasts were distributed as evenly as the *tamiai*, and the same can be observed in the case of the *grammateis* or office secretaries to the *boulē* (C. Taylor 2007: 337).

The use of lot as a means of randomizing the selection process in Athenian democracy was first observed by Isokrates (7.23) and prevented the establishment of an all-powerful city elite that would control all offices and make all decisions. Of course, important offices like that of the *stratēgos* were in essence monopolized by an elite, but the lack of evidence for any related civic discontent suggests that it was neither intentional nor the result of manipulation, and was most certainly never considered corrupt practice. The wealth of the demes near the city, which were also much more densely populated than their rural counterparts, as well as their geographical proximity and easy access to the civic center of Athens, most likely played a role in the disproportionate representation of their citizenry in elected offices.

On the other hand, the Athenian elite still boasted of its aristocratic origins and values which led its members to compete for elected office, a practice that Aristotle considered to be a relic of the Athenian past, hence his designation of elections as oligarchic (C. Taylor 2007: 338–339). In order to counteract the possible rise of a powerful ruling class – which had wreaked havoc on Athenian politics and society on previous occasions – the creators of democracy used two methods. They retained the use of lottery, possibly initially introduced by Solon, which allowed everyone to participate in government, ensured the even distribution of most offices throughout Attika, diversity among the archons, and mitigated any threat of social violence as a result (Wallace 2007c: 62).<sup>12</sup> In the event that lottery was not entirely effective in curbing the ambitions of certain members of the elite, ostracism provided the ultimate solution: besides being

ostensibly a tool for the whole citizen body to safeguard their democracy, in effect it also became a means to reinforce any divisions within the oligarchic elite and keep it in check.

## The Lot as a Means of Civic Learning

In ancient Athens selection by lot aimed at minimizing the often-attested geographical bias of elections and at reinforcing the participation in public life of all citizens from all walks of life and from the entire territory of Attika. The practice was part of Athenian democratic checks and balances that settled the longstanding social and political upheavals of the Archaic period which had almost brought the *polis* to its knees. In addition to the obvious benefits outlined above, it also contributed to making the multitude's so-called ignorant democracy, as several ancient authors would designate it, less ignorant and as politically well-informed as possible. This debate is still ongoing today, when the electorate of modern democracies is considered by some to be grossly politically ignorant, a view that many voters share themselves. Yet, democracy is still the best possible and by far the fairest political system, and citizens still vote. It seems that even in our era of literacy and information overkill, there remain some astonishing illustrations of the ignorance of the public, while even very knowledgeable and sophisticated voters face grievous difficulties holding their elected officials responsible for serving the interests of the public. Similarly, elected officials have great difficulties representing a public that is ignorant of policy or even their own interests (Hardin 2006: 179–180).<sup>13</sup> In this respect, modern people do not differ all that much from the illiterate Athenian farmer who approached Aristeides to ask for help with writing the politician's own name on the day of his ostracism.

Citizen knowledge is important to the democratic polity because it enables the public to participate in public life, learn the art of collaboration and compromise, and gain the ability to connect policy views consistently to meaningful political evaluations (Delli Carpini 2009: 23). In 1822, James Madison voiced the same opinion remarking that “a popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both” (1900–1910: IX, 103–109). This need was even more acute in ancient Athens with its direct democracy, where citizens came from all over the territory of Attika to the civic center in order to make important decisions, the quality of which depended on information which formed public opinion and thus civic participation that had become synonymous with the democratic process.

What did the average Athenian citizen then know, and how did Athenian democracy and its selection procedures assist in the acquisition of political knowledge that directly affected democratic practice? In our day, modern democracies are largely based on the republican system of government which gives citizens few opportunities to express their opinions at the polls. As a result, factual knowledge about political institutions and processes, substantive policies, socioeconomic conditions, and political actors (both elected officials and party cronies) is relatively low (cf. Delli Carpini 2009: 23–24, where more bibliography and statistics are cited).

This would not be the case for the Athenians, however. Widespread participation in public life, including serving in juries and a variety of other offices as determined by lot, the Athenians would gain firsthand experience with the democratic institutions and processes. Freedom of expression would allow them to become closely involved in current affairs and influence them directly. Being selected by lot for public service would provide them with specialized knowledge about a specific area of city politics, and modern studies in political science suggest that expertly informed citizens tend to be informed about multiple areas. They also tend to be more accepting of democratic norms. Mass participation in the day-to-day ancient democratic process therefore created a diverse, well-informed, and politically sophisticated citizen body that held intense opinions, to be sure, but at the same time comprised a cohesive community. And lottery was a *tour de force* in bringing about internal order in Athens and motivating the Athenians to embrace their civic duties.

## **Lottery as a Psychological Incentive for Citizen Cooperation**

Unlike majority voting which favors a portion of the voter population only, political scientists have suggested that lottery voting treats all voters fairly by offering everyone the opportunity, at least theoretically, to make the decision for everyone on a specific issue (Saunders 2008). To be sure, majority voting encourages convergence on middle ground, but at the same time it also allows the formation of groups or parties which, depending on their power and popularity, might lead to the creation of perennial winners and losers. In this respect, a segment of the citizen body, be it due to ideology or any other reason, may always get its way, while the other has to succumb to the will of the majority. We therefore cannot be sure that majority rule produces better outcomes or reflects more accurately the will of the citizenry as a whole.

On the other hand, lottery selection may sometimes be a better and more rational procedure that realizes political equality. Prior to reaching a decision or appointing a random decision-maker, the process gives the entire citizen body reasons to participate in deliberation in an attempt to persuade as many as possible to vote in a specific way and, naturally, to act responsibly if given the chance. Compromise is thus reached through the fear that, if an unpopular political decision is implemented as a result of lottery voting, the unity and peace of a community will be disrupted, and further irresponsible decisions by lot may therefore follow as a reaction of disgruntled citizens. As part of the democratic process then, the lottery can gently force collaboration.

The use of lottery by the Athenians, as part of their democratic experiment, proved to be a success and benefited the *polis* in many ways. The Athenians strove for centuries for social and political order as well as political equality, and discovered democracy in the process as the latter's natural outcome. While recognizing elections and majority rule as important components of their democratic decision-making process, they also realized that, due to geographic, political, and socioeconomic factors, majorities were not always representative of the entire citizen body, and elections could produce unequal results. By using lottery selection more extensively than in previous centuries, for the

appointment of officials and jurors, the Athenians gave both incentives and opportunities to every citizen to participate in public life and to enhance their civic learning. At the same time, they minimized the risks of excluding certain groups from politics and of allowing the development of powerful elites, especially of those that were associated with the demes in close proximity to the city.

Rather than creating an irrational political system that gave power to the poor and undeserving ignoramuses, as the ancient opponents of democracy would describe them, lottery was a sophisticated and inclusive system of checks and balances that safeguarded the exercise of power in the decision-making process. In considering the way Athenian democracy worked for 150 years or so, one must marvel at how well it functioned and served the purpose for which it was created: the best possible imperfect system for imperfect humans. To its ancient critics, the modern historian might respond with Winston Churchill's famous verdict: "It has been said that democracy is the worst form of government, except all those other forms that have been tried from time to time."

## Appendix 16.A Catalogue of Extant *klērōtēria* and Related Material

This is a catalogue of all archaeological evidence on, mostly Hellenistic, allotment machines that is known to the author. The material presented is associated with Athens (cat. 1–14), Delos (cat. 16–19), and Paros (cat. 20–21). In addition, a large number of lead tablets bearing citizens' names were discovered in Kamarina. They date to the fifth century BCE and suggest the use of allotment machines similar to the Athenian ones (cat. no. 15). Epigraphic evidence suggests that *klērōtēria* were also used in Smyrna in 243 BCE (*Syll.*<sup>3</sup>: 229) and Kyrene in 7/6 BCE (Oliverio 1927: 20). A publication by Jack Kroll of the archaeological evidence on extant *klērōtēria* in the Greek world is forthcoming. Klaus Scherberich of the University of Aachen reconstructed two *klērōtēria* machines with his students and tested them by making selections out of a pool of 150 people. The results of his study are also forthcoming.

1 *Location:* Athens

*Material:* Hymettian marble

*Dimensions:* h. 49 cm; w. 32 cm; th. 15.7 cm. Slots: 1. 2 cm; w. 2 cm; h. 0.6 cm.

*Description:* An almost complete, simple *klērōtērion* with a single column of 12 slots which were clearly made in order to accommodate small objects, most likely metal tablets with the inscribed names of the 12 tribes of Hellenistic Athens, which were probably fastened in, removed, and replaced in a different order. According to the surviving inscription, this machine, which served as a notice-board, was constructed during the archonship of Poseidonios (162 BCE).

*Date:* 162/161 BCE

*Bibliography:* *IG II<sup>2</sup>*: 2864a; Dow 1937: 198–202.

2 *Location:* Athens, Akropolis

*Material:* Pentelic marble

*Description:* Fragment of a *klērōtērion* for jury selection, having two rows of at least eight slots which can be restored to as many as 10 but not more than 15.

*Date:* Mid-second century BCE

*Bibliography:* IG II<sup>2</sup>: 2864; Dow 1937: 203–204.

3 *Location:* Athens, Roman *agora*

*Material:* Pentelic marble

*Dimensions:* h. 25 cm; w. 46 cm; th. 15 cm.

*Description:* Fragment of a *klērōtērion* for jury selection, which originally had five columns, of which four only remain. There were at least four rows of slots.

*Date:* Mid-second century BCE

*Bibliography:* IG II<sup>2</sup>: 2864c; Dow 1937: 204–205.

4 *Location:* Athens

*Material:* Pentelic marble

*Dimensions:* Almost identical dimensions to cat. no. 3. Slots were spaced vertically at 2.3 cm on centers.

*Description:* Two fragments of a *klērōtērion* for jury selection, similar and contemporary to cat. no. 3. Originally it had five columns with a minimum of 20 slots in each or at least 100 in all.

*Date:* Mid-second century BCE

*Bibliography:* IG II<sup>2</sup>: 2864b; Dow 1937: 205.

5 *Location:* Athens, *agora*

*Material:* Pentelic marble

*Inv:* Agora I 3965

*Dimensions:* h. 17 cm; w. 8 cm; th. 10 cm

*Description:* Fragment of a particularly well-constructed *klērōtērion*, very similar to cat. nos. 3 and 4, and whose slots were unusually long, at least 3.5 cm, and carefully cut to slope slightly downward into the stone. We may restore c.100 slots arranged in five columns.

*Date:* Hellenistic period

*Bibliography:* Dow 1937: 205–206.

6 *Location:* Athens, *agora*

*Material:* Pentelic marble

*Inv:* Agora I 2539

*Dimensions:* Slots were spaced vertically 0.3 cm on centers, while the columns were horizontally spaced at 2.5 cm.

*Description:* Fragments of a *klērōtērion* with six restored columns of 50 slots each for a total of 300 slots. The *klērōtērion* occupied the reverse of a *stēlē* which preserves two decrees.

*Date:* Hellenistic (159/158 or 158/157 BCE, *terminus ante quem*)

*Bibliography:* Dow 1937: 142–146, 206–207.

7 *Location*: Athens

*Material*: Hymettian marble

*Dimensions*: h. 52 cm; w. 0.13 m.

*Description*: Possible fragment of a *klērōtērion*, similar to but smaller than cat. no. 6, which also preserved part of a decree on its reverse.

*Date*: Hellenistic period

*Bibliography*: *IG II<sup>2</sup>*: 972; Dow 1937: 146–147, 207.

8 *Location*: Athens, *agora*

*Material*: Pentelic marble

*Inv*: Agora I 3966

*Dimensions*: h. 19 cm; w. 11 cm; th. 11.9 cm

*Description*: Fragment of a *klērōtērion*. Only traces of one column with at least three slots are preserved, but its original size, according to Dow, was moderate and may have had as many as 300 slots.

*Date*: Hellenistic period

*Bibliography*: Dow 1937: 207.

9 *Location*: Athens, *agora*

*Material*: Hymettian or greyish Pentelic marble

*Inv*: Agora I 3272

*Dimensions*: h. 19 cm; w. 13 cm; th. 8 cm

*Description*: Fragment of a very large *klērōtērion* which originally had as many as 600 slots. The surviving fragment preserves traces of 21 slots spaced at 2 cm on centers, while the columns were spaced at 2.8 cm from each other.

*Date*: Hellenistic period

*Bibliography*: Dow 1937: 207.

10 *Location*: Athens, *agora*

*Material*: Pentelic marble

*Inv*: Agora I 3967

*Dimensions*: h. 59 cm; w. 72.5 to 74 cm; th. 8.3 cm

*Description*: Large fragment of a *klērōtērion*. Nearly all of its 11 columns are preserved, each of which had at least 19, most likely 50 slots. This *klērōtērion* was originally set on a base. For a photo image, see Figure 16.1 and the front cover of this volume.

*Date*: Mid-fourth century BCE

*Bibliography*: Dow 1937: 208.

11 *Location*: Athens, *agora*

*Material*: Pentelic marble

*Inv*: Agora I 3968

*Dimensions*: h. 30 cm; w. 14.9 cm; th. ca. 16 cm.

*Description*: The largest of the preserved *klērōtēria*, it may have originally had a total of 1,000 slots.

*Date:* Hellenistic period

*Bibliography:* Dow 1937: 209.

12–14 *Location:* Athens, *agora*

*Material:* Marble

*Description:* Fragments of three *klērōtēria* discovered between 1937 and 1939

*Date:* Hellenistic

*Bibliography:* Unpublished. Reference in Dow 1939: 2.

15 *Location:* Kamarina, Temple of Athena deposit of lead tablets with inscribed citizens' names, possibly associated with a *klērōtērion* that did not survive.

*Material:* marble (?)

*Description:* 158 standardized lead tablets with inscriptions of a citizen's name and patronymic on the one side and a numbered phratry to which he was assigned on the other. No allotment machine has been discovered in the city yet, but the tokens' similarities to Athenian examples may suggest that they were used with *klērōtēria*, perhaps in connection with the allotment of land to the Gelan settlers who refounded Kamarina in 461/0 BCE.

*Date:* Fifth century BCE

*Bibliography:* Cordano 1992; Manganaro 1995; Murray 1997; Robinson 2002.

16 *Location:* Delos

*Material:* White fine-grained marble, possibly Parian

*Inv:* A 7999

*Dimensions:* l. of base 38.9 cm; l. of top: 37.9 cm; preserved h. 25 cm; d. 10.1 cm; l. of slots from 1.9 to 2.5 cm.; h. 0.4 cm; d. 1.1–2 cm. Vertical space between slots: c.1.6 cm; average space between cols: 3 cm.

*Description:* Fragmentary front of a *klērōtērion*, probably used for the allotment of jurors. Five columns are preserved which had at least 10 slots each.

*Date:* Delian independence (314–166 BCE)

*Bibliography:* Moretti 2001.

17 *Location:* Delos

*Material:* White marble

*Inv:* A 8364

*Dimensions:* l. of base 41.7 cm; l. of top: 41 cm; preserved h. 21.5 cm; d. 10.9 cm; l. of slots 1.8–2.3 cm.; h. 0.4 cm; d. 1.4–2.2 cm. Vertical space between slots: c.1.7 cm; average space between cols: 3.2 cm.

*Description:* Fragmentary front of a *klērōtērion*, probably used for the allotment of jurors. Five columns are preserved which had at least nine slots each.

*Date:* Delian independence (314–166 BCE)

*Bibliography:* Moretti 2001.

18 *Location:* Delos

*Material:* Grayish white marble

*Inv:* A 8365

*Dimensions:* l. 17.8 cm; preserved h. 26 cm; w. 10.5 cm; l. of slots: c.2 cm.; h. 0.4 cm; d. 1.1.4 cm. Vertical space between slots: c.1.7 cm; average space between cols: 3.4 cm.

*Description:* Fragmentary front of a *klērōtērion*, probably used for the allotment of jurors. Two columns are preserved which had at least eight slots each.

*Date:* Delian independence (314–166 BCE)

*Bibliography:* Moretti 2001.

19 *Location:* Delos

*Material:* Grayish white marble

*Inv:* A 7998

*Dimensions:* l. 21.5 cm; preserved h. 25.8 cm; w. 10.5 cm; l. of slots: 2.1 cm; h. 0.4 cm. Vertical space between slots: c.1.8 cm; average space between cols: 3.6 cm.

*Description:* Fragmentary front of a *klērōtērion*, probably used for the allotment of jurors. Two columns are preserved which had at least six slots each.

*Date:* Delian independence (314–166 BCE)

*Bibliography:* Moretti 2001.

20 *Location:* Paros, Parikia. In secondary use, built into one of the windows of the church Panagia Septembrisani.

*Material:* Parian marble

*Inv:* S 176

*Dimensions:* Fragment h. 88.2 cm. Restored h. of machine 1.10 or 1.20 m. Restored w. at least 0.55 cm. Each slot is 2.2 cm wide, 2.1 cm deep, and 0.4 high. The vertical space between the slots is 2.1 cm, horizontal space is 2.4 cm. The distance of the first row of slots from the top is 0.4 cm.

*Description:* Lower part of the left pilaster of a *klērōtērion* and of the interior of the Naiskos structure. Three columns of 35 slots are preserved. There were at least eight columns in total.

*Date:* Second century BCE

*Bibliography:* K. Müller 1998.

21 *Location:* Paros, Paroikia. In secondary use, built into one of the windows of the church Panagia Septembrisani.

*Material:* Parian marble

*Inv:* S 177

*Dimensions:* Fragment h. 88.2 cm. Restored h. of machine 1.10 or 1.20 m. Restored w. at least 0.55 cm. Each slot is 2.2 cm wide, 2.1 cm deep, and 0.4 high. The vertical space between the slots is 2.1 cm, horizontal space is 2.4 cm. The distance of the first row of slots from the top is 1.2 cm.

*Description:* Lower part of the right pilaster of a *klērōtērion* and of the interior of the Naiskos structure. Two complete and one partial column of 35 slots are preserved. There were at least eight columns in total.

*Date:* Second century BCE

*Bibliography:* K. Müller 1998.

## NOTES

- 1 Modern political scientists look to ancient Athens for their discussion of democratic theory, but some seem to be under the impression that there was little discourse on politics and political systems in antiquity, and it is of a different kind than there is today. Cf. most recently Frank 2006. It is hoped that further cooperation between ancient historians and political scientists will clear away this misconception.
- 2 A similar sentiment may also be echoed in fragments from the lost work of Demokritos. In them, the philosopher seems to defend a moderate form of democracy as preferable to tyranny and emphasize the importance of free speech (B 251 and 226), but on the other hand seems to express oligarchic views elsewhere (B 254 and 267). In his view, the assumption of official positions in government by *hoi kakoi*, presumably as a result of their selection by lot, may lead to political disaster. Cf. C.C.W. Taylor (2000: 127–129).
- 3 Cf. for example Thucydides 2.65.4, 8–10; 3.36–40; 4.21–22, 27–29. Cf. also [Arist.] *Ath. Pol.* 28.1, 3. Although Thucydides would disagree, Perikles's *de facto* manipulation of his Athenian audience from the one end of the spectrum of emotions to the other, is expressed in emotional language in the speeches that the historian preserves, e.g., at 2.65.8–9. On the other hand, the demagogue Kleon is described as “most violent citizen,” inspiring violent emotions in his audience and manipulating his fellow citizens into destructive behaviors. On the effect of emotional contagion within a group context see Hatfield *et al.* (1993: 7–11) and, more recently Jerit *et al.* (2009: 100–124).
- 4 On the intricacies of Athenian electoral procedures, candidate nomination, and the range of factors that affected the outcomes see Staveley (1972: 102); Piérart (1974: 128–130); Rhodes (1981: 129–132); Stanton and Bicknell (1987); Hansen (1989a); Hansen (1999: 233–235); Mitchell (2000: 347–356); C. Taylor (2007: 324–325). There is little to no evidence at all about electioneering, bribe, or indeed any irregularities associated with Athenian elections. Cf. C. Taylor (2007: 324–327) which includes a valuable comparison of patronage and politics in Athens and the Roman republic.
- 5 Many ancient and modern authors have mistakenly believed that the end of democracy in ancient Greece coincided with the Athenian defeat in the Peloponnesian war, overlooking the fact that, as a political system, democracy continued to flourish in Greece in the fourth century BCE. Furthermore, democratic procedures were maintained in the day-to-day business of local governments of cities after Alexander the Great and in the Roman period, as is evidenced in the existence of local councils.
- 6 On the Athenian evidence (cat. 1–14) see Dow (1939); Bishop (1970); Boegehold (1995: 58–76). Kamarina (cat. 15): Cordano (1992); Manganaro (1995); Murray (1997). Paros (cat. 20–21): K. Müller (1998). Delos (cat. 16–19): Moretti (2001).
- 7 Cat. no. 10 was most likely permanently set up on a base judging from both its size and preserved tongue. Cf. Dow (1937: 208).
- 8 While cubes were used in Athenian *klērōtēria*, epigraphical evidence from Kyrene suggests that allotment machines of the Roman period used balls (*sphairai*). Cf. Oliverio 1927: 20.
- 9 Bribery can obviously take many forms, so it certainly played a role, very openly too, if we are to believe ancient reports on the manner in which Hypereides managed to get the courtesan Phryne acquitted, by tearing off her clothes in front of the dikasts during her trial for impiety (cf. Athen. 590d–e; Cooper 1995). For an excellent discussion of corruption in association with ostracism, see C. Taylor (2007: 327–329).
- 10 Echoes of Perikles' populism are found in his final speech as reported by Thucydides (2.60–64), in which his electoral base is virtually designated as his partners in crime in

appropriating other people's money. Jones has also argued that political patronage survived in rural Attika (cf. N.F. Jones 2004: 59–88), but contrast C. Taylor (2007: 326–327).

- 11 On the debate on double representation, see Dover (1960); Fornara (1971: 22–27); Mitchell (2000: 352–355). See also C. Taylor (2007: 331–332), especially the map she provides (fig. 1) showing the demes in the city area from where many *stratēgoi* of the fifth century BCE were elected.
- 12 Even though allotment was a procedure that was traditionally associated with democracy, in Solon's time it did not function as the symbol that it later became.
- 13 Hardin 2006 gives some interesting examples of ignorance of politics among the US public that are backed by statistical information.

## CHAPTER 17

# Governmental Checks and Balances

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*Pierre Fröhlich*

The balance (or separation) of power is a concept central to Western democracies. The idea has been widely accepted ever since it was first expressed by Locke and Montesquieu. The concept was, however, alien to the ancient Greek world. If Greek theorists evoked the notion of a separation or balance of power, it was only to praise the balance which would be established in an ideal constitution between democratic, oligarchic, and monarchical forms of government; this was termed a “mixed” constitution. Several ancient authors thought they might detect the existence of such a constitution in Sparta; others, such as Polybios, in Rome. It was supposed to bring together the positive features of each form of government while eliminating their defects. Each type of government would supposedly be represented by one of several political institutions which counterbalanced the others. The idea that such a balance between institutions could exist or be necessary within an existing regime was, however, completely foreign to the Greeks.<sup>1</sup>

It is clear nonetheless that the balance of power was, *de facto*, an important characteristic of the political institutions of Greek *poleis*. It can be discerned in oligarchic governments and in democracies in particular. Beginning in the late Archaic period, an impressive set of measures gradually emerged which was designed to prevent individuals from acquiring too much political power and to transform all public officials into mere executive agents. The institutions of Greek *poleis* were founded on the strict limitation of political power as well as on creating a balance between decision-making bodies. In direct democracies, where the people (that is, the citizen body) were sovereign, the notion of a balance of power would have appeared absurd, such was their authority. However, the exercise of power by the people was in fact achieved through a multitude of governmental bodies between which a certain balance had been established, without a strict separation between the different types of power (legislative, executive, and judicial) ever existing. What would today be classified as “executive” institutions or officials were, in ancient Greece, submitted to the strictest limitations. In democratic *poleis*, the balance

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of power consisted above all in preventing the manipulation of political power and the overthrow of government.

Our knowledge of Greek government in the fifth century derives mostly, but not exclusively, from Athens, owing to the existence of a substantial collection of primarily literary but also epigraphic and archaeological evidence. Beginning in the fourth century, epigraphic evidence increasingly sheds light on other *poleis*, and these inscriptions constitute nearly the only source of evidence for this period. In the Hellenistic period, a form of moderate democracy had become the dominant political model in the Greek world (Gauthier 1984, 1993). In almost all Hellenistic *poleis*, ordinary citizens played an important role in the supervision and punishment of public officials (Fröhlich 2004).

The balance of power in Greek government is a vast topic. First, the procedures aimed at exiling men who had become too powerful will be examined. Second, the way in which the decision-making process was balanced will be explored. Third, the means by which the same principles were applied to public officials, or magistrates, will be assessed. Fourth, the very strict procedures aimed at controlling and supervising magistrates will be appraised. Finally, the various means by which legal proceedings could be brought against magistrates will be outlined, while emphasizing that the initiative for such proceedings lay in the hands of ordinary citizens.

## Exile

The experience of Archaic tyranny and aristocratic factionalism seems to have inspired a number of measures aimed at limiting the influence of the most powerful citizens of the *polis*. Among these was the innovative practice of ostracism established in Athens, which involved the temporary exile of a prominent citizen.

### *Athenian ostracism*

The principle of ostracism was simple: when deemed necessary, any public figure whom the citizen body had judged by vote to be too threatening was exiled for ten years. The practice of ostracism was established in Athens at the beginning of the fifth century BCE. The exact circumstances surrounding its creation remain controversial. Although certain writers attribute it to Kleisthenes, the ancient evidence on this subject is too meager to draw any firm conclusions. The first ostracism is known to have occurred in 488/487 BCE. Although the procedure was no longer employed following the ostracism of 416, the practice was not abolished: it is mentioned in the *Constitution of the Athenians* in light of the institutions which existed at the time of the text's composition, sometime between 335 and 322 ([Arist.] *Ath. Pol.* 43.5; cf. Rhodes 1981).

Ostracism targeted the most prominent citizens in the political realm and often served to settle disputes concerning dominance over the Athenian *dēmos* (Brenne 2001; Forsdyke 2005). It has been suggested that the establishment of this procedure, which permitted the exile of a citizen who was potentially too politically powerful, allowed for the introduction the following year (487/486) of the selection by lot for archons (Chambers 1990: 241). Subsequently, Aristeides “the Just” was ostracized, followed

by Themistokles, who faced opposition by Kimon, and then Kimon himself. The exile of Kimon left the field open to those who sought to expand further the democratic process. In 443 or slightly later, Perikles managed to have exiled Thukydides, son of Melesias, who was one of his staunchest opponents. Recently, a new interpretation has been put forward regarding the institution of ostracism: rather than serving to settle disputes concerning political prominence over the *dēmos*, it constituted an instrument by which the citizen body could discipline elites by removing from power those who became too influential and who openly displayed their influence in their behavior (Mann 2007). Both of these interpretations are in fact perfectly compatible.

Around 416 BCE, the rivalry between Nikias and Alkibiades resulted in a new type of ostracism. According to the ancient sources, an agreement reached between the two men resulted in the exile of a third, Hyperbolos. The abuse of the institution of ostracism triggered the abandonment of this practice (Plut. *Nik.* 11). It is also possible that the abandonment of ostracism at this time was part of a longer process, as the practice had already fallen into disuse during the previous two decades. The events of 416 can be seen as an exception, a final misadventure which confirmed the outdated nature of the institution (Mann 2007: 239–243). The use of other, less risky, means of targeting influential citizens (*graphē paranomōn* and *eisangelia*, see below) further contributed to the abandonment of ostracism.

An ostracism was carried out in two phases. In a meeting of the sixth prytany, the assembly decided whether a vote to ostracize a citizen should be held. If a majority agreed, the people were gathered in the *agora* in order to vote upon who should be ostracized. A quorum of 6,000 voters had to be met. Each citizen inscribed the name of the individual he wished to be ostracized on a fragment of pottery, an *ostrakon*. The individual most cited was exiled from Attika for a period of ten years, though his property was not confiscated. At the end of this period he regained his status as an Athenian citizen.<sup>2</sup> Nevertheless, he could easily have lost his political influence during this time as his position would likely have been taken over by others during his exile. This procedure, otherwise known as *ostrakophoria*, left a great deal of material evidence. Almost 11,000 *ostraka* have been found in the *agora* and in excavations of the Kerameikos district (Lang 1990; Brenne 1994, 2001; Siewert 2002). Some of these appear to have been prepared in advance, while others seem to have been more spontaneously inscribed by ordinary citizens; these sometimes included insults and other political messages (Brenne 1994).

### *Other forms of political exile*

Diodorus attests the use of a form of ostracism called *petalismos* in Syracuse. This practice, established in 454/453 BCE, was based on the Athenian model. The procedure was the same as that established in Athens, except that citizens inscribed the name of the individual they wished to see exiled on an olive leaf rather than on an *ostrakon* and exile lasted for five years instead of ten. The practice was abandoned relatively quickly (Diod. 11.86.5–87.6). *Ostraka* of the same kind as those found at Athens were discovered in other parts of the Greek world, notably in Argos (fifth century BCE), Cyrene (late fifth century), the Chersonnese, in today's Crimea (fifth century) and Megara (fourth century). A practice similar to Athenian ostracism must have been carried out in other

*poleis*: a scholiast of Aristophanes' *Knights* notes its existence in Argos, Megara, and Miletos (Giugni 2004; Forsdyke 2005: 285–288).

Prominent citizens could also be exiled following a guilty verdict in the courts. The fines were often substantial and the majority of citizens would have been unable to pay them. Fines of 10,000 drachmae were not uncommon. A citizen who was unable to pay his fine lost his civic rights for as long as he was indebted to the *polis* and could also have his possessions confiscated. Exile was therefore the best solution; this is what Aischines chose in 330 after having lost his case against Demosthenes. Once we take into consideration all groups of citizens who were exiled following political disputes – especially during periods of *stasis* (Gehrke 1985: 208–236) – it becomes apparent that political exile was quite widespread in the ancient Greek world. The use of exile to halt conflict between influential citizens resulted in the emergence of prominent groups of exiles in different *poleis*.

## Balancing Decision-Making Bodies

### *The council, the assembly, and the courts*

In Greek democracies, the assembly was theoretically the sovereign body. However, there existed several safeguards against its authority. In Athens, as in many other *poleis*, one could not propose legislation directly before the assembly; the agenda for each meeting was prepared in advance by the council. All legislation was first presented before this body. If the council decided that it could endorse such decrees, it passed them on to the assembly in its name in a process known as a *probouleuma*. Otherwise, the council could simply add it to the agenda of the meeting (this was sometimes called an “open” *probouleuma*) (Rhodes 1972: 52–81; R&L 13). The agenda was posted prior to each meeting, as were the decrees which were to be submitted to a vote. This preliminary presentation was essential. Each citizen was supposed to be able to read the decrees which were to be voted on or which resulted from a previous vote, as well as to verify the records of accounts submitted by magistrates. This temporary display was made on whitened boards on which letters were painted (Wilhelm 1909: 240–242; Klaffenbach 1960). This method was used frequently to publish any information which needed to be made public, such as proposed bills and decrees, the financial records of magistrates,<sup>3</sup> or the lists of citizen-soldiers to be mobilized.

The people's court, whose members were selected by lot, also played a role in the balance of power. In Athens, this role increased throughout the fourth century (Hansen 1990) while that of the assembly was increasingly limited (Hansen 1987: 98–101). First, the courts could annul the decisions of the assembly. Any citizen who had proposed a decree could be accused by the courts of having put forward an illegal measure through the procedure of *graphē paranomōn*. If the accused lost his case, the decree was annulled. The jury subsequently voted on the punishment to be imposed on the citizen, which could be very harsh and could even result in the loss of his civic rights (Hansen 1974: 28–65; Hansen 1991: 205–212). This procedure resulted in many hearings, which were, in effect, political trials. Such trials were not unknown elsewhere in Greece, such as in Boiotia and Syracuse, but their exact procedure remains unclear.

Second, in the same period, the power to vote on existing laws in Athens was entrusted to another institutional body, that of the *nomothetai*. This body was composed of a group of 501 or more citizens selected by lot from a group of 6,000 Athenians, all of whom had taken the heliastic oath. The assembly thus lost its jurisdiction over such cases, even though it initiated the process of *nomothesia*. This procedure was similar to a trial in which an existing law was to be examined, the “accuser” being the citizen who proposed a new law (Hansen 1991: 167–169). *Nomothesia* occurred regularly in the fourth century. The *nomothetai* were often compared to a court, though they made decisions just as the assembly did and the institution can thus also be seen as a mouth-piece of the assembly (Piérart 2000b) or a form of hybrid body between the court and the assembly (Rhodes 2003b). This procedure also restricted the power of the assembly during regular meetings. Yet ultimately it did not limit the sovereignty of the *dēmos*. Rather, the *nomothetai* were perceived as another outlet of popular expression which ensured a more secure and unbiased legislative process (Bleicken 1994: 183–190).

Finally, the court had, together with the council, the significant privilege of judging cases of high treason, or *eisangelia*. This procedure was theoretically aimed at those who had acted against the interests of the Athenian democracy. It was actually used to attack men of political prominence, be they orators who had proposed certain decrees to the assembly, or magistrates. The punishment could be as severe as death. Two types of *eisangelia* existed. The first was the *eisangelia eis ton dēmon*, which, until 355 BCE, was put before the assembly. The denunciation had to be introduced during a principle assembly (*ekklēsia kyria*). If accepted, the council was asked to add the accusation to the agenda of the next assembly meeting. It could then be decided whether the case was to be transferred to the court or whether the assembly would adjudicate it themselves. After 355, judgment of such cases was reserved for the court (Hansen 1975; Hansen 1991: 213–215). Many politically prominent men were removed from power as a result of this form of *eisangelia*. In particular it served to condemn magistrates, especially *stratēgoi*, many of whom were sentenced to death (Hansen 1975: 58–65; Hansen 1991: 215–218; cf. Hamel 1998: 131 n.37). The second type was *eisangelia eis tēn boulēn* which was put before the council and was aimed solely at magistrates and public officials. The council first decided on the guilt of the offender and then on his punishment. If the punishment was more severe than a fine of 500 drachmae, the case was transferred to the people’s court (Hansen 1975; Hansen 1991: 221–222). The existing evidence is too slim to be able to argue that the assembly and the council of other *poleis* held similar powers (Fröhlich 2004: 312–314).

### *Rotating responsibilities within the council*

The council was a central institution in Greek government. As such care was taken to ensure that its power was closely supervised and its internal stability protected. In Classical Athens, a citizen could become a member of the council only twice in his lifetime and not in consecutive years. Citizens were selected by lot to serve as council members. A rotation system based on the prytanies ensured that the council was on duty at all times. In the fourth century, this system was made more complex. The duty of presiding over the meetings of the council and the assembly was no longer in the hands

of the *prytaneis* but was transferred to the *proedroi*, a separate group whose members were selected by lot at the beginning of each meeting (Rhodes 1972: 25–28).

Evidence from other *poleis* points to the existence of a rotational system within their councils, despite variation in the rules which regulated this arrangement (Hamon 2001; in Iasos, Gauthier 1992). In Rhodes, for example, the council operated on a half-yearly cycle (Grieb 2008: 291). In other *poleis*, a quarterly cycle was established. Rotation was based on a monthly cycle in *poleis* where the magistrates which presided over the council and the assembly were called *epimēntoi*, *prytaneis*, *prostatai*, and so forth (L. Robert 1966: 13–14; Hamon 2001: xix). All of these measures aimed to limit the power of council-members. Additionally, in both Athens and Delos, the council was required to undergo an examination of its accounts (in Athens, Aischin. 3.20; in Delos, Fröhlich 2004: 386).

### *Decision-making: the example of honorary decrees granting citizenship to benefactors*

The decision-making process, as has already been illustrated, was subject to the preliminary control of the council both in Athens and in a number of other *poleis*. This procedure can be discerned in decrees which use the formula “it was decided by the council and the people” (*edōxe tēi boulēi kai tōi dēmōi*). For certain important decisions, a more complex procedure was employed which increased control over the decision-making process and made the verdict more uncontested.

This procedure was employed by many *poleis* when voting to grant honors to foreigners and, in particular, to grant citizenship (Gauthier 1984: 95–96; in Athens, M.J. Osborne 1981–1983). It occurred in two parts. Once such a measure was proposed by the council, the assembly voted on the principle of granting honors to the specified recipient. If this vote was favorable, a definitive vote was scheduled for the next meeting; this ensured that the legal delays referred to in so many inscriptions were respected (Savalli-Lestrade 1981). Such delays allowed each citizen to reflect fully on a rare and important measure such as the bestowal of citizenship to a certain individual. In the following assembly meeting a vote by secret ballot was undertaken to ratify the decision. A certain quorum had to be met which symbolized the unanimity of the *polis* and was required for a number of important decisions (Gauthier 1984: 96–99; Gauthier 1990a). However, since this quorum had been established fairly early in the *polis'* history, at a time when the citizen body had been significantly smaller, it appears to have been easily achieved. In Magnesia on the Meander, for example, the quorum was set at 600 voters, while figures recorded in the conclusion of certain decrees indicate the participation in the vote of anywhere between 2,000 and more than 4,500 citizens (Gauthier 1990a: 90–91).

Athenians drove the notion of rigor in the decision-making process very far with the *dokimasia* of honors. This practice was established in Athens around 340 BCE and is well attested throughout the Hellenistic period. Following a favorable vote to bestow Athenian citizenship on a foreigner, a civic court conducted an examination of the honor to be granted. The court decided by vote whether the bestowal of citizenship was an appropriate reward for the deeds of the recipient. This practice must have been extended progressively to include all honors granted to foreigners, such as the right to possess

land and a house (*enktēsis*), which was normally reserved for citizens alone (Feyel 2009: 221–252). The examination of new citizens occurred occasionally in other *poleis*, such as Sparta, Dyme in Achaia, and throughout Thessaly, but it was never a regular practice. Rather it was undertaken only when an important group of citizens was introduced as a *polis* sought to restore a diminished citizen body (Feyel 2009: 352–363).

In a number of *poleis*, a secret ballot was similarly employed when voting to bestow honors on important benefactors, for instance in Kolophon at the end of the second century (L. Robert and J. Robert 1989). The procedure put in place in Athens during the Hellenistic period to bestow the “highest honors” (*mēgistai timai*) on a citizen who had served the *polis* throughout his lifetime was among the most rigorous. The bestowal of such honors was likely reformed around 330 BCE. They could be granted only to citizens aged 60 years and older. In addition, a period of delay was required before the assembly could vote on the measure. Finally, the court conducted an examination, or *dokimasia*, of the honor to be bestowed (Gauthier 1984: 90–91; Gauthier 1985: 77–128; Feyel 2009: 252–256).

## The Balance and Distribution of Magisterial Power

Executive power was no less controlled than legislative activity. Aside from the council, which played a certain role as a permanent institutional body, executive power belonged primarily to magistrates (*archai*). It was from this group of officials that the threat of a coup or of the overthrow of the democratic process principally stemmed. As a result magistrates were, in theory, subject to very strict regulations.

### *The distribution of tasks*

In the absence of an organized administrative framework, all collective tasks were allocated to a group of magistrates. In larger *poleis* like Athens, which had more than 700 magistracies (Hansen 1980; Hansen 1991: 239–240), such positions were highly specialized. Each magistracy was supposed to have one particular function: the *stratēgoi*, for instance commanded the army, the *agoranomoi* monitored the market, and so on. The duties of each magistracy were defined by law. Several examples of these laws have been uncovered, such as that from Beroia in Macedon, dating to the first third of the second century BCE, which regulated the functions of the gymnasiarch (Gauthier and Hatzopoulos 1993). The distribution of tasks between several different magistracies is very much consistent with the principle of the separation of powers.

This principle had its limits, however, as magistracies could not be multiplied indefinitely. Occasional duties, such as the engraving and posting of a decree, were assigned as temporary responsibilities, or commissions, to *epimeletai* (“those responsible for”). These commissions were nevertheless insufficient to cover the range of tasks which needed to be performed. In reality, many magistrates had several other responsibilities above and beyond their primary duties, including the Athenian *stratēgoi*. In smaller *poleis*, this “multifunctionality” was standard, and the limitations placed on the powers of magistrates were less severe (Fröhlich 2008).

Magistrates were nonetheless regarded as mere executive agents who above all else were required to uphold the law which regulated their responsibilities as well as other laws, like those which outlined the fines which they could impose (these were generally set below a fixed maximum). They had to act in all regards *kata ton nomon*, that is, in conformity with the law. Honorific decrees emphasized the fact that magistrates acted “on the orders of the council and the people,” which clearly illustrates their subordination to these two authorities.

### *Limitations of time*

The duration for which magistracies were held was strictly limited in order to prevent citizens from being able to arrogate political power. The majority of magistracies in all *poleis* lasted for only a year. In a large *polis* such as Athens, certain magistracies, especially financial ones, were assigned for a period of four years. This was the case for the treasurers of Athena and of other gods, as with the *ho epi tēi diokēsei* in the fourth century. However, this custom may have changed over time. The Athenian amphictyons from Delos, who served four-year terms throughout the fifth century, served on an annual basis in the fourth century (Chankowski 2008). In other *poleis*, the annual nature of magistracies appears to have been more strictly enforced, with the exception of the *agonothetai*, the magistrates responsible for games. Any magistrates in charge of games held every four years remained in office for the same amount of time.<sup>4</sup>

The non-consecutive nature of magistracies was another important safeguard put in place by the *polis*. It seems that the majority of magistracies could not be held twice in a row. In Athens, the only exceptions to this rule were the *stratēgoi* and certain financial magistrates. The evidence is too meager to form a picture of the situation in other *poleis*, but it seems likely that, at least in smaller *poleis*, this principle could not be strictly enforced.

One rule which seems to have been applied almost everywhere until the end of the Hellenistic period was that which strictly forbade a citizen from holding two magistracies at the same time. The increasing infringement of this rule at the end of the Hellenistic period may have been driven by the difficulties of the time, the increasingly prominent role of euergetism in the exercise of public office, or the weakening of the democratic model (Fröhlich 2002).

### *Collegiality and rotation in the course of a single year*

Limitations on personal power were enforced above all by the collegial nature of magistracies. Theoretically, all magistracies were collegial. There were a very limited number of exceptions to this principle: the eponymous magistrates, of which there was only one at a time (except for the eponymous *archōn* of Athens, who belonged to a college), and certain new magistracies which appeared in the Hellenistic period. The gymnasiarch or *paidonomos* were often alone in office, although a number of *poleis* could have had several gymnasiarchs (Schuler 2004).

The number of members in a college was often established according to the tribal subdivisions of the citizen body. In Classical Athens, the majority of magistracies were

organized into colleges of ten members,<sup>5</sup> although this arrangement was challenged in the fourth century with regard to the *stratēgoi* (Hansen 1991: 106). A similar representation of civic subdivisions seems to have been practiced in other *poleis* where colleges tended to contain as many members as the *polis* had tribes, or a multiple of this number. In Erythrai, for example, the number of magistrates in each college was always a multiple of three, corresponding to the three tribes of the *polis*; there were, for instance, nine *stratēgoi* who served four-month terms, that is a third of the year (Fröhlich 2004: 554; Schuler 2005: 394–396).

The practical functioning of this collegiality is not well understood. It may have involved mutual control. Also, in decision-making voting could be carried out by the whole college, as was the case for the *stratēgoi* (Fröhlich 2008). Conversely, the colleges were sometimes represented by a single member, illustrated by a formula like *hoi peri ton deina*, for example, “those that were with x” or “x and his colleagues” (Busolt 1920: 481–482). This representative was the president of the college. The exact duties of the presidents are unknown. There is nothing to indicate, however, that they possessed more power than the other members of the college. They might either have had a simply eponymous function, or were entrusted with the task of organizing the activities of the college. In certain *poleis*, the presidency was a rotating position, indicated by the title *epimēnios/-epimēnioi*, or “monthly.” The presidency could also be collective.

Certain colleges could also have incorporated some form of internal specialization. This was the case for the Athenian *stratēgoi* beginning in the second half of the fourth century (Fröhlich 2008), and the *stratēgoi* of Rhodes and other *poleis* in Asia Minor, such as Iasos, Miletos, and Stratonikeia in Karia, in the Hellenistic period (in Rhodes, Reger 1999: 80; Dmitriev 1999). Collegial solidarity is difficult to assess from a judicial standpoint. During the examination of accounts, each individual was judged separately while colleges were submitted to *paradosis* collectively (for Delos, Vial 1984: 180; and see also below).

In order to reduce the power of magistrates further, it was also possible to divide a college into smaller groups who would perform their duties by rotation, an arrangement which was modeled on the committees of the council and the assembly (Gauthier 1993: 222). If a college was not divided, it would be in charge for only part of the year. In Hellenistic Boiotia, treasurers were in office for only a third of the year (Roesch 1965: 210–201; 1982: 68–70; cf. Gauthier and Hatzopoulos 1993: 142), as were the *stratēgoi* in Erythrai in Ionia (Fröhlich 2004: 554), the *phrourarchoi* at Priene (*IPriene* 19). The *prostatai* and the *stratagoi* of Kos were in office for half a year (Sherwin-White 1978: 199–200, 205–206; Grieb 2008: 160–161, 163), as were the *stratagoi* of Argos (Kritzas 2006: 416) and the treasurers of Miletos at Didyma (Dmitriev 2005: 57).

## Control Procedures

### *Entering office: dokimasia*

This practice is best-documented in fourth-century Athens and is recorded exclusively in literary sources. Before entering office, all magistrates had to undergo an examination known as *dokimasia* which was required for council-members, archons, *stratēgoi*, and

many other magistrates. Even ambassadors, who were not magistrates, were obliged to submit to this procedure (Feyel 2009: 148–193). Each incoming magistrate was required to present himself before a portion of the people’s court and answer a number of questions. He had to prove his citizenship and sometimes his status as a landowner, as well as defend the morality of his past conduct. This was not a test of competency but rather provided proof that the magistrate was in fact a citizen, and an upstanding one at that. It was, above all, an examination of the magistrate’s morals. He could be accused during this procedure as if an actual trial was taking place. Such an accusation could prevent him from taking office, whether he was elected or chosen by lot, and result in his permanent exclusion from political life. This procedure was highly valued by Athenians, as it forcefully illustrated the control which the body of citizens exercised through the courts (Feyel 2009). Existing evidence is too sparse to establish whether a similar procedure was in place in other *poleis*, although its existence is attested in Rhodes (Feyel 2009: 363–370).

### *The rendering of accounts at the end of office*

By the Classical period, and perhaps even earlier, the majority of *poleis* required that each magistrate renders an account of his actions at the conclusion of his term of office. This institution is particularly well documented in the fourth century and the Hellenistic period (Fröhlich 2004). Political theorists – especially Aristotle – saw it as being as fundamental a practice in oligarchies as it was in democracies (Arist. *Pol.* 1308b31–34, 1298a3–7, 1317b25–28, 1322b7–12). This procedure was generally termed *euthynai* (in the plural): *tas euthynas didonai* was one of the expressions (with *logon* or *logous didonai*) which meant to render accounts (or submit a report). Upon leaving office, each magistrate was required to present the financial accounts of everything that he had administered to be examined by another college of magistrates.

The practice of *euthynai* in Athens is the best understood. The sources record that the procedure was employed from the fourth until (at least) the second century BCE. It could not be avoided, not even by the *stratēgoi* (Fröhlich 2000). Each magistrate had to present his report within a month of his leaving office before a board of ten *logistai*, officials specially appointed for this purpose. Assisted by ten *synegoroi*, the *logistai* delivered their verdict to the people’s court, who immediately voted on the guilt or innocence of the magistrate under examination. Punishment was fixed by law. This part of the examination was concerned only with finances. Following the examination of accounts, a magistrate’s other actions could be targeted by legal proceedings. Each citizen could bring a suit to this effect before the college of *euthynoi* within a period of 30 days following the examination of accounts ([Arist.] *Ath. Pol.* 54.2, 48.4–5; cf. Rhodes 1981). Some, if not all, of the Athenian demes were assigned *euthynoi* or other magistrates to oversee such examinations (Whitehead 1986: 116–119; Fröhlich 2004: 346–355).

The procedure of rendering accounts is attested too in many other *poleis* of the Greek world, dating generally to the Hellenistic period. The rules governing this practice in other *poleis* were very similar to those in effect at Athens, with certain local variations. An examination of accounts was obligatory for all magistrates leaving office and was conducted within a month of such time. It was administered by a separate body of

magistrates who assumed various titles: *logistai* in Delos, Eretria, and Rhodes, *euthynoi* at Teos, Miletos, and Magnesia on the Meander, *exetastai* in Beroia, Demetrias, Samos, and Kyme, *apologoi* at Thasos, *katoptai* in Boiotia, *titai* at Gortyn, and so on (Fröhlich 2004: part two). In less democratic *poleis*, such as Korkyra, the council might play a central role in this process (Fröhlich 2004: 426–429). At Beroia, accounts were posted publicly and all citizens could participate in the procedure (Gauthier and Hatzopoulos 1993: B, ll. 88–93). As in Athens, legal proceedings could be initiated following the examination of accounts but the period of delay was two years instead of one month (Gauthier and Hatzopoulos 1993: B, ll. 107–109). A similar process was established in two Thessalian *poleis* (Fröhlich 2004: 432–435). It is possible that this double procedure employed in Athens and Beroia was simplified in other *poleis*. In Teos, for example, accusations against magistrates could be brought forward during the rendering of accounts (*Syll.*<sup>3</sup>: 578 and Fröhlich 2004: 267–268). This procedure was thus not only a mechanism of supervision aimed at preventing embezzlement, but also provided an occasion to initiate legal proceedings against magistrates following their period of service. If the magistrates who conducted these examinations were selected by lot from among the citizen body, as they were at Athens and perhaps elsewhere (the evidence is insufficient to draw any firm conclusions), then all public officials of the *polis* would have been supervised by ordinary citizens.

## Paradosis

Magistrates who managed funds and custodians of sanctuaries – who were responsible for safeguarding certain objects – were required to hand over the treasury and these objects to their successors. This was not simply a routine operation but rather an official ceremony. The departing college of magistrates formally transferred the treasury to those entering office. Inventory was taken of the objects to be transferred by both the exiting and entering magistrates, often in the presence of a third party. In the fifth and fourth centuries, for example, the Athenian council supervised the *paradosis* between the colleges of treasurers of Athena, who most notably had the responsibility of safeguarding the treasures of the Parthenon, as well as those of the “other gods” ([Arist.] *Ath. Pol.* 49.1; cf. Rhodes 1972: 91). In independent Delos, the *hieropoioi* who guarded the treasures of the sanctuary of Apollo and managed its funds were also required to participate in a long formal *paradosis* before the Delian council (Vial 1984: 105–106). At the end of this process, the accounts (which mention the *paradosis*) and inventories were recorded, attesting in durable and permanent form to the meticulous nature of this procedure (Guarducci 1969; Knoepfler 1988; Prêtre 2002). This practice occurred in many other *poleis*, both in the Classical and Hellenistic periods. It was often required of priests and colleges of magistrates whose duty was to guard the possessions of a sanctuary, such as the *hieropoioi* and certain *agonothetai* in Boiotia (Fröhlich 2011), the *neakoros* in Lebena in Crete (Sokolowski 1969: n.144), and the Milesian treasurers at Didyma (Günther 1988). In Miletos, the practice was also applied to those responsible for the public treasury (*Syll.*<sup>3</sup>: 577, ll. 12–18). The highest magistrates of the *polis* were also required to perform this transfer of responsibility. The *stratēgoi*

of Iasos, for example, formally transmitted the city keys to their successors (*Iiasos* 4; Ma 1999: #26B, ll. 6–14), others the seals, and so on (Fröhlich 2011). It seems that those who did not undertake this obligation could be punished, though there is no explicit reference to this in our sources apart from rare exceptions in Miletos, Lebena, and Beroia – the last of which concerns the office of gymnasiarach (Gauthier and Hatzopoulos 1993: B, ll. 93–97).

### *Financial supervision and the rendering of accounts during office*

The supervision of magistrates occurred throughout the year, a fact which has been largely unrecognized. Magistrates in many *poleis* were required to present their accounts for examination several times during their term of office. This practice is well attested to in Athens, where a commission of *logistai* drawn from the council examined the accounts of magistrates in each prytany, that is, ten times per year ([Arist.] *Ath. Pol.* 48.3). In Beroia, this scrutiny occurred three times per year (Gauthier and Hatzopoulos 1993: B, ll. 91–93). In other *poleis*, such as Teos and Delos, it followed a monthly schedule (Vial 1984: 102; Fröhlich 2004: 264–276).

It is better known, and hardly surprising, that all important transfers of funds occurred in public under the surveillance of a body of magistrates. This transfer could also be supervised by the assembly and especially the council (Fröhlich 2004: 306–311). Similarly, the committees elected to make decisions involving public funds, like those concerning the purchase of grain or the construction of a sanctuary, were occasionally required to deliberate in the presence of other magistrates (in Boiotia, Fröhlich 2004: 276–278). These practices resulted, at least in theory, in the permanent supervision of magistrates.

## Legal Proceedings and Sanctions

### *Removal from office*

The removal of a magistrate from office must have been possible in many *poleis*, but only one example of such a procedure is recorded in the extant sources: the *apocheirotonia* in Athens. During each prytany, the assembly was asked whether an *epicheirotonia* should be conducted. If the response was favorable, the assembly proceeded to vote on which magistrates were to be removed from office. If a majority voted for the deposition of a magistrate, his suspension from office (*apocheirotonia*) was immediate ([Arist.] *Ath. Pol.* 43.4; 61.2.; cf. Rhodes 1981; Hansen 1991: 220–221; Hamel 1998: 122–126). The evidence is too slim to be able to assess the frequency with which this procedure was employed in Athens or elsewhere. It is likely though that in many other *poleis* of the Greek world magistrates, or at least military magistrates, could be removed from office, judging by the dismissal of the boiotarch Epameinondas in 369/368 BCE (Diod. 15.72.2).

## *Legal proceedings*

While we have no direct evidence for the practice of *apocheirotonia* outside of Athens, the removal of a magistrate from office could be carried out by other means. Even in Athens, the process of *eisangelia* offered another means by which a magistrate could be dismissed from office (see above). The process of *graphē dōron* or *apographē* could be employed if an accusation of corruption was brought forward (Harrison 1971: 211–217; Hansen 1991: 193–194). In other *poleis*, there were laws that targeted officials who did not fulfill their duties, including the magistrates who oversaw the examinations mentioned above. Magistrates could be forced to pay large fines or could be called into court – in the latter case, the amount of the fine was decided following their conviction. This implies that a magistrate could be brought to court while still in office. It must be emphasized that all such laws stressed the involvement of ordinary citizens; it was always made clear that such proceedings were initiated by *ho boulomenos* – “anyone who wishes,” that is, “anyone at all.” In most cases, the citizen who participated was himself interested in the outcome of the proceedings, as he was promised a portion of the fine imposed should the magistrate be condemned. This was often a third, but could be up to half, of the total amount. That being said, in Athens at least, if the magistrate was judged innocent, the plaintiff himself could be fined if less than a fifth of the jury voted in favor of his motion.

## *Deterrent penalties*

Either during a magistrate’s term of office or after, a separate body of magistrates was often given the duty of collecting complaints and assessing their admissibility. Their criteria for such decisions remain unclear. They were most likely required to verify that a complaint was admissible from a legal perspective and that it was founded on an actual offence. In certain cases, if prescribed by law, these magistrates could impose a fine immediately. Most of the time, however, they simply had to introduce the case to the court (Fröhlich 2004: 287–302, 419–424).

The fines imposed for such offences were often very high; fines of up to 1,000 or even 10,000 drachmae were quite common. Many citizens could not afford to pay such amounts. As has already been noted, an inability to pay these fines often led to the loss of civic rights. These fines were therefore seen as a significant deterrent to improper conduct on the part of magistrates.

## Conclusion

A remarkable range of procedures was established by Greek *poleis* – or at least democratic *poleis* – to monitor and punish magistrates. These resulted from the distrust which was borne towards any person to whom political power was entrusted. Ancient democratic societies were, from this point of view, distrustful societies. Every citizen was encouraged to denounce magistrates in the defence of democracy, since in general there was no

authority charged with initiating legal proceedings in the name of the state as in many modern judicial systems. It is for this reason that the role of the ordinary citizen was so central to the various practices which were aimed at the permanent supervision of magistrates, including the sanctions and legal proceedings by which they could be punished.

Another important consequence of this distrust was the profoundly multipolar character of the institutions of direct democracies in Greece. While the people were sovereign in democratic *poleis*, their power was exercised through a multitude of institutions: the assembly, council, magistracies, and courts. The court played an essential role in maintaining the equilibrium between these institutions by counterbalancing the power of the assembly and imposing sanctions on magistrates. But this practice might have had several purposes. In Athens, the vast number of magistrates was appointed by lot, and thus some of this control, especially the *dokimasia*, might have been designed to correct the negative effects of the lottery system (see chapter 16 in this volume). It might also have discouraged some citizens to run for those offices that were filled in an open competition.

The institutional framework described here highlights the regulations which were in effect in many Greek *poleis* and provides on the whole a paradigmatic model. The practical efficacy of such regulations, however, often remains obscure. While many Athenian magistrates, and especially *stratēgoi*, of the Classical period seem to have been the target of legal proceedings, literary sources of the same era overflow with accusations of corruption and personal enrichment. Later sources such as Polybius and Cicero present a very negative picture of the venality of magistrates in various *poleis* (Fröhlich 2004: 534). Such accusations are naturally unverifiable. Some of these accounts have been thought to be credible and it has sometimes been suggested that, in Athens at least, personal enrichment was accepted so long as the citizen appeared outwardly to serve the Athenian people (Brun 2000: 159–170). It is conceivable, however, that an outwardly repressive system could coexist with magisterial venality or smaller compromises made in opposition to the law and public morality. This duality can be observed in many countries today; however it is far more difficult for the historian of ancient Greece to measure.

This system is characteristic of the Classical and Hellenistic periods; it is even better documented in the latter era. It appears to be directly linked to democratic government. The ancient sources suggest, reliably or not, that the severity of magisterial supervision was slightly diminished towards the end of the Hellenistic period (starting in the late second century BCE). There is some indication that in Athens, Boiotia, and several other *poleis*, the potential for citizen participation disappeared (Fröhlich 2002; Fröhlich 2004: part 4). Nevertheless not all forms of supervision were dissolved. Moreover, they continued to exist in many oligarchic *poleis*, such as Sparta and Kyrene, and there are indications that they were maintained in several others during the Imperial period. The fight against corruption was therefore not unique to democracies; such measures were, however, more systematically instituted by democratic governments and were inspired by a profound distrust of any citizen wielding political power. Their disappearance, or weakening, indicated a change if not in regime, at least in political culture.

## ACKNOWLEDGMENTS

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## NOTES

- 1 Von Fritz (1954) is still useful on this subject.
- 2 The procedure is described in Plut. *Arist.* 7.5–6; cf. Gauthier (1990a: 77).
- 3 On the gymnasiarach of Beroia, see Gauthier and Hatzopoulos (1993: 124).
- 4 In Boiotia, Roesch (1965: 226–227); other examples in Wörrle (1988: 186).
- 5 For example, there were ten *stratēgoi*, ten *agoranomoi*, nine archons and one secretary, and so on (Hansen 1991: 238). This number increased to 12 in the Hellenistic period.

## CHAPTER 18

# Forms and Forums of Public Speech

*Loren J. Samons II*

*Never now would he go to assemblies, where men win glory, never more into battle . . .*

Hom. *Il.* 1.490–491 (trans. Lattimore)

Homeric poetry suggests that Greek culture, from its appearance above the historical horizon, valued excellence in speech and counsel above every other quality save *aristea* on the field of battle.<sup>1</sup> The ancient Hellenes devoted considerable public time and space to listening to the words of their fellow-citizens and others, arguably more than any other culture before (or even after) the advent of mass media. Today we live in an environment saturated with words, yet the impact and value of contemporary “public speech” *per se*, when it actually occurs, appears slight. Since the contemporary form of democracy is representative and theoretically constitutional – while ancient Greek *poleis*, whether democratic or not, were usually governed ultimately by a sovereign body of the citizens – modern public speech cannot produce immediate policy decisions as it did for the ancient Hellenes.

The Greeks also demonstrated an acute interest in the study of rhetoric as a science and an art, with both Plato and Aristotle (and many others: see Plat. *Phaidr.* 266b–267) devoting considerable time to the study of public speaking and its potential effects on the audience. The sophists, however we define the term, concerned themselves to a significant degree with teaching Hellenes how to make their way in a “political” world (that is, the world of the *polis*) through speech. Beyond birth (and its near relation, wealth) and military success, the ability to speak surely provided the most important support for the would-be statesman in ancient Hellas.

Despite the central role played by speech in Greek society and government (a term that remains problematic for a world in which a segment of the society itself – the citizen body or a portion of that body – ruled), the evidence for public speech outside the relatively well-documented situation in Athens proves thin. Aristotle’s *Politics*, for

example, devotes surprisingly little space to considerations of the subject and even his *Rhetoric* contains less practical advice for the speaker in the assembly or law court than one might expect.<sup>2</sup> The paucity of non-Athenian evidence has encouraged the view of Classical Athens as a kind of outlier, a radicalized democracy where public speech and free-speaking (*parrhēsia*) played a more significant part of political life than they did elsewhere.

It is undoubtedly true that after the mid-fifth century and the development of both democracy and an imperial bureaucracy the Athenians carried out more kinds of public actions as the result of citizen speech and decrees of the people than did the citizens of other contemporary *poleis*. The Athenians' penchant for inscribing certain types of decrees and other documents on stone has added to the impression that Athens enjoyed a particularly speech-based form of government. The very decrees proclaim (in the typical formula): "The following seemed good to the council and the people: So-and-so (a named citizen) spoke (i.e., made the motion)." Yet the prominent role of public speaking in the pre- or early *polis* worlds reflected in Homer's poetry and the little we know about government in Sparta, Thebes, Syracuse, and elsewhere suggest that we can easily overestimate the differences between Athens and her fellow *poleis*. Greek city-states (when not ruled by tyrants and at times even when they were) practiced a form of government that demanded public speaking and votes by the citizens in various bodies: assemblies, councils, and often courts. The study and practice of rhetoric apparently arose not in democratic Athens, but rather in the island of Sicily, the cities of which presented an often fluid environment of tyrannic, oligarchic, and democratic regimes.<sup>3</sup> Even limitations on the types of citizens (or non-citizens) who could speak or the types who could respond via vote should not overshadow the highly deliberative nature of most Classical Greek decision-making. The Spartan ephor Sthenalaidas' highly stylized, "laconic" speech in Thucydides follows the extremely "Attic" address by the king, Archidamos (Thuc. 1.80–86). Whatever Thucydides' involvement in the composition of the addresses, they both surely show that the art of rhetoric played an important role before Spartan as well as Athenian assemblies and councils.

The primary differences between *poleis* consisted in the composition of the audience (or deliberative body) and rhetorical tastes, not in the high value placed on speech itself.<sup>4</sup> In Athens such bodies tended to be very large, inclusive (by ancient Greek standards), and often seem to have appreciated highly polished addresses. City-states like Sparta with less democratic (but still popular) forms of government probably provided fewer opportunities for common citizens to hear speech designed to influence policy or jurors, but public speech remained vital to the regime. Indeed, what may be the earliest Greek "constitution" – Sparta's "Great Rhetra" – emphasizes the role of speech in state councils (Diod. 7.12.6/Tyrtaios 4W). Spartan assemblies made decisions about war, peace, and alliances based on the speeches of their own citizens and foreign embassies (e.g., Xen. *Hell.* 5.2.33–34; 6.1.2–17), while Spartan ambassadors addressed the assembled citizens of other states (e.g., Xen. *Hell.* 4.8.3–5; 6.5.33–40). When certain Samian ambassadors failed to win support in Sparta due to their elaborate, Ionic style of presentation, they returned the next day with a speech more appropriate for their audience of Lakedaimonian magistrates – "Sack wants corn" – rather than resorting to some other form of appeal (Hdt. 3.46).

Forms of public speaking in the ancient Greek *polis* appear (roughly speaking) in three categories: formal public speech (including things like addresses to the assembly or council and speeches made before courts of law); informal public speech (such as battlefield addresses or “lectures” by sophists and others); and what one might call “literary” public speech, at times with particularly sacral or ritual associations (epideictic oratory including funeral orations, victory odes, and the like; drama – especially comedic *parabaseis* – and literary speeches that were published but never in fact delivered).<sup>5</sup> The last category includes artful creations aimed at political action or public opinion, and thus at least portions of the literary category appear relevant to the subject of Greek government. Even a victory ode could play an important “political” role in the often unstable world of a tyrant’s regime; thus we will expand our inquiry into those forms of speech that played any part in the political life of the citizen-governed *polis* of the historical era. Forms of public speech continued under Hellenistic monarchs and in *poleis* dominated by such rulers, but as these speeches’ effects on the governing process depended ultimately on restrictions placed on the *polis* or its citizens from above and (usually) outside, as it were, they will remain outside the scope of this chapter.

## Formal Public Speech

### *The assembly*

Addresses before an assembly of citizens constitute by far the best known and most important form of public speech in the ancient Greek *polis*. Such speeches appear at the beginning of our earliest piece of Greek literature, in which Homer’s Agamemnon, Achilles, and Nestor conduct a war of words before the assembled Greek warriors (*Illiad* 1). There can be little doubt that such disputes, undoubtedly often held before the soldiery or its commanders (Henderson 1998: 256), predated the historical period and the development of the democratic (or oligarchic) *polis*. Contemporary classical historians such as Thucydides and Xenophon have provided us with examples (highly colored, rewritten, or even invented as some of them may be) of the types of addresses that might be heard in their day before a Greek *polis*’ assembly. The surviving political (and forensic) speeches of fourth-century orators such as Demosthenes, works which also may have been edited significantly from their delivered forms, provide us with another excellent source of information about such addresses, and Aristophanes’ comic portrayals of assemblies provide additional perspective (*Acharnians* 45ff.; *Ecclesiazusae* 395ff.).<sup>6</sup>

Emphasis on the question of who possessed the privilege of speaking before the assembly in various *poleis* probably reflects our own concern with a theoretical “equality of opportunity” rather than a very significant difference from the ancient Greeks’ standpoint. In Athens, where assemblies began with the question, “Who desires to speak?” it seems virtually anyone possessed the formal right to address his fellow-citizens (Aristoph. *Acharnians* 45; *Thesmophoriazusae* 379; *Ecclesiazusae* 130; cf. Dem. 18.170; Alkidamas *De Soph.* 11, without reference to Athens). In other *poleis* perhaps only government officials or those over a certain age exercised such privileges. Yet even in Athens little evidence suggests that the “average Joe” rose to address his fellow-citizens with any frequency, and formal

precedence for age in Athenian assemblies may have lasted into the fourth century.<sup>7</sup> Thus all over ancient Hellas such speaking remained in most cases the province of office-holders, civic leaders, and known statesmen, the very name for whom (*rhētōres*) reflected that fact that they acted as “speakers,” while others obviously did not. Non-citizens of some types (ambassadors, for example) could address an assembly of citizens if permitted to do so by the authorities responsible for the assembly’s agenda (the Council of Five Hundred in Athens, and apparently the ephors and perhaps the gerousia in Sparta).

Clearly a speech given before the assembled citizenry constituted a major event in a *rhētor*’s public life. Extant speeches (like those of Demosthenes) and the historians’ accounts suggest that such addresses were often highly stylized and (perhaps usually) prepared before the event (Hansen 1991: 142–143). Surely some citizens spoke extemporaneously, but it would seem that such fully improvised speeches before a governing council – then as now – constituted the minority of the addresses (cf. Ar. *Knights* 625 ff., before the council). Nevertheless, speakers before the assembly apparently wished to give the impression of speaking *extempore* rather than working from a prepared speech, and our ancient sources distinguish clearly between the types of calculated addresses prepared for the law courts and those meant (at least to seem) to be the work of the moment.<sup>8</sup> Perhaps some citizens also rose merely to express their affirmation or rejection of a proposal, perhaps with few or no words beyond this, and discussion of some type was possible in Athens’ assemblies. However, such brief “speeches” have made little impression on our sources. We should also note that Athenian audiences (in assemblies, our courtrooms) could be boisterous, interrupting or distracting speakers (e.g., Xen. *Hell.* 1.7.12) despite the guards (Skythian archers) posted to maintain order. Overall, it would seem that the audience of a Greek assembly expected speakers to have something to say.

In assembly the public speech of the Greek statesman had its most immediate and powerful effects. Decisions concerning war and peace, military strategy (and even tactics), alliances and treaties, qualifications for citizenship, taxes and public finance, management of foreign or imperial territories, the dispatch of colonists or kleruchs, social policy (laws concerning marriage, adultery, slavery, etc.), and religious ceremony, ritual, or policy came before the assembly of citizens and thus attracted the attention of the *rhētor*.<sup>9</sup> Immediately prior decisions of great moment could be overturned if the speaker or speakers managed to turn public opinion his or their way. On one day Kleon convinced the Athenians to execute all the men of Mytilene (and not just those most responsible for the Mytilenians’ revolt from Athens), but on the next Diodotos successfully argued for a more moderate reprisal, resulting in the execution of a mere thousand (Thuc. 3.36–49). In one assembly the Athenians voted to reject the alliance with Korkyra that helped spark the Peloponnesian War, but in the next they reversed themselves and made a defensive treaty (Thuc. 1.44.1). In the latter case we do not know the names of the speakers advocating for either policy, but such events testify nonetheless to the immense power and influence of a public speaker before a Greek citizen assembly.

A relatively large collection of inscriptions from Athens testifies directly to the role of the *rhētor* in shaping public policy. Inscriptions from the period of Athens’ democratic government (and even from the brief periods of oligarchy) show that motions in the assembly or council were usually made by individual speakers or proposers (who made a motion in the council that was then put before the assembly), whose names became a

formal part of the record. Indeed, later speakers or even later decrees or laws could refer back to an earlier action as “the decree of Miltiades” (for example), thereby identifying the public action directly with the man who had made the motion in assembly (Arist. *Rhet.* 1411a5–8; Plat. *Phaidr.* 258a–b; cf. M&L 45 §12). Such direct responsibility for legislation offered glory but also carried significant risk. The proponents of decrees passed by majority vote could nonetheless be prosecuted for having made an illegal motion, and if convicted the *dēmos* could impose a heavy fine (Hansen 1991: 145–146). The political (as well as legal) costs of having made an eventually unpopular proposal could be much higher. When the Athenian peace treaty of 347/346 BCE with Philip of Macedon proved to be a disaster, the proponent Philokrates had to flee Athens to avoid the fate of the stone bearing his decree, which the Athenians smashed to pieces.<sup>10</sup>

Even if one’s name was not attached to a particular motion (and thus decree or law), a *rhetor*’s address to the assembly could become a political liability or tool employed by political enemies. At Thebes, the orator Menekleidas used speeches in the assembly (or councils?) and courts to weaken the position of his political enemies Epameinondas and Pelopidas (Plut. *Pel.* 25.3–7). The use of such speeches for political maneuvering perhaps emerges most clearly in the charges and counter-charges leveled by Demosthenes and Aischines in the course of the recriminations following Athens’ treaty with Philip (the Peace of Philokrates). What either orator actually said in the assembly meetings (or on the related embassies) at issue remains in dispute, because public transcripts of such speeches were not kept and thus we, like the Athenians of the fourth century, must rely on the reports of clearly self-interested others (unless, in the Athenians’ case, a citizen had been present at the event himself). Even so, citizens who heard such debates would have different memories of the speeches and their effects, memories that depended as much on their own political persuasions as on their powers of recall. Perikles’ final speech in Thucydides (Thuc. 2.60–64) certainly suggests that he expected his audience to remember his general policy advocating war with Sparta if not every detail of his strategy. In any case, it seems clear that Greek citizens held their public speakers responsible for the things they said or were believed to have said in state assemblies.

### *The council or other bodies*

We know relatively little about public speeches delivered before smaller governing bodies such as the Athenian *boulē* (Council of Five Hundred) or Areiopagos council, the Boiotian councils (*boulai*), or the Spartan gerousia and “little assembly” (Xen. *Hell.* 3.3.8). In the case of Athens, a few decrees “of the *boulē*” (without the *dēmos*, or people in assembly) and the many decrees proposed by individuals otherwise unknown to us show that citizen proposals formed an important part of the council’s business. In Athens, the motion’s proposer in the council chamber (at least usually) became the formal proponent in the assembly, with his name appearing on the resulting decree. Well-known statesmen therefore must have often needed (or preferred) the help (and protection) of a surrogate proponent serving in the current council.

As councils seem typically to have had at least some responsibility for setting the agenda of a *polis*’ assembly meetings (Arist. *Pol.* 1299b31–36), citizens – either members of the body or others – presumably made speeches in support of (or in opposition to) items

on the agenda, while the council's direct administrative and at times judicial authority surely also produced formal and informal addresses. We also know that military officials or embassies from foreign states sometimes addressed the council, which (or a portion of which) could act as a kind of standing committee in place of the citizen assembly, providing (at least in some *poleis*) access both day and night to those having business with the city. In Athens citizens not on the council could listen to the proceedings and by the late fifth century at least, the Athenian council chamber had a raised platform for speakers. In short, the council(s) of a Greek *polis* apparently functioned as a kind of assembly in microcosm, where issues to be brought before the larger body received similar consideration and thus generated considerable public speech.<sup>11</sup>

### *Law courts*

About speeches in Greek (or, rather, Athenian) law courts we enjoy a great deal of information, deriving from published speeches made by Athenians like Andokides and Demosthenes, speeches written by “professionals” (like Lysias) for presentation by others, and from accounts of legal actions (such as Plato’s and Xenophon’s accounts of Sokrates’ defense speech in 399 BCE). Although it remains somewhat unclear how unusual Athens’ procedures were compared to those of other *poleis*, it is clear that Greek citizens of other city-states also gave speeches before at least some courts (see, e.g., Arist. *Rhet.* 1354a4–5; Plut. *Pel.* 25.2–7), even if such speeches were sometimes given before smaller boards of magistrates or judges rather than before a large group chosen from the citizen body at large. Restrictions could be placed on speakers, preventing them from introducing extraneous material to their speeches (Arist. *Rhet.* 1354a4–5, 1355a10). When the Spartans “tried” the Plataians after the capture of their city in 428/427 BCE (Thuc. 3.52–68), the Plataians were permitted to appoint representatives to make their case in a speech before a group of Spartiates whom Thucydides simply calls “judges” (*dikastai*: 3.68.1; cf. Xen. *Hell.* 5.2.35), demonstrating that even the Spartans did not always turn over legal matters to magistrates. Indeed, judges and boards of judges drawn from beyond the ranks of magistrates predate democracy and the creation of the large panels of jurors (*dikastai*) so well known to us from Athenian history.<sup>12</sup>

Sometime in the mid-fifth century the Athenians had created a set of very large courts (*dikasteria*), with hundreds or at times more than a thousand jurors listening to defense and prosecution speeches and passing judgment and sentence on the accused. The courts seem to have been “popular” in every sense of the word: since the Athenians used public moneys to pay individuals to serve on them (on the motion of Perikles, perhaps in the late 450s), shortages of jurors appear to have been rare: indeed, Aristophanes’ *Wasps* lampoons the enthusiasm with which many jurors attended court and the Athenians came to see themselves as particularly litigious in this period (see also *Clouds*: 206–208; *Birds*: 40–41, 109; and cf. the creation of the court of the Areiopagos in Aischylos’ *Eumenides*). In addition, it would seem that significant numbers of non-participants could view the trials. The litigants’ speeches that sometimes appeared in published form after the trial added to the spectacular quality of such proceedings, and one must conclude ultimately that the Athenians (at least) if not other Greeks looked upon their legal system and the speeches it generated as both practical and diverting. Whether the

popular entertainment aspect of the courts augmented the justice they dispensed may certainly be doubted, if we may gauge anything from analogous “popular” trials in the modern era.

In a society where the roles of the professional advocate or public prosecutor did not exist, the ability to defend oneself or make formal accusations in speech before a jury took on an importance it is perhaps difficult for citizens of modern Western democracies to comprehend. Where today steps to minimize the disadvantages faced by those of slight means result in public defenders – professional speakers hired by the state to represent the poor – in Classical Athens the best one could do was to hire a better writer to compose one’s defense speech. If funds to underwrite such a purchase did not exist, the defendant or citizen prosecutor was left to his own devices. Stories, therefore, of Athenian defendants producing their wives or children before the court in an attempt to elicit sympathy or referencing their contributions to the public weal (through the payments of taxes or performance of liturgies) should therefore not surprise us. Such means of appeal to the jury undoubtedly formed one of the more effective forms of persuasion for litigants who lacked the oratorical skills to win over their audience via *logos* alone. Indeed, modern experience of the power of *pathos* in public venues (whether electoral politics or advertising) suggests that such demonstrations may have had a greater impact on the audience than a beautifully composed oration. Antiphon, if we are to believe Thucydides (8.68.2), gave the greatest defense speech of its time (and we must recall that Thucydides can only have read this speech, as he was not in Athens for its delivery), yet the *apologia* did not save him from the *dēmos*’ wrath. Aristophanes portrayed the Athenian jurors as “wasps” because like other litigants he risked their sting (schol. Aristoph. *Ach.* 378), and he knew that others (and especially the rich) had either felt or feared the same pain.

Forensic speeches clearly offered opportunities for economic and political gain. In the absence of public prosecutors and despite laws that attempted to punish frivolous lawsuits, monetary rewards offered for successful legal attacks in Athens spawned the notorious class of “sycophants,” who could receive a portion of a convicted defendant’s property. Meanwhile, politicians (such as Aischines and Demosthenes) also used attacks on their enemies in the courts as a way to advance their careers, and the speeches preserved from such lawsuits constitute superb (if problematic) sources for the history of fourth-century Greece.

While the role of public speech in the Athenian courts – and, we may presume, other *poleis*’ law courts under popular control – strikes the modern student as unusually great, the highly personal (as opposed to public) nature of prosecution and defense may lead us to overestimate speech’s value when compared with things like the litigant’s reputation, wealth, and ability to employ *pathos*. In a small society like the Greek *polis* (even a large *polis* like Athens), a jury that does not have preconceptions about the litigant cannot be impaneled, nor did the Greeks apparently make any attempt at finding jurors who knew nothing about the case or parties involved. Decisions in the courtroom, therefore, like those in the assembly or council, likely rested as much on the supposed biography and character of the person speaking as on what was spoken.

Closely related to speech in the law courts, in many Greek city-states officials faced examination (*euthynai*) upon leaving office that could require speeches in defense and in accusation. Of course, such a procedure could occur behind closed doors, although

Athenian practice (where the cases went before *dikastēria*) and evidence from elsewhere suggests that such was not always the case. Aristotle (*Rhet.* 1419a6) describes a Spartan official undergoing such an examination after his term as ephor and testifying in his own defense. (The relatively “public” nature of the event is suggested by the fact that he uttered words that became proverbial, leading to Aristotle’s quotation.) Similar occasions on which magistrates confronted the need to justify or garner support for their actions before the public probably occurred with some frequency throughout the Greek world.

### *Embassies and league councils/assemblies*

We have already seen that the assemblies of Greek city-states often heard speeches made by foreign ambassadors. However it may be well to emphasize the role of “international” public speech in Hellenic government. Beyond sending formal embassies to their fellow *poleis*, Greek city-states dispatched ambassadors or representatives to non-Greek foreign powers (such as Persian Great Kings or satraps) and to meetings of multi-*polis* associations like the Amphictyonic Council (of cities sworn to protect sacred sites in central Greece: see, e.g., Aischin. 3.115–124; Plut. *Sol.* 11), the second Athenian league (Diod. 15.28.3–4), and the Peloponnesian league headed by Sparta. In such situations the representatives of Greek *poleis* would often be expected or called upon to offer their message or opinions (or, rather, those of their homeland), and our sources offer numerous examples of such addresses (e.g., Thuc. 1.119–125; Xen. *Hell.* 2.2.19, 5.2.11–123, 6.3.3–18; Diod. 13.52.2–8; 15.38.3; 16.32.2–3).

As with the accounts of battlefield addresses, we may doubt whether some of the speeches actually delivered in such circumstances were as long and polished as those sometimes provided by our historians. However, the central role of speech-making in very early Greek society suggests that, even if much diplomatic wrangling took place in a more conversational style, Greek ambassadors frequently did make elaborate formal speeches as part of their official mission. To the extent that such speech occurred before the representatives (or councils or assemblies) of other states, they constitute “public” speech, and ambassadors could and were held responsible at home for their statements and actions on behalf of the *polis* (e.g., Xen. *Hell.* 7.1.38).<sup>13</sup>

## Informal Public Speech

### *Battlefield addresses*

If we take the accounts of our ancient historians seriously, speeches by commanding generals often preceded military action in the Greek world. Scholars have doubted the effectiveness, length, audibility, or even existence of these speeches, but the idea that such speeches reflect sheer literary convention (rather than something that actually occurred on the battlefield) strains credulity.<sup>14</sup> Since the readers of Herodotus, Thucydides, or Xenophon would almost universally have fought in the types of battles the historians describe, how could they have taken those sources seriously if they knew that speeches did not regularly occur before an engagement? Practically speaking, hoplite battle requires

an emphasis on formation, location, and discipline rather than on maneuvers performed once the battle has been joined. Greek generals fought in the front lines with their soldiers, and even Alexander had little opportunity to make changes in the order of battle or specific tactics once an engagement had begun. It was therefore necessary for any Greek commander or commanders to explain the plan of battle to his or their men, and since such an address was imperative with regard to tactics, we should not imagine that such an address would be devoid of the kind of “encouragement” found in the speeches presented by our historians. At times it would also be necessary to speak to the assembled soldiers for reasons other than preparing them for battle, and examples of such addresses also appear in our sources (e.g., Xen. *Hell.* 5.1.13–17). Long and complicated speeches (such as some of those found in Thucydides) deserve our skepticism, but we should conclude that the historian or his source has elaborated a shorter address (e.g., Xen. *Hell.* 7.1.30) rather than that he has invented a speech out of whole cloth.

Such speeches certainly formed an important part of the “political” landscape, given a sociopolitical environment where generals and statesmen were so often the same people. What Perikles (or Nikias, or Alkibiades, or even Lamachos) said on the battlefield therefore had a political as well as a military effect, and we should conclude that the generals were alive to this fact. It would be most surprising, then, if they had given speeches that had absolutely no political content. Surely the general-statesman spoke with one eye toward the battle immediately ahead and the other toward his own political life after the battle.

In short, the public speech endemic to Greek political culture understandably appeared – or, rather, continued – in the military context as well. And while it may be doubted that many (even Athenian) generals spoke with the eloquence or intellectual acumen Thucydides attributes to them (as the historian himself almost implies at 5.69), it should not be doubted that the battlefield presented an important forum for an informal but very crucial type of public speech.

### *Lectures by sophists and others*

A city-state’s market (like the Athenian *agora*) and other public spaces undoubtedly provided opportunities for informal public speech of various types, but we know most about the kind of speeches made by traveling teachers (labeled “sophists” by Plato and virtually everyone after him) and local Athenian instructors like Sokrates and his followers. Since at least many of the sophists worked for hire, we should imagine that their public lectures served as advertisement, as it were, for services offered privately for a fee. Gorgias’ famous oration arguing that “nothing exists” or other public lectures (perhaps even his speech at Olympia: DK 82 B7–8a) probably worked in part as the kind of set-pieces that might have attracted students interested in acquiring the ability to argue virtually any side of an issue. In Plato’s eyes, this kind of sophistic relativism formed a dangerous intellectual and social disease that Sokrates sought to ameliorate (e.g., Plato, *Phaidros*, *Gorgias*). Recent scholarship has tended to minimize the actual differences between Sokrates on the one hand and “the sophists” on the other, and it may be that – at least from the standpoint of most Athenians – precious little difference

existed (see Wallace 1998, 2007a). Such a popular view would account for Aristophanes' decision to portray Sokrates as the very type of such an intellectual for hire in *Clouds*. However, what we know about the sophists' teaching (much of the evidence admittedly stemming from the interested testimony of Plato) suggests that their "instruction" was as likely to take place in private as in public. On the other hand, Sokrates (although avoiding the law courts) frequently demonstrated his willingness to converse with anyone, anywhere, and his followers and audience – if not his interlocutors – found such public discussions entertaining (*Apol.* 33c; cf. 23c). Indeed, Sokrates' defense, as presented by Plato in the *Apology*, relies explicitly on the public nature of his previous speech, as the philosopher asks for those who have heard him speak in this or that way to testify to the nature of his words.

An image emerges of an Athens boasting some kind of intellectual purveyor on many a public porch or street corner, and while this remains undoubtedly an exaggeration propelled by popular ideas of Greeks as innately or constitutionally philosophical, one cannot doubt that fifth-century Athens provided an unusually fertile ground for public speech of this informal type. Such public speech could, of course, have very real private and public results: Sokrates could be accused, tried, convicted, and executed by his fellow Athenians, and this fact stemmed in part from what Athenians knew or believed they knew about his public and private speech and its effects on notorious younger Athenians like Kritias or Alkibiades. Again, however, the uniqueness of Athens in this arena has probably been overestimated. The sophists as a class, after all, hailed not from Athens but from all quarters of the Greek world, including far-flung regions like Sicily. Clearly Athens proved especially attractive to this brand of intellectual capitalist, but the fact remains that most such teachers spent considerable time working elsewhere and that they derived ultimately not from some special Athenian love of philosophy or public speech but rather from a general Greek interest in, and application of, both in civic life (Wallace 1998).

Nevertheless, it would appear that Sokrates' execution had a chilling effect on such speech in Athens: Plato's academy was a private institution and the potentially esoteric nature of some (or all) of his teaching has been much debated. At least some of Aristotle's lectures may have been open to the public (Gell. *Noc. Att.* 20.5.1-5), but it seems unlikely that many of them were designed to bring about public action. Apart from exceptions like the sometimes mendicant Kynics, who (like their founder Diogenes) often acted out as much as taught philosophical principles, philosophy after the fifth century became much more an activity for the elite home or classroom than the public square (see Wallace 1998: 218–222; L.B. Carter 1986), to the detriment (one suspects) of both the ancient Hellenes and ourselves.<sup>15</sup>

### *Other informal forms of speech*

Speech saturated Greek culture, and we should perhaps note that many situations less momentous than preparations for battle or the visit of a famous sophist offered occasions for public speech. Symposia, religious rites and festivals, and the assemblies of smaller religio-social/political organs (like Athenian tribes and phratries) obviously made demands on, and offered opportunities for, public speakers (see, e.g., Plato: *Symposium*,

*Phaidros*). Speeches (at least ostensibly) made or addressed to friends or other informal groups of citizens might be circulated for political purposes (Plut. *Them.* 32.4; but cf. Dover 1970: 286 n.1).<sup>16</sup> Indeed, a public or private event of any type in Greece could be expected to have at least two things: propitiation of the gods and a performance involving the spoken, recited, or sung word.

## Literary Public Speech

### *Epideictic oratory*

The grouping of encomia (prose orations or works of literature praising an individual or thing, apparently developed from verse predecessors), panegyrics (addresses to a large, assembled group, usually at a festival such as the Olympic or Isthmian), and *epitaphioi* (funeral orations) as display pieces or “epideictic” orations may have originated no earlier than Aristotle, but it remains nonetheless a useful tool for discussing formal public addresses that occurred outside of the forensic or deliberative venues of a *polis*. Such speeches offered obvious opportunities for political (in the narrow and broad senses) discourses, as Aristotle notes that epideictic oratory has praise and blame as its particular subjects (*Rhet.* 1358b3).

Given the genre’s nature, encomia of a distinctly “political” nature surely existed, though none is extant. Gorgias’ encomium of *Helen* is most known for its treatment of *logos*, and the other encomia that have survived have “a strong moral message.”<sup>17</sup> However, the early panegyric, as Edward Schiappa has shown, “contained an unmistakable deliberative dimension,” attempting to persuade a multinational audience toward Greek concord (Gorgias’ lost Olympic speech), enmity against a tyrant like Dionysios of Syracuse (Lysias’ lost *Olympiakos*; see Dion. Hal. *Lys.* 29; Diod. 14.109.3), or Athenian and Spartan unity against Persia (Isokrates’ probably undelivered *Panegyrikos*). Such overtly partisan messages delivered before the citizens of many (very different) *poleis* surely underscore both the Greeks’ appetite for, and tolerance of, strongly political public speech.

As for *epitaphioi*, it appears that only the Athenians commemorated their fallen soldiers with a funeral speech delivered by a specially chosen citizen in accordance with a formal law or decree (Dem. 20.141; cf. Diod. 13.17.5). Nevertheless, the Athenian practice deserves attention as one of the most famous types of public speech in antiquity, and there can be little doubt that similar types of public orations (whether in honor of fallen comrades, a great victory, or on other occasions and even if not formally mandated) occurred in other Greek city-states.

The Athenians chose their speaker by election, and established statesmen typically received the honor as far as we can judge from the few names of orators that have come down to us. Perikles gave the funeral oration at least twice in his lifetime (c.440 and in 431/430), and the version of his second speech transmitted to us (or composed) by Thucydides (2.35–46) represents the best-known piece of public oratory from all of Antiquity and perhaps in the entire history of the West. This speech, like the other extant *epitaphioi*, shows an expected emphasis on the greatness of Athens and thus the cause for which the fallen citizens fought. Perikles’ speech, however, seems unusual in

its focus on the future and Athens' potential reputation in history and in its less than generous attitude toward the mourners and families of the fallen.

In any case, Perikles' oration and the others that have come down to us (including a Pseudo-Demosthenic speech and a parody of such an oration provided by Plato in the *Menexenos*) suggest that the funeral speech played a major role in the public and political life of Athens, marking a highpoint in a citizen-statesman's career, especially in that such a speech (like other pieces of epideictic oratory) formed an event in and of itself, rather than serving as one part of a more or less dialectical process (such as speeches given in debates before deliberative bodies or, to a lesser degree, law courts). Perikles, at any rate, clearly saw the funeral oration as an opportunity to further his agenda for Athens at least as much as a chance to commemorate her dead and comfort the living (Sicking 1995).<sup>18</sup>

## Drama

The Greeks frequently treated (especially epic and tragic) poetry as a force for civic education and the inculcation (or destruction) of moral values. Nevertheless, it was once fashionable to treat drama as either above (in the case of tragedy) or below (in the case of comedy) real political discourse. Recent scholarship, on the other hand, has begun to emphasize the inherently social and thus "political" nature of much Athenian dramatic poetry. Tragedy certainly addresses itself most directly to the (re)interpretation of Greek traditions and to supra-political issues such as man's relationship to the gods and fate and the need to reconcile traditional Greek religion with the demands of what we might call *polis*-morality. In the *polis* the citizen was required to play a reciprocal role with his fellows, demanding, at times, something other than the mere assertion of his own *aretē* ("excellence") in the acquisition of personal *timeē* (due honor, in its concrete or abstract senses). The *polis* subordinated the Furies' need to avenge spilled blood to the requirements of social order under "rational" deities (Aisch. *Eumenides*). Yet the tragic poets would have been very strange citizens, and rather poor artists, if they possessed neither the desire nor the ability to weave pressing topical concerns into their complex dramatic fabric. Thus modern readers need not cringe if Aischylos or Sophokles occasionally points his audience to Perikles or the contemporary political scene. Euripides' role as social critic has long been recognized, and we should accept that the best tragedians typically felt they could say something about the immediate and tangible while they addressed the permanent and metaphysical (see, e.g., Samons 1998–1999; Ehrenberg 1954).

Athenian comic poets and comic poetry have long suffered from the stigma of being merely silly and obscene – political yes, but without a consistent or serious message. This view, which never reflected a very close reading of the plays, cannot withstand scrutiny, as Jeffrey Henderson (1998) has shown. Indeed, comic poets participated in the civic-political arena just as did orators, and they operated under the same rules about what could and could not be said. In the period of highly political and topical Attic comedy, roughly coinciding with the last decade of Perikles' career and the Peloponnesian War (c.440s to 404), Athenian politicians and policies suffered abuse at the hands of the comedians, who as a class displayed a clear bias in favor of more conservative figures (like

Nikias) and against the radical democrats (like Perikles and Kleon).<sup>19</sup> Since far more Athenians (and non-Athenians) witnessed these performances (at least ten thousand or so could fit into the theater of Dionysos in the fifth century) than heard speeches before the assembly (seating only about six thousand), dramatic performances arguably provided the most direct and effective way of addressing the maximum number of citizens (and non-citizens) on any given issue. Given that festivals like the Dionysia were civic events par excellence – combining religious, social, political, and military aspects in ways baffling to the citizen of a modern, secularized, Western democracy – it should only surprise if we do not find references and allusions to the contemporary world in them. But in fact drama, at least at Athens, constituted a very clear avenue for public, political speech. In this field the Athenians do seem to have created – or at any rate polished and popularized – a form of public speech. Dramatic performances and competitions did occur elsewhere, especially after the late fifth century (in Korinth, for example: Xen. *Hell.* 4.4.3; Syracuse: Diod. 13.94.1), but there is little evidence that the type of explicitly political and topical drama of mid- and late fifth-century Athens enjoyed a vogue in the Greek world at other times.

### ***Public poetry***

Though perhaps falling outside the strictest definition of public (political) speech, the poetry produced and sometimes (perhaps) performed by “international” Greek artists like Simonides or Pindar deserves mention. Such men enjoyed the patronage and friendship of powerful Greek tyrants (such as Hieron of Syracuse), individual aristocrats or their families (e.g., the Athenian Melesias or the Aleuadai of Thessaly), and whole peoples or cities, whom they could immortalize through odes for victories in Panhellenic Games (like those at Olympia) or through epigrams like that of Simonides on the fallen Spartans at Thermopylai (Hdt. 7.228), or through longer elegiac poems treating historical events. There can be no doubt that such and similar poetry – for example, a verse encomium written for a Macedonian royal – could play an important political role at the *polis* and the supra-*polis* level. Powerful Greeks clearly sought out the friendship of such artists as much for the “public relations” potential as for purely aesthetic reasons. (Indeed, outside of philosophy – and perhaps even there – Greek aesthetics can rarely be divorced from the social-political-religious environment). Tyrants, aristocrats, and whole cities sought to have their exploits, ancestry, and character praised in public song by such artists. The careers and connections of Bakchylides, Pindar, and undoubtedly many others whose names and works are lost to us once more highlight all Greeks’ native love for the spoken word and their recognition of its power both to reflect and to alter the political and social environment.<sup>20</sup>

### ***“Freedom of speech” in Hellas***

Scholars have long associated free-speaking (*parrhēsia*) especially with democratic Athens, where, in the words of one scholar, “there will be no limits on who can speak, on what they can say, on the insults they can hurl at their supposed superiors”

(Saxonhouse 2006: 3). Certainly Athenian statesmen abused one another in the assembly and in court in often admirably (and sometimes shamefully) blunt terms, and some Athenian comic poets in their treatment of contemporary public figures exhibited a type of license that remains shocking even to jaded modern ears. Perhaps even more surprising – and admirable – are both the poets’ willingness to make very pointed jokes about the populace itself and the citizens’ tolerance and even appreciation of such remarks. Yet neither the statesmen nor the poets had a special license to speak with complete freedom: rather, they operated under a set of rules (formal and informal) that governed orators in the law courts and elsewhere. Some accusations simply could not be made publicly unless they were known or universally believed to be true, including claiming that a fellow-citizen had thrown away his shield or prostituted himself (Henderson 1998).

Apparently the Athenians conceived of themselves as a particularly free-spoken people even when compared with other Greeks (Plat. *Gorg.* 461e). Yet even in Athens the concept of socially (much less “constitutionally”) protected “freedom of speech” did not exist. The Athenians’ vaunted freedom to express themselves extended precisely to the limit set by their fellow-citizens’ current tastes or customs (Henderson 1998: 257). Athenian orators could be prosecuted for “misleading” the people, even if the people had voted overwhelmingly in favor of the proposal. The Athenians passed laws making certain things “unsayable,” including accusing someone of having squandered his inheritance or of beating his father and mother. The assembly could and did pass laws preventing particular motions being made before the people (Xen. *Hell.* 2.2.15). A law also prevented deriding anyone for having worked in the *agorai* (see Dem. 57.30, with Radin 1927: 223–230). An Athenian like Sokrates could be tried for stating impious views and as Paul Rahe has pointed out, even if the primary motivation for moving against him was political, the religious charge of “dangerous ideas” remained available for the opponents of free-thinkers to employ (Rahe 1992: 196).<sup>21</sup> As we have seen, politicians could face an angry citizen body ready to punish them for their “free speaking,” as Perikles was punished for advocating the Peloponnesian War (Thuc. 2.65.1–3) and Philokrates for advocating peace with Philip of Macedon. Athenians who advocated policies that appeared dangerous or who simply formed a perceived threat to society or some segment of it could simply be ostracized (banished for ten years) by popular vote in the 5<sup>th</sup> century or threatened or punished with loss of citizen privileges (*atimia*) in the fourth. Simply put, “the demos had the power, legally or by special decree, to forbid or punish any speech it deemed harmful to the *polis* whether or not covered by statutory law and regardless of context” (Henderson 1998: 259).

In short, upon examination any “freedom of speech” that existed in ancient Hellas – even in Athens – proves to be of a very special type that bears little resemblance to the modern “right.” What remain, however, are a Greek people and Greek statesmen who were quite willing to speak out, even in the face of potentially fatal consequences, and who prided themselves on giving and receiving frank opinions. Ironically enough, in modern, western democracies that ensure the right of “freedom of speech,” both politicians and statesmen (and even citizens) today exhibit a disturbing reluctance to speak freely, carefully insulating themselves from a negative public reaction that could only lead (at worst) to a failed re-election bid or snub at a party. In stark contrast, many ancient Hellenes apparently relished the chance to take controversial or unpopular public

stances although they lacked any secure political or social protection for doing so. Even Athenian women, metics, and slaves, although not formally a part of the civic sphere, apparently exercised and cherished some amount of *parrhēsia* (cf. Henderson 1998: 257). If we turn to Sparta, perhaps tellingly, we find the common Spartan soldier well known for his willingness to speak freely in the ranks, even contradicting his superiors or refusing (or countering) their orders (Thuc. 5.65.2; Hdt. 9.53–55; Xen. *Hell.* 4.2.22; cf. 7.4.25). The Athenian soldier, by comparison, may have been a somewhat docile creature. In short, “freedom of speech” in ancient Hellas proves to have been not a right or privilege but rather a character trait and point of honor.

## Conclusion

Governing a Greek *polis* relied on speeches made by citizens in groups both small and large. While many adult males may have been able to spend their lives without ever addressing the assembly, council, or law court, many others would have found it necessary to speak out and most would have been compelled to listen and respond to the speeches of their fellow-citizens. Greek soldiers listened to their commanders’ addresses before battle, while the *agorai* of large *poleis* provided marketplaces for both ideas and rhetorical techniques, with the latter forming a primary weapon in the arsenal of the Greek statesman. Greek festivals, whether local or Panhellenic, offered opportunities for public speakers desiring to influence their fellow Greeks while earning *kleos* (renown) and *timē* (honor). The ancient Hellenes prized both the ability to speak and the frank-speaking that characterized a free man and citizen without recognizing an individual’s right to say whatever he wanted: it was the citizen’s duty to speak and to recognize that he bore the responsibility for what he said. Linking the ideals of a duty enforced by social convention and a responsibility unprotected by rights, the ancient Greeks created perhaps the most deliberative form of government and the most free-spoken society in human history.

## NOTES

- 1 For example, the *Iliad* (1.258; 2.202; 4.293; 5.260 – “Athena of the many counsels”; 9.53–54). See also, for example, Tyrtaios (12.1–9W), where speech is the last virtue mentioned before martial prowess, and Plutarch (*Pel.* 19.2), for the Thebans’ belief in the need to mix persuasion and “social graces” with martial prowess. Alkidamas (*De Sopha*. 9) notes that those who can speak when circumstances demand are honored for “godlike intellect.”
- 2 In his *Rhetoric*, the philosopher displays a much more detailed knowledge of, and interest in, the less overtly political form of epideictic oratory, as opposed to the forensic or deliberative speeches of the lawcourts and state assemblies respectively. See Trevett (1996a). Other theorists apparently focused on forensic (and political) oratory (Plat. *Phaidr.* 261).
- 3 For an introduction, see Enos (1993: 41–90). For a healthy skepticism about the formality of the early study of rhetoric as a discipline, see Schiappa (1999).
- 4 A “Spartan” could be (accurately or not) credited with a maxim on good speaking (Plat. *Phaidr.* 260e). Thucydides (6.33–41) presents three speeches made before the Syracusan (democratic) assembly, two longish addresses (Hermokrates and Athenagoras, expressing

- opposing political outlooks and strategic views), followed by the very terse, business-like, and prudent views of “one of the generals.” One suspects that here Thucydides has presented us with a “type” of assembly (and approaches to issues) that was quite common.
- 5 Aristotle breaks *logoi rhētorikoi* into three branches: deliberative (*symbouleutikon*), forensic (*dikanikon*), and display pieces (*epideiktikon*) (*Rhet.* 1.358b3). Alkidamas (*De Soph.* 9) notes that speaking extemporaneously is necessary for those speaking in courts, at private gatherings, and other opportune if unexpected moments. For Aristotle (*Rhet.* 1.418a10), deliberative is more difficult than forensic speaking.
  - 6 For popular power through courts, assemblies, and councils before the fifth century, see Papakonstantinou (2008: 93–99). Even tyrants made speeches to assemblies (Diod. 14.45.2–4, 64.5–69). Notoriously, it seems, Demosthenes worked hard composing his political speeches before they were delivered (Plut. *Dem.* 8.2–4). For the argument that Demosthenes’ deliberative speeches were not revised or published, see Trevett (1996b).
  - 7 On the average citizen speaking, cf. Sokrates’ ironic comment to the contrary (Plat. *Protаг.* 319c–d). (See also Aristoph. *Knights* 344–350.) For the type of person who typically spoke, see Henderson (1998: 255–273, esp. 258); Hansen (1991: 143–146). Hansen notes (1991: 142) that the Athenians had originally asked “Who desires to speak from those over 50 years of age?” (see Plut. *Mor.* 784c–d; Aischin. 1.23; cf. 3.2 for a possible Solonian law requiring that older speakers precede younger, with Rhodes 1972: 37–38). Such a procedure in early democratic Athens implies the existence of similar age restrictions outside of radical democracies. Apparently good manners suggested that an older interlocutor typically spoke before a younger: Xen. *Hell.* 4.1.31.
  - 8 Alkidamas (*De Soph.* 13) argues that litigants in courts imitate the style of extemporaneous speakers and do their best writing when they produce speeches that seem least composed (cf. Plat. *Phaidr.* 257). On the differences between assembly speeches and those given in law courts, see especially Hudson-Williams (1951), whose interpretation (69, with n.3) of Plat. *Phaidr.* 261b is especially useful. Trevett (1996b) outlines Aristotle’s “disdain” for forensic and deliberative oratory and for the mental weakness and lack of education of their intended audiences.
  - 9 Aristotle (*Rhet.* 1.359b7–13), states that the five most important subjects for deliberative speeches are revenues, war and peace, defense of the land, imports and exports, and law-making (cf. [Arist.] *Rhet. ad Alex.* 1423a–1425b).
  - 10 For discussion of Philokrates’ decree and fate, see Sealey (1993: 175–179) with Samons (2004: 154–159).
  - 11 In Boiotia (at least at times), a governing (regional) council was divided into four parts (*boulai*), with one *boulē* holding preliminary discussions and then making proposals to the other three parts (*Hell. ox.* 19.2 Chambers; cf. Thuc. 5.37–38). For speeches before the Theban council, see Xen. *Hell.* 5.2.29–30; 7.3.5–23, in the Athenian, Xen. *Hell.* 1.4.20. For the shape of meetings, attendance, etc. of the Athenian *boulē*, see Rhodes (1972: 30–48). For decrees of the *boulē*, see Rhodes (1972: 82–87, 271–275). For the Melians allowing the Athenian representatives to address “those in office (*archai*) and the few (*oligoi*)”, see Thuc. 5.84.3, a passage that nevertheless clearly implies that in other *poleis* embassies might be allowed to address the assembled people directly. At Thuc. 3.8–14, a group of Mytilenian envoys address a group (an informal council?) of representatives of Peloponnesian League member states at the Olympic festival at the invitation of the Spartans. For speakers and audience in the Athenian council, see Hansen 1991: 251–252, citing Dem. 19.17; Aischin. 3.125 (non-members listening); Antiphon 6.40 (speaker’s platform).
  - 12 See Papakonstantinou (2008: 87–93) for *dikastai* working independently or alongside magistrates in archaic Greece, although Papakonstantinou shows perhaps too much confidence in the *Constitution of Athens*’s account of early Athenian constitutional history.

- 13 On the subject in general, see Adcock and Mosley (1975). *Poleis* also employed heralds (*kerykes*) to deliver messages to (say) enemy states or armies, but since their speech was prescribed (as it were) by the sender, we may perhaps leave them aside.
- 14 Hansen (1993a) makes a vigorous (but unconvincing) case for considering battlefield speeches as mere literary convention. Against Hansen, see Hornblower (1996: 82–83), with bibliography, drawing special attention to Thuc. 5.69.2. Xenophon (*Lak. Pol.* 13.9) seems to refer to encouragement of each platoon by junior officers as the phalanx is marching into battle.
- 15 For the withdrawal of many Athenian elites from the (public) political scene and for their interest in philosophy after the beginning of the Peloponnesian War, see Wallace (1998: 218–222); Carter (1986).
- 16 See also Andok. 4 (*Against Alkibiades*), with Raubitschek (1948).
- 17 Epideictic grouping and Aristotle, see Schiappa 1999: 185–206. Quotations, see Schiappa (1999: 189, 190). Notoriously, the encomium devolved into a showpiece that could treat such trivial subjects as salt or bees (Isok. *Helen* 12; Plat. *Symp.* 177a–c).
- 18 For the unusual nature of Perikles' address in Thucydides, see Samons (2004: 55–57, with n.74). For the likelihood that it contains authentic Periklean material, see Bosworth (2000: 1–16). On funeral orations in general, cf. Loraux (2006).
- 19 See Henderson (1998).
- 20 Although such poetry was often clearly presented “publicly,” great doubt remains about the actual form of the performance of epinician odes (by an individual, even the poet himself, or by a chorus?). For the debate, cf. Heath and Lefkowitz (1991); Carey (1991). On the political nature of such poetry (and Pindar in general), see P.W. Rose (1992: 141–184); Wallace (1998: 209–210). For longer elegiac poetry treating historical events, see Bowie (1986: 27–34) and Aloni (2001: 90–91).
- 21 See also Dem. 60.26, with Saxonhouse (2006: 92–94) and Radin (1927), who doubts the existence of a law in Classical Athens ever prohibiting the naming of individuals on the comic stage. For the law preventing abuse of *agorā* workers, see Dem. 57.30, with Radin (1927: 223–230). For the control of impious speech, see Rahe (1992: 196).



## PART V

# **Responsibilities and Realms of Action**

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## CHAPTER 19

# Public Administration

*Frances Pownall*

Before we examine the various forms of public administration as manifestations of government action, several caveats are necessary. First of all, the concept of “public administration” applies best to the Classical period, when *polis* governments took over from aristocratic rulers the responsibility of ensuring that the mechanisms and funding necessary for both the smooth running of the city and any proposed collective enterprise were in place (Ostwald 1995: 369). Second, the ancient sources generally were not interested in providing detailed accounts of the day-to-day workings of public administration in the Greek *polis* in permanent or comprehensive form, as they considered this information, which is so vital to our understanding of ancient Greek government, ephemeral minutiae (Ostwald 1995: 369; Rives 2001: 118). Modern scholars, therefore, are forced to piece together the scattered snippets of information in the literary sources with the wealth of quotidian decisions, inventories, and accounts preserved in inscriptions. While inscriptions do provide us with a multitude of otherwise unavailable information, they too have their limitations as a useful source for public administration inasmuch as they were usually intended (even when published in apparently permanent form) for immediate purposes, provide little commentary or background on their content, contain varying degrees of clerical errors, and are often open to interpretation, not least because the poor condition of the stone frequently necessitates some degree of restoration (Rhodes 2006: 45–51). Third, the evidence for public administration, particularly for the Classical period, tends largely to derive from Athens. While the “epigraphic habit” was by no means confined to Athens, the Athenians did produce the largest number of public inscriptions in the fifth and fourth centuries BCE, partly because the desire to make the results of state decisions equally available to all (at least in theory) was deeply ingrained in the democratic ethos, and partly because the management of successive overseas empires required extensive record-keeping (Hansen 1999: 11–12; Rhodes 2006: 45–46). Similarly, the assembly-based democratic system

of Classical Athens entailed that every political decision be preceded by public debate, and accordingly the key to political success increasingly lay in the ability of the aspiring statesman to persuade the *dēmos*. A large number of speeches survive that were written between about 420 and 320 BCE by the Attic orators (sometimes for their own use, but often commissioned by others), many of which offer lengthy passages on the structure and administration of contemporary democratic institutions (Hansen 1999: 13). Another important literary resource is the lengthy analysis of the administration of the Athenian democracy in the author's own day in the *Constitution of the Athenians* written by Aristotle or a member of his school in the 330s (Rhodes 1993: 58–63). Because this constitution is the sole survivor of a set of constitutions which originally numbered over 150 (Rhodes 1993: 1–2), unfortunately parallel empirical evidence for the public administration of other city-states is simply not extant. Due to the nature of our evidence, the end result is that the only detailed surviving ancient accounts of public administration are confined to Athens (and, in the case of the literary sources, reflect contemporary fourth-century conditions) and, in general, tend to assume from their readers a familiarity with the system which we often simply do not possess.

## The Development of Public Administration

As Martin Ostwald has observed on public expenses, it is difficult to discuss public administration before the development of the *polis* because, as he puts it, “there was not yet any truly ‘public’ enterprise” (Ostwald 1995: 369). In the changing environment of the late eighth and seventh centuries BCE, local aristocracies gradually adapted to the new circumstances and challenges of the day (demise of the power of chieftains, rise in population, urbanization), thus demonstrating their commitment to the community by replacing individual displays of wealth with the construction of communal monuments emphasizing the group as a whole (Morris 1987: 189–190). Simultaneously (and somewhat paradoxically), they claimed in a quasi-Orwellian way that they were better citizens and therefore more fit to rule (Donlan 1997: 44–45). The ongoing tension, however, between the exclusive groups of ruling aristocrats and other citizens remained unresolved, as indicated (in Athens, at least) by Solon’s reforms at the beginning of the sixth century, which opened up the ability to hold political power to a wider section of Athenian society, still limited to the wealthy, although he did increase ordinary citizens’ civic responsibility and offered them recourse against the elite by creating a popular court of appeal and permitting public third-party prosecution. Despite Solon’s attempts at reform, factional strife, particularly between rival groups of aristocrats competing with one another for political influence, intensified (Anderson 2003: 31–32, 67; Wallace 2007c: 74–75), ultimately precipitating the coup by the tyrant Peisistratos. By his seizure of sole power, Peisistratos ended the political dominance of the aristocrats and further curtailed their centrifugal influence by his integration of the *polis* through the patronage of central cults and festivals, at the expense of local centers controlled by elite families.

Following the fall of the tyranny, Athens returned to a shortlived but intense period of aristocratic factional strife, ended ultimately by the reforms of Kleisthenes. Whether or not we agree with Josiah Ober that full democracy was implemented at this time

through a revolutionary upheaval initiated by the *dēmos* itself (Ober 1996, 2007, with opposing views of Raflaub 1996a, 2007), the reforms of Kleisthenes resulted, at the very least, in an integrated community with enhanced civic equality and the opportunity for direct political participation by a much larger section of the citizen body (Anderson 2003: 76–84; Raflaub 2006a: 396). Over the course of the next fifty years, further constitutional developments ushered in full political equality for all Athenian citizens, regardless of wealth or status, with the transfer of most of the powers of the (traditionally aristocratic) Areiopagos council to more representative bodies of government (assembly, *boulē*, and law courts), the replacement of direct election with sortition for the vast majority of offices, and the introduction of pay for certain political and judicial offices (Rhodes 1992b; Hansen 1999: 240–242). With these reforms, the state now replaced the elite as the source of largesse, and the traditional system of the reciprocal exchange of wealth and authority between the aristocrats and the people gradually became obsolete. In the earlier part of the fifth century, the conservative and wealthy politician Kimon adapted the traditional system to the new political conditions in Athens by explicitly purchasing political influence with lavish personal largesse ([Arist.] *Ath. Pol.* 27.3; Theopomp. *FGrH* 115 F; Plut. *Kim.* 10.1–3; *Per.* 9.2). By the mid-fifth century, however, Perikles, unable to compete with Kimon in the arena of personal generosity, won the favor of the *dēmos* through the distribution of public funds ([Arist.] *Ath. Pol.* 27.3–4; Plut. *Per.* 10), and his example was followed by almost all subsequent politicians (notable exceptions are Alkibiades and Nikias: Thuc. 6.16; Plut. *Nic.* 3).

It is surely not coincidental that the Athenians made the ability to hold political office accessible to all (on both a social and an economic level), and correspondingly reduced the political advantage traditionally derived from the redistribution of private wealth, at a time when they were actively involved in the acquisition and maintenance of an extensive overseas empire. Not only did the empire provide Athens with an enormous influx of wealth and resources (it is worth noting that both Kimon's personal largesse and Perikles' distributions of public funds derived directly from the proceeds of the empire), but also required the Athenians to create numerous new offices in order to make the herculean task of its administration at all manageable. As noted by David Lewis, this multiplication of offices was

created *ad hoc* to cope with this or that aspect of Athens' expanding financial and administrative business within the implicit ground rules of the democracy, viz. (i) to maximize participation, and to minimize the concentration of power, by creating new posts or *archai* rather than give additional jobs to existing *archai*, (ii) to break down the administrative load into chunks which could be performed by amateurs selected by lot, (iii) to give them explicit terms of reference and routes of responsibility, and (iv) to operate on the assumption that “absolutely nobody is to be trusted.” (unpublished remarks cited by Davies 1994a: 204)

Thus, the mechanisms of public administration were instituted in the Periklean period and the basic infrastructure of the system remained in force through the fourth century, with various modifications to suit contemporary circumstances,<sup>1</sup> until the Macedonians abolished the democracy after their victory in the Lamian War.

## The Infrastructure of Public Administration

In classical Athens, as elsewhere in Greece, there were no professional civil servants, and the administration of the state was carried out by its citizens (Rhodes 1992b: 80). Athens, however, represents a unique case, not only as the city-state for which we possess the fullest and most detailed sources for public administration (as noted above), but also because the large size of its citizen population and its extensive overseas empire required the development of an extensive and complex system of administration in the fifth century. Furthermore, the wealth derived from the Athenian empire could be used for the remuneration of citizens appointed to numerous administrative posts by lot and often without personal resources of their own. A passage in the Aristotelian *Constitution of the Athenians* claims that in the fifth century Athens had a total of 700 officials engaged in internal administration and another 700 involved in overseas administration ([Arist.] *Ath. Pol.* 24.3). The number of overseas magistrates is generally dismissed as a textual corruption, the repetition of the numeral rendering it suspect (Rhodes: 1992b: 81), but the epigraphical evidence indicates that the fifth-century Athenians did send significant numbers of officials abroad, so perhaps the number is not unreasonably high after all (Meiggs 1972: 205–219). In any case, the need for overseas officials will have disappeared with the collapse of the Athenian empire in 404 (Hansen 1999: 240). The figure of 700 internal magistrates (that is, in addition to the 500 members of the *boulē*), usually also considered unreasonably high, is entirely plausible, for the fourth century as well as for the fifth, given that the total number of attested magistracies is around 450, and other, previously unknown, magistracies continue to be discovered as new inscriptions are excavated from Attic soil (Hansen 1980; Ostwald 1986: 73–74; Hansen 1999: 239–240). Furthermore, in addition to state-wide magistracies, the tribes, trittyes, and demes, as well as other organizations within the state (such as sanctuaries), all had officials of their own (N.F. Jones 1987: 58–72; R. Osborne 1990; N.F. Jones 1999).

The Athenians themselves appear to have taken pride in the extraordinarily large number of magistracies instituted to govern their *polis*. The *Constitution of the Athenians* includes a longish catalogue of the miscellaneous officers required to govern the city in addition to the *boulē* and the nine *archōns* ([Arist.] *Ath. Pol.* 43–62; summary list at Hansen 1980: 155). This catalogue offers often-revealing details about the wide array of public officers and their duties, including the city magistrates (*astynomoi*) who oversaw the hiring of public entertainers (down to the price of their wages) and the cleanliness of city streets (including a provision that dung collectors could not deposit dung within a prescribed distance from the city walls), the officials who ensured that there was no fraud in the marketplace, the 35(!) officials who governed the sale of grain (a crucial duty as Athens had to import a large percentage of its grain in the Classical period), the road-builders, the auditors, the secretaries, the (numerous) religious officials (some of whom were also responsible for the organization of athletic contests), and the military officials (who unlike the others were elected). Treatment of the administration of justice is especially detailed, probably because the Athenians “were proud of and interested in the elaborate devices through which they sought to secure fairness in the running of the courts” (Rhodes 1993: 572). The overall effect of such a wide array of offices is quite

stunning and reveals the remarkable determination of the Athenians to govern every aspect of *polis* life and hence to expose the *polis* to the governance of the entire *dēmos*.

The large number of magistracies was accompanied by a corresponding fragmentation of responsibility. The detailed day-to-day administrative work of the city was carried out by individual magistrates, but especially by numerous boards of ten men, which served as an effective method of diluting power, as well as ensuring that no one administrator was faced with an excessively onerous workload. Both individual magistrates and boards of ten were organized on a tribal basis, and generally appointed for one year (without the possibility of holding the same office a second time). Because of the proliferation of magistracies, the tasks appointed to individual boards were usually small in scope and generally did not require any special administrative expertise, thus limiting the opportunities for incompetence (Rhodes 1992b: 80–82; Hansen 1999: 237–245). These boards were responsible for the administration of the *polis* in all aspects: economic, financial, judicial, religious, and military (Hansen 1999: 243–244). Apart from those entrusted with important military and financial responsibilities ([Arist.] *Ath. Pol.* 43.1, 44.4), who continued to be elected, most of the officials were appointed by lot. In addition to the principle of equality implied by selection of officials by lot, members of individual boards were also on an equal footing, and decisions had to be reached by consensus among the members, with a majority vote determining the decision in the cases of disagreement. Boards administered the funds at their disposal, for of course officials appointed by lot without necessarily recourse to any private wealth could not be expected to provide the equipment or financial backing for duties which may have been performed elsewhere by aristocrats out of their own resources (Lewis 1990: 258), as a collective, and were required to render a collective account of the funds and/or equipment for which they were responsible after the conclusion of their term of office (Hansen 1999: 237). Although the structure of these committees emphasized collectivity, particular duties and tasks were assigned to individual board members, often in the form of handling business pertinent to their own tribes (Hansen 1999: 238). This division of labor was a means of ensuring that the workload of no one individual magistrate would be excessive, while maintaining the egalitarian ideology of the democracy that all citizens should have the opportunity to serve as magistrates. Despite the amateur nature of its administration and the shortness of tenure and non-repeatability of office, the system appears to have functioned well, as we hear of very few complaints of administrative incompetence or cases of magistrates being dismissed from their office in mid-stream (Hansen 1999: 239).

Naturally, the multiplication and fragmentation of administrative offices required a coordinating body, and in classical Athens the *boulē* took on the primary role of supervising the various magistrates and committees engaged in the detailed administration of the city. The 500 members of the *boulē* were also elected by lot, for an annual term, but were allowed to hold office a second time (in non-consecutive years) and were elected by demes, and not by tribes, in order to ensure that they represented the widest possible cross-section of the population of Attika. The powers of the *boulē* were extensive (if temporary), and it was responsible for the overseeing of all sanctuaries and public buildings in Attika, the defenses of the city and the Piraeus, warships and naval equipment, the cavalry, the administration of public finances, foreign policy, and certain judicial functions in conjunction with the law courts ([Arist.] *Ath. Pol.* 45–49; Rhodes 1972; Hansen 1999: 259–265). The supervisory powers of the *boulē* extended to the

vetting of prospective magistrates before they entered office ([Arist.] *Ath. Pol.* 45.3), as well as the appointment of officials to audit both the financial accounts submitted by magistrates after their retirement from office and the more general examination of their conduct while in office (Davies 1994a: 203–206).

While the *boulē* prepared business for the assembly and drafted motions for it to vote upon, the assembly itself also played a supervisory role in public administration in that it theoretically had the final say on any state decision by engaging in discussion upon important policy matters and by casting its vote. The assembly met regularly and was composed of all adult male citizens, although in practice not usually more than 6,000 attended any given meeting (this was the number the Pnyx, the meeting place of the assembly, could hold), which provided some necessary continuity to the annual rotations of magistrates and members of the *boulē*. Any citizen could speak in the assembly, put forward an amendment to a proposal already on the table, or propose a motion. Nevertheless, there were limitations on the powers of the assembly, particularly in the principle that every item on the agenda for ratification by the assembly had to be discussed beforehand by the *boulē* (Rhodes 1992b: 77–78; Hansen 1999: 138–140, 150–153). Furthermore, its size made it too unwieldy to function effectively in the minutiae of public administration.

To sum up, the infrastructure of public administration of Classical Athens was tripartite. The *boulē*, assisted to some extent by the assembly, delegated the administration of the day-to-day necessities to keep the city running smoothly to numerous boards and individual magistrates, and both bodies exercised the coordinating and supervisory functions required to regulate and synthesize the disparate functions of these annually rotating magistracies.

Other city-states probably functioned in a similar way, although the smaller ones, with far less administrative business to conduct than Classical Athens, will likely have resorted to a significantly lesser degree of division of labor and will have employed either single officials or smaller committees to carry out the administrative tasks necessary for the proper functioning of the city (Rhodes 1996). Similar types of administrative offices existed in most, if not all, of the Greek city-states.<sup>2</sup> Nevertheless, different states, depending upon their constitutions, distributed their magistracies in different ways, and these magistracies held different amounts of decision-making powers (Mitchell 2006: 369–378). In oligarchic *poleis*, the full range of citizen privileges was restricted to those above a certain income level, and there were property qualifications for the holding of administrative offices or magistracies; in some cities, even membership in the assembly was subject to a property qualification. In general, oligarchic cities operated on the ideological principle that those who held the greatest stake in the welfare of the state and were best equipped to serve it should be the ones to hold public office, in opposition to the democratic ideology that each citizen, regardless of his social status or income level, had a duty to serve the state by playing a direct role in public administration.

## Liturgies

City-states in ancient Greece did not generally tax their citizens directly,<sup>3</sup> the idea of a state-imposed tax being associated, at least according to Aristotle, with tyrannical

government (Liddel 2007: 262). Nevertheless, in Athens and elsewhere (on the extra-Athenian evidence, see Wilson 2000: 279–302), wealthy citizens were required to perform compulsory public services known as liturgies (*leitourgiai*) to ensure that the essential funding and administrative needs of the military (particularly the navy, the backbone of Athens' military strength and imperial power) and important civic rituals were met on an annual and ongoing basis. The etymological origin of the term *leitourgia* is “work for the people,” and from very early in the fifth century BCE this refers to specific services to the state (N. Lewis 1960).

Liturgies fall roughly into one of two groups, military and festival or agonistic (Davies 1967; Davies 1981: 15).<sup>4</sup> The most important military liturgy was the trierarchy, in which a leading citizen was required to maintain a trireme (including paying a large proportion of its substantial costs) and supervise its crew for a year. The number of trierarchs needed each year was between 300 and 400 (Ps.-Xen. *Ath. Pol.*, with Davies 1971: xxviii–xxix; Gabrielsen 1994: 176–179). In addition to the large financial expenditure required,<sup>5</sup> a trierarch was responsible (and held financially accountable) for the ship and its equipment (Gabrielsen 1994: 126–169). The large financial outlay and the much more restricted opportunity for public display and prestige in comparison with the production of a competitive choral performance meant that the trierarchy was more unpopular among the Athenian wealthy and therefore required more coercive measures than its cousin, the festival liturgy (Wilson 2000: 48–49; Christ 2006: 157–158).

Festival liturgies included the *khorēgia* (the training and financing of a chorus at a civic festival), the *gymnasiarchia* (the organization of torch races), the *hestiasis* (the provision of tribal banquets at festivals), the *architheōria* (the leadership of a delegation of Athenians to festivals outside of Attika), and the organizers of processions (on the various festival liturgies, see Lys. 21.1–5 with Davies 1967; Wilson 2000: 21–46), as well as parallel, but smaller-scale, liturgies at the deme level (Whitehead 1983: 151–152; Wilson 2000: 282). On an annual basis, at least 97 festival liturgies were required in Athens at the state level, the total rising to over 118 in years when the quadrennial Great Panathenaia was held (Davies 1967: 40). Expenditure on the festival liturgies ranged from a few hundred drachmae to a few thousand, and varied depending on the specific public service and the generosity (and desire for public recognition) of the wealthy individual performing it (Davies 1971: 21–22; Christ 2006: 146). In addition to their less burdensome nature, festival liturgies with their greater visibility and scope for individual generosity offered a much more valuable venue to acquire public prestige than the trierarchy, and wealthy Athenians appear to have been much more willing to perform them (as suggested by the contrast in the Athenian orators between the unpopularity of the military liturgies and the relative popularity of the festival liturgies; e.g., Dem. 4.35–36; 20.26). In fact, wealthy Athenians seem to have competed with one another in performing the festival liturgies much more lavishly than required, and may even have volunteered their services (such is the implication of Aristotle's comment at *Pol.* 1309a17–21 that democracies should prevent the wealthy from undertaking expensive but useless liturgies such as the *khorēgia* and the *gymnasiarchia* even if they wish to do so).

How did Athens persuade the wealthy to put their personal resources at the disposal of the city? The answer to this crucial question can be found in the traditional competition between aristocrats in Archaic Greece to validate and confirm their status through lavish expenditure on the community's behalf, in return for public recognition and political

influence (Davies 1981: 98–99; Christ 1990: 150; Gabrielsen 1994: 48–49). In the decades following Kleisthenes' reforms of 508/507, the developing democracy gradually incorporated institutional arrangements for the financing of warships and festivals (on the shadowy evidence for pre-democratic proto-liturgies, see Gabrielsen 1994: 19–39; Ostwald 1995; Wilson 2000: 12–21) and adapted them to the new democratic ideology. By means of the liturgical system, the Athenian democracy harnessed the intra-elite competition for status through ostentatious expenditure and both formalized and institutionalized it, thereby redirecting it to serve the needs of the state (Kurke 1992: 103–106; Wilson 2000: 107–143). The liturgical system worked on a basis of reciprocity. The wealthy Athenians who performed liturgies were rewarded for their services with prestige and gratitude (*charis*), which in turn could be exploited to their advantage in politics or in the law courts (Davies 1981: 92–100; Ober 1989: 26–30; Gabrielsen 1994: 9–11). The city, on the other hand, received the funding and administration of essential services from (usually) willing donors. As Gabrielsen observes (1994: 11), “[g]iven that redistribution of property never occupied a significant part in Athenian democratic thought and practice . . . the state had an equally great interest in the preservation and goodwill of its primary object of taxation.” And, by the publication of honorary decrees and lists, the Athenian *dēmos* sought to encourage and foster the spirit of competitive outlay among the wealthy elite (Liddel 2007: 160–174; cf. Wilson 2000: 198–262). By appealing to their *philotimia* (literally “love of honor,” but often translated as “ambition”), an originally aristocratic term appropriated by the democracy (Whitehead 1983, 1993), the Athenian democracy successfully recruited its wealthy citizens to specific acts of public service by exchanging personal rewards for individual sacrifices (Davies 1981: 26; Wilson 2000: 144–197; Christ 2006: 171–172). In this way, democratic ideology was maintained as the wealthy fulfilled their financial obligations to the state, which in turn allowed them to preserve their personal fortunes as well as their social and political prominence, but political power was never a direct result of personal munificence.

The appointment of wealthy Athenians to individual liturgies was made by the civic official who was responsible for that particular sphere of administration. The eponymous *archōn* appointed the “three richest men in Athens” to serve as *khorēgoi* for the tragedies at the Great Dionysia, and nominated the five *khorēgoi* for comedy as well, until this task was taken over by the tribes at a later date ([Arist.] *Ath. Pol.* 56.3), either the 340s (Rhodes 1993: 623–624) or the 330s (Wilson 2000: 51, 331 n.4), probably because tribal distribution allowed the equitable assignment of these expensive and burdensome public obligations (N.F. Jones 1987: 48). Similarly, the tribes supplied the eponymous *archōn* with the names of candidates to serve as *khorēgoi* for the men’s and boys’ dithyrambic choruses at the Great Dionysia and the Thargelia ([Arist.] *Ath. Pol.* 56.3). The *archōn basileus* was responsible for selecting *khorēgoi* for the comedies and tragedies at the Lenaia ([Arist.] *Ath. Pol.* 57.1), while the tribes provided him with the names of *gymnasiarchoi* (Rhodes 1993: 638–639). The generals, either as a board or those who were to command a particular expedition, appointed the trierarchs (Rhodes 1982: 3; Christ 2006: 150; but cf. Gabrielsen 1994: 74–78); by the 330s, this responsibility had devolved upon one of their number ([Arist.] *Ath. Pol.* 61.1).

It is generally agreed that the minimum threshold of liability to the liturgy was a property level of 3 to 4 talents (Davies 1971: xxii–24; Davies 1981: 28–37; Ober 1998:

128; but cf. Gabrielsen 1994: 45–53). Because of its military function, the trierarchy could only be held by citizens, but metics (resident foreigners) were permitted to hold certain festival liturgies, particularly the *khorēgia* at the Lenaia, a less prestigious festival than the Great Dionysia (Whitehead 1977: 80–82; Wilson 2000: 28–31). Although there is some debate as to whether or not there were registers of individuals eligible to hold the various liturgies,<sup>6</sup> it has been estimated that there were between 300 and 1,200 wealthy Athenians populating the so-called “liturgical class” by the fourth century, with scholars leaning toward the higher number (Davies 1981: 15–28; Rhodes 1982: 5; Christ 1990: 150; Hansen 1999: 112–115; Christ 2006: 154–155). Those legally exempt from performing liturgies included minors, the holders of major magistracies, such as the archonship and probably the ten generals as well, individuals honored by the *dēmos* for their service to the state with grants of *atēlia* (exemption from public burdens), kleruchs (Athenian settlers in conquered land overseas), and the physically disabled (Christ 1990: 1499; Gabrielsen 1994: 85–90; Christ 2006: 151–152). No individual was required to perform more than one liturgy any given year or the same liturgy twice within his lifetime, and respites of one year were offered to performers of festival liturgies, and two years to trierarchs, in recognition of the more burdensome nature of the military liturgy (Christ 1990: 149; Hansen 1999: 111; Christ 2006: 52). There was no exemption *per se* on the grounds of financial hardship, but those individuals who felt financially unable to bear the (often substantial) costs of the liturgy to which they were assigned or, conversely, believed that an individual better positioned to serve the liturgy had been overlooked, had recourse, sometime after the 450s, to a procedure called *antidosis* (literally, exchange of property). In this procedure, aptly described by Matthew Christ as a “game of liturgy hot potato” (1990: 162), the individual originally assigned the liturgy formally challenged another person to perform it in his stead, or to exchange property with him, leaving the challenger in possession of an estate which, by his own admission, was better able to bear the financial burden. If an agreement was not reached, then it was up to the courts to determine which of the two should perform the liturgy (Christ 1990; Gabrielsen 1994: 91–95; Hansen 1999: 112; Christ 2006: 152–153).

While numerous individuals boast in forensic contexts of volunteering to perform liturgies, and of performing them far more extravagantly than required, the existence of procedures such as the *antidosis* and other coercive measures suggest that not all Athenians bought into the democratic ideology that the *charis* accruing from these acts of service was sufficient compensation, and many wealthy Athenians attempted to reduce their liability or even evade their liturgical obligations altogether by concealing their assets.<sup>7</sup> In the fourth century, the loss of income from the empire and the economic devastation caused by the generation-long Peloponnesian War left the city increasingly dependent upon the liturgical class (B.S. Strauss 1986: 42–69), many of whom were now less able to tolerate the double financial burden of paying *eisphorai* and performing liturgies.

Difficulties in recruiting sufficient numbers of trierarchs in particular, as the more burdensome of the liturgies, led to reforms of the liturgical system. Even before the end of the war, the city permitted the cost and duties of the trierarch or *khorēgos* to be shared between two men; in the case of the trierarchy, this arrangement persisted (Davies 1967: 33–34; Gabrielsen 1994: 173–176; Christ 2006: 164). Periandros’

reform to the trierarchy in 358/357 attempted to address shortages in both manpower and naval equipment (Gabrielsen 1994: 157–162, 198–199), by grouping the 1,200 richest citizens into 20 groups (*symmorai*) of 60 individuals, and farming out to these groups the responsibility of collecting the total cost of the trierarchy from each of the 1,200 equally, apart from those who could claim exemptions (Gabrielsen 1994: 182–199; Christ 2006: 167–168). As has been noted, Periandros' reform effectively removed any pretence that the trierarchy represented a voluntary contribution of the wealthy to the state. Furthermore, the reform does not appear to have been entirely successful, as voluntary naval contributions (*epidoseis*) began to be solicited from wealthy individuals beginning in the early 350s, which suggests that trierarchic system was no longer functioning effectively, allowing shortfalls to occur (Migeotte 1992: 15–18). The inequity inherent in Periandros' reform in exacting equal shares from all members of the *symmories*, regardless of their actual level of wealth, was eventually addressed in Demosthenes' naval reforms of 340, which enacted that individuals should contribute shares proportionate to their actual fortunes and that the 300 wealthiest members should pay the larger portion of the cost within their groups (Gabrielsen 1994: 207–213 and Christ 2006: 168). Demosthenes' reforms seem to have been successful at alleviating the tension between the less wealthy of the *symmory* members and the city (Gabrielsen 1994: 212; Christ 2006: 168). Although the festival liturgies generally fared better than the trierarchy in recruitment, due to their less onerous nature and greater opportunity for status display, they too appear to have suffered from a shortage of willing candidates, as suggested by the reform proposed by Leptines in 356/365<sup>8</sup> to abolish honorific exemptions (Christ 2006: 170; Liddel 2007: 165–166).

Given their close connection to democratic ideology, it comes as no surprise that liturgies were abolished in Athens with the end of democracy, probably under Demetrios of Phaleron, when the benefactor of the community became overtly assimilated to the holder of political power once again (Wilson 2000: 187, 265–276; see epilogue below). What perhaps *is* surprising is that the Athenian democracy managed to support itself by requesting voluntary contributions for almost two hundred years. The Athenian wealthy were (generally, if sometimes grudgingly) willing to put aside their personal material interests in favor of the communal good, thereby avoiding the temptation to overgrazing inherent in the so-called “tragedy of the commons” (scientific model of Hardin 1968; cited in this connection by Herman 2006: 394–395).

## Civil Building Programs

The earliest examples of monumental architecture are attested in the eighth century BCE in the construction of large temples or treasuries at the great Panhellenic sanctuaries of Delphi and Olympia. Situated outside the boundaries of individual home states, these sanctuaries offered the elite the opportunity for competitive display of status through large-scale dedications without provoking political in-fighting in their home *poleis*, and aristocrats tended to avoid the construction of lavish monumental buildings in their own states (Morgan 1990; Neer 2007). It is probably no coincidence that the earliest building program on the mainland<sup>9</sup> occurred in Athens around 566, in a period of civil strife which culminated in the coup of the tyrant Peisistratos. Whether or not

Peisistratos inaugurated this extensive building program on the Akropolis, he certainly expanded it in conjunction with the Great Panathenaia after his seizure of power in 561/560 (Morgan 1990: 209–210). Peisistratos' success in ending the monopoly of political power by the aristocracy largely consisted of outplaying them at their own game in the reciprocal exchange of wealth and authority, in that he managed to secure and exploit a reliable source of income with which he maintained his prestige and power through lavish expenditure, particularly on visible public monuments in Athens (Schaps 2004: 124–127; Lavelle 2005). In personally funding lavish and large-scale communal building projects which directly benefited the population at home, instead of displaying his wealth at some distant Panhellenic sanctuary, Peisistratos was typical of Archaic tyrants such as Polykrates of Samos, who was responsible for the building of the harbor mole, the great temple of Hera, and a large-scale underground aqueduct which ferried water to the city, monuments which Herodotus describes as “the three greatest constructions of the whole Greek world” (3.60.1). It is probably at this period that large-scale domestic building programs became synonymous with tyranny. Indeed, when Kleisthenes and the Alkmaionidai completed the construction of the temple of Apollo at Delphi on a much more lavish scale than specified in their contract in order to increase their political influence at Delphi and thereby gain military assistance from the Spartans to oust the Peisistratid tyranny and restore their political influence in Athens (Hdt. 5.62–63), they deliberately minimized their personal munificence of a highly visible public monument, even when it belonged to a Panhellenic sanctuary, preferring instead to have the Athenians “remember” the role of the so-called tyrannicides Harmodios and Aristogeiton (cf. Anderson 2007).

With the collapse of most of the tyrannies in Greece in the sixth century, and the widening of the constitutions of most cities to more broadly based forms of government than the narrow oligarchies which had been the norm previously, many *poleis* gradually placed restrictions on the abilities of their elite to purchase direct political power through lavish expenditure on public monuments, particularly domestic ones. The best evidence for this transition to the public funding of civic building programs comes from fifth-century Athens. Kimon (notably, before the further democratic reforms of Ephialtes and Perikles) experienced some degree of success in straddling the traditional aristocratic exchange of personal wealth for political power in the changed conditions of post-Kleisthenic Athens. In the words of Gorgias, “Kimon made money to use it, and he used it to be honored” (Plut. *Kim.* 10.1); significantly, much of what he used it for was the construction of monumental public buildings on a scale not seen since Peisistratos (for a list, see Hill 1951: index II.2.9). But, unlike Peisistratos, Kimon funded this building program out of a combination of his personal wealth and the booty derived from campaigns of the Delian League, which technically belonged to the state (Schaps 2004: 133). Perikles took this trend further in his even more extensive building program, of which the crown jewel was the construction of monumental buildings on the Akropolis to replace those destroyed by the Persians when they sacked Athens in 480 and again in 479. The Parthenon, the Propylaia, the temple of Athena Nike, and the Erechtheion all served not only as fitting dedications to the gods, but also as visible symbols of the power and glory of Athens (Wycherley 1992: 215–220). At this time, numerous other important sanctuaries throughout Attika were also rebuilt on the ruins of their predecessors (Wycherley 1992: 221–222; Kallet 1998: 48). Perikles funded this

impressive array of monuments, estimated to have cost between 2,000 and 2,500 talents (Burford 1965: 25), entirely through public money, both from Athens' own reserves, which were significant thanks to the economic “golden age” which the city was enjoying from the fruits of its empire, and supplemented, at least to some extent, from the tribute of the allies (Kallet-Marx 1989; Giovannini 1990; Samons 1993; Kallet 1998).

This transition from the aristocratic or tyrannical provision of public buildings from their private resources to the funding of large-scale building programs purely through public funds has some significant consequences. First, the leading politicians were not permitted to spend their own money on public projects (the Athenian refusal to allow Perikles and his family to fund improvements to the water supply should surely be read in this light; Kallet 1998: 48, with n.41), which entailed that they were not free to fund whatever project suited their current political needs, but could only commence construction on civic projects for which they had obtained public approval. Second, magistrates were held accountable for the funds which they administered, which ensured that they could only be spent for the purpose for which they were intended, and were required to submit to a financial scrutiny at the conclusion of their period of office. The accounting process was transparent, as financial records were published for public inspection, and the Athenians were meticulous in keeping separate accounts for money from different sources, and in designating specific funds to particular public expenses (Kallet-Marx 1994: 246–247). Third, the use of public funds meant that the Periklean building program, which showcased Athenian glory both to its own citizens and the rest of the Greek world, could now be thought of as belonging to, instead of simply benefiting, the citizens of Athens. In short, it provided a visible manifestation of democratic ideology, in that the *dēmos* appropriated from the elite the role of public benefactor in the most conspicuous sphere of public display (Kallet 1998: 53).

Nevertheless, we should be cautious about ascribing the Periklean building program in Athens too narrowly to either democracy or imperialism (I. Morris 1998b: 82–83). The Periklean building program is probably the most famous one in the Greek world, but it was by no means unique, as Greek states regularly undertook the construction of monumental public works when they possessed a sufficient amount of capital reserve to do so (Giglioni 1973: 221; Schaps 2004: 134). At the same time as the Periklean building program in Athens, both Argos and Korinth undertook major civic building programs, although neither city had a continuously democratic government (Argos, however, did experience a moderate form of democracy: Piérart 2000a) or an overseas empire (I. Morris 1998b: 82). Instead, this suggests that while fifth-century Athens was exceptional in wealth, power, and the extent of its democracy, the egalitarian ideology was widespread, regardless of the particular constitution of an individual *polis*, that the construction of public buildings was the only acceptable venue for the display of wealth, while the conspicuous consumption in private contexts represented a threat to the collective (von Reden 2007: 386–387).

Public building continued in the fourth century, in Athens as elsewhere, although the focus of building shifted owing to the straitened financial conditions and the new (and constantly changing) political configuration of Greece after the Peloponnesian War. There was certainly a renewed concern for defense, as illustrated by Athens' rebuilding of its city walls, as soon after the Peloponnesian War as it was in an economic and political position to do so (Xen. *Hell.* 4.8.10), as well as the construction of defensive

infrastructure throughout Attika (G.J. Oliver 2007: 142–146). Furthermore, the fourth-century focus on the reconstruction and expansion of the public areas of the city, such as the Kerameikos (the public cemetery), the Pnyx (the hill where the Athenian assembly held its meetings), and the *agora* (the market-place), instead of the Akropolis as in the fifth century, suggests that the Athenians had new and different priorities in the building projects they chose to undertake (Knell 2000) – although we should perhaps beware of imputing too much ideological significance to this, as the Periklean building program had perhaps already rendered the monuments on the Akropolis into a “possession for all time,” in the words of Thucydides (1.22.4).

The most extensive building program of fourth-century Athens occurred in the 330s under Lykourgos, who doubled the city’s revenues from 600 to 1200 talents per year, through a combination of fiscal conservatism modeled upon Euboulos’ successful reform of the Theoric Fund, the extension of the taxation base, and the securing of large donations from private citizens (E.M. Burke 1985; Hakkarainen 1997: 9–10; Humphreys 2004: 84–86). Although less ambitious than the Periklean building program (it has been estimated that its costs would have ranged from approximately one-third to one-half of those of its fifth-century predecessor: E.M. Burke 1985: 254–255), the Lykourgan building program was nevertheless extensive and, as Christian Habicht has observed, “was also the last time Athens itself had the means to pay for public architecture in the grand style” (1997: 24). The theater of Dionysos was remodeled with new stone seats and an elaborate seating area for visiting dignitaries, and a new temple was built in the adjoining sanctuary. A temple to Apollo Patroos, ancestor of the Ionians, was constructed in the *agora*, and renovations were made to the temple of Asklepios. Lykourgos commissioned the construction of a new Panathenaic stadium, built on land donated by a certain Deinias, which provided the Athenians with a suitably grand venue for the festival and athletic competitions in which they hosted the rest of the Greek world. Similarly, he also undertook the construction of the public gymnasium with its wrestling school. Large-scale construction was also begun outside the city at the sanctuary of Demeter and Kore at Eleusis, and the Amphiareion at Oropos. Nor was defense neglected, for the Athenians at this time repaired their walls, enlarged their docks, and constructed new ship-sheds and arsenals for the storage of the triremes’ equipment.<sup>10</sup>

While the Lykourgan building program was clearly intended to emulate its Periklean predecessor by providing Athens with a magnificent façade to display its glory to the world at large, there is an important distinction in that a significant portion of the funding for it derived from private, rather than public, sources. Not only did Lykourgos encourage the rich to make donations to the building program, he also expected the wealthy office-holders put in charge of various aspects of it to make personal contributions. Those who contributed private funding to the public sphere were rewarded with the granting of public honors as a token of gratitude from the *polis* (Hakkarainen 1997; Humphreys 2004: 85–86). The general absence of building accounts from the Lykourgan building program in comparison with the Periklean one may well be explained by this increased reliance on private gifts and donations (Rhodes 1972: 220 with Humphreys 2004: 86). With Lykourgos, as Sally Humphreys has observed, “the separation between public office-holding and private wealth which had characterized the classical democracy in Athens became blurred” (Humphreys 2004: 86).

## Epilogue: The Hellenistic Epoch

In the Classical period, as we have seen, the *polis* restricted the ability of the wealthy to parlay personal largesse into direct access to political power, by financing large communal projects through state funds and by harnessing the desire of the rich to gain status through conspicuous expenditure and competitive display to limiting it to projects which provided a common benefit and linking it, particularly in Athens, to democratic ideology. In Hellenistic Greece, however, the indirect relationship between personal munificence and political power, which was gradually eroded in the fourth century, became transformed into a direct one, as *poleis* became increasingly reliant upon the private resources of their wealthy citizens to fund public activities as individual benefactors. It is for this reason that the phenomenon of euergetism, coined by French scholars to denote the concept of private generosity for public benefit (Veyne 1990: 10), has been applied particularly to the Hellenistic period. As Paul Veyne has observed, it is only at this time that the title of *euergetēs* (“public benefactor”), previously awarded only to foreigners, could be conferred by the Greek cities upon their own citizens (Veyne 1990: 76).

In Athens, the liturgical system disappeared at the same time as democracy, when Demetrios of Phaleron imposed what was essentially a moderate oligarchy upon the Athenians. Demetrios seems to have taken seriously Aristotle’s advice (*Pol.* 1321a31–42) to attach liturgies to the most important political offices, for he appointed *agōnothetai* (“contest-arrangers”) in the place of *khorēgoroi*, removed the element of competitive generosity, and made the office elective, albeit chosen by a far more restricted *dēmos*. As time went on, the *agōnothetai* subsidized the magistracy to a greater degree out of their private funds, and correspondingly received more fulsome honors from the city, as well as the attachment of increased political importance to this magistracy (Wilson 2000: 270–276). The trierarchy disappears from view until (tellingly) we find a reference to the appointment to the post in the late third century of a certain Menander, who is honored for substantial expenditure out of his own funds (G.J. Oliver 2007: 196). Along with the assimilation of private benefaction and political office, cities began to rely to a greater degree upon voluntary contributions (*epidoseis*), solicited from wealthy citizens to raise funds for specific projects, for which they too were rewarded by public recognition (G.J. Oliver 2007: 199–227).

Public buildings became both more grandiose and luxurious, but this trend, ironically, arose because the Greek cities lacked the resources to fund major projects from their own reserves, dominated as they were to a greater or lesser degree by foreign rulers. Increasingly, therefore, they relied upon the generosity of external benefactors for the provision of civic amenities (Shipley 2000: 86–89). Just as in the Classical period, this too was a reciprocal system. The Hellenistic monarchs competed with one another for fame and power as benefactors of the Greek cities (Bringmann 2001: 213), while the Greek cities employed the granting of honors as a tangible means of encouraging powerful individuals to offer donations to their communities (Archibald 2001: 261–264). In fact, it is the success of this system of *euergesia* which permitted the Roman institution of patronage to merge with existing mechanisms in the Greek world (Ferry 1997).

## NOTES

- 1 Rhodes (1979–1980); Ober (1989: 95–103); but cf. Ostwald (1986) and Hansen (1999) for the view that the fourth-century democracy was substantively different from its fifth-century predecessor.
- 2 On the overall trend towards parallelism, see the exhaustive catalogue of the units of public organization compiled by N.F. Jones (1987), although he is concerned mainly with territorial and/or personal associations such as demes and tribes.
- 3 On the *eisphora*, the emergency wartime levy on capital wealth imposed on wealthy Athenians to meet civic needs, see chapter 22 of this volume and Christ (2007).
- 4 But cf. Wilson (2000: 46–47) for the observation that even the so-called festival liturgies embody militaristic practices and values.
- 5 The average outlay for a trierarchy ranged between 4,000 and 6,000 drachmae: Davies (1971: xxi–xxii); Gabrielsen (1994: 49–50).
- 6 For this debate, see Davies (1981: 24); Rhodes (1982: 3, 13); Gabrielsen (1994: 68–73).
- 7 Christ (1990); Christ (2006: 143–204), *contra* Gabrielsen (1994, esp. 218–226) and Wilson (2000: 184–187).
- 8 A reform opposed, probably unsuccessfully, by Demosthenes (20; Rhodes 1982: 13).
- 9 As opposed to the overseas Greek cities in the west and Ionia, who used monumental architecture as a visible symbol to distinguish themselves from their non-Greek neighbors; R. Osborne (2009c: 248–257).
- 10 On the details of the Lykourgan building program, see Habicht (1997: 24–26) and Humphreys (2004: 86–88).

## CHAPTER 20

# Greek Government and Education

### *Re-examining the ephēbeia*

*Lynn Kozak*

*The oath of the ephebes of the fatherland, which it is necessary for the ephebes to swear: I will not shame my sacred arms, nor will I desert the one standing in the line beside me, wherever I am stationed. I will defend the divinely sanctioned institutions and I will not hand down the country in a lesser state, but will make it greater, as best as I myself can, and with all those around me, and I will always obey those who rule reasonably, and the institutions of the present, and those set up reasonably in the future, and if someone should destroy them, I will not allow it, by myself and with all those all around me, and I will honour my sacred ancestral gods. Witness gods Aglauros, Hestia, Enyo, Enyalius, Ares and Athena Areia, Zeus, Thallo, Auxo, Hegemony, Herakles, the borders of the fatherland, wheat, barley, vines, olive-trees, fig-trees.*

(Ephebic oath from the so-called *stèle* of Acharnai: R&O 88, trans. L. Kozak)

Education is a difficult concept to tackle when thinking about the emergent and evolving governments of the ancient Greek world. On the one hand, we know that the concept of public or “state-sponsored” education is largely missing from Greek *poleis*, especially in the Archaic and Classical periods. On the other hand, from the fourth century onwards, the institution of so-called ephebic programs became a near-ubiquitous feature and defining cultural characteristic of most Greek cities. In his comprehensive catalogue of *ephēbeia*, Nigel Kennell spells out just how endemic the institution was in the Greek world of the Hellenistic and Roman periods: “At a conservative count, citizen training systems are attested in 190 cities, ranging from Marseilles to Babylon and from the Ukraine to North Africa” (Kennell 2006: viii).<sup>1</sup> Yet those institutions did not appear *ex nihilo*, but emerged from traditional, community-based forms of civic and military education. Mark Griffith is right to question a neat narrative of education evolving from the private and the aristocratic to the public and the democratic, or from the individual to the political (Griffith 2002: 24). But at the same time, looking at Greek education is,

as Yun Lee Too says, “a proleptic narrative” (Too 2002: 8). We know that by the late fourth century, many, if not most Greek *poleis* had ephebic programs. These programs were government-sponsored, formalized educational institutions that gave young men civic and military training on their path to citizenship. The *ephēbeia* is the clearest example of public education in the ancient Greek world, as it transcends informal trends of education, where certain skill sets are passed along dependent on class and occupation, and instead represent a skill set that all citizen members of a *polis* are expected to know. While this skill set might have evolved in part organically within the community, slowly being agreed to over time, the fourth-century programs indicate not only a coalescence of those skills, but, more significantly, a top-down imposition of those skills from the government upon its citizens, particularly in the swearing of the ephebic oath. How the Greek world moves towards the moment when adult membership in a community is not only decided by the government, but is oath-bound, will be the primary question of this chapter. My exploration will begin with archaic examples of civic and military education, from both literary examples and what we know of Sparta, before moving through ritual to Athens and finally back outwards to look at the function of the myriad ephebic systems throughout the Hellenistic world.

Our earliest literary representation of community and military cohesion within a proto-political context is the *Iliad*. While there is certainly no evidence of an ephebic oath in the *Iliad*, a sense of civic and military obligation to one’s community forms the core of the education of its individual characters. Achilles is the most famously “educated” in the *Iliad*, and Phoinix details how he educated the young hero:

Peleus the aged horseman sent me forth with you  
on that day when he sent you forth from Phthia to Agamemnon  
a mere child, who knew nothing yet of joining battle  
nor of debate where men are made pre-eminent. Therefore  
he sent me along with you to teach you in all these matters,  
to make you a speaker of words and one accomplished in action.

(Hom. *Il.* 9.438–443)

But it is Hektor’s claim about his own education that is perhaps more significant in looking at the ephebic oath, since the *Iliad* embeds him within the social context of his native community. Hektor expresses his own organic sense of social accountability in the face of communal expectation when he declares to Andromache (*Il.* 6.440–445) that he will continue to go out and fight, against her wishes:

... I would be so terribly  
ashamed, before the Trojans and the flowing-robed Trojan women,  
if I were a coward, and skulked away from the battle:  
Nor would my heart command me to, since I have learned to be brave,  
always, and to fight in the Trojan front lines,  
winning for my father great glory, and for myself.

Hektor has learnt that his position is in the front lines, as part of his unsworn commitment to his community as a warrior. Hektor espouses this idea of civic commitment best in his battle exhortation in Book 15 to the Trojan troops and their allies:

But fight, all together, beside the ships, and he among you  
 who by spear-thrown or spear-strike wins his death and destiny,  
 let him die: for it is not unseemly, defending the fatherland,  
 to die. For has saved his wife and his child after,  
 and his house and his lot stay untouched, if the Achaians  
 must leave with their ships to their own fatherland.

(*Il.* 15.494-499)

Instead of oaths, shame and the pragmatic concerns of saving the community act as motivators for the Trojan warriors. In fact, only Nestor refers to an oath that does speak to a sworn military obligation in the *Iliad*: the oath of Tyndareos. Nestor cries out to the leaders of the Achaians (2.339), rallying them: “Where have your oaths and covenants gone to?” But that was an oath sworn towards a specific military end, among the suitors of Helen. No oaths are mentioned in any rallying speech for the Trojans and their allies, the *epikouroi*, or the common men of the Achaians. These two points then are the most significant aspects of military education within the *Iliad*: that there is a social, civic aspect to military excellence, and that military duty and hierarchy are unsworn, and implicit rather than explicit within the poem’s communities.

While the *Iliad* is not *polis*-specific in its origins or in its depiction of its heroes, the seventh-century fragment of the Spartan poet Tyrtaios shows a similar attitude towards the expectation and fulfillment of military success within a community, and scholars have frequently looked to it in discussing ideals of education in the ancient world. The passage is notable enough to be cited in full:

A man does not prove himself courageous in war unless he can bear to see bloody slaughter and can aim at the enemy as he stands near him. Among mankind this excellence, this prize, is the best and finest thing for a young man to win. The city and all the people share in this noble thing, whenever a man, feet planted firmly, stands relentlessly in the front ranks and pays no thought at all to shameless flight as he shows a steadfast heart and soul. He stands beside the man who is near him and encourages him with his words. This man proves himself courageous in war. All at once he routs the rugged battalions of the enemy and eagerly holds back the wave of battle. The man who falls in the front ranks and loses his life, giving honour to his city, his people, and his father, who has suffered many wounds in his chest from a spear that came through the centre of his shield and through his breastplate, this man do young and old alike lament, and in painful longing the whole city mourns for him. (Tyrtaios 12.10–28, trans. West)

Several features from aspects of the combined military–civic roles of the *Iliad* appear in this passage: the motivation of shame, the ability to fight in the front lines, and the social aspect of military prowess and how the community evaluates it, both for the living warrior and for the dead. Yet if this Spartan poet looks backwards to the *Iliad*, we can also see it as looking forward. Griffith sees the beginnings of the ephebic oath in this fragment’s reference to “standing-by (*parestos*) the next man in line,” which he insists is a clear proto-phrase to the fourth-century Athenian oath’s own “I shall not abandon my comrade-in-line (*parastates*)” (Griffith 2002: 60). This linguistic tie is not present in Hektor’s claim to fight in the front lines, but the fact is that he is “in the line” (6.444) – he does not talk about fighting on his own. Heroes are often discussed as ‘standing beside and defending’ their comrades, and this kind of social military service

is standard (e.g., *Il.* 15.255, 17.563, 21.231). The Spartan example is more explicit in terms of the cohesion of military structure, but still clearly follows on from preexisting aspects of martial ideals.

Of course, Tyrtaios' poems do not only look forward to the Athenian ephebic oath, but also prefigure the principles of the Spartan educational system, later known as the *agōgē*, which also culminated in sworn military service for adult males. Tyrtaios dates, by most accounts, to the mid-seventh century, which means he wrote against a backdrop of the events surrounding the Second Messenian War, in which the Spartans continued to conquer and enslave the Messenian population as helots. The need to suppress the helots, who greatly outnumbered the Spartans, seems a fine reason for the beginnings of martial education in Sparta. Xenophon, our first extant source on the Spartan state's means of education with his *Lakedaimonian Constitution*, appears to corroborate at least an early form of education in this period, attributing the transition towards Spartan state-sponsored education to the seventh-century Spartan king Lykourgos.

Xenophon, who himself was said to have sent his sons to Sparta to be educated, contrasts the Spartan system with the Athenian custom of sending boys to private tutors. In Sparta, all boys, at the age of 7, were handed over to a single educational officer, known as the *paidonomos*. Boys were required to go barefoot at all times, wore only one piece of clothing in all weather conditions, and were fed on a barely sufficient diet (Xen. *Lak. Pol.* 2.2–9). This educational system emphasised obedience, and as Xenophon tells us: “So both boys and men respect nothing as much as their leaders” (Xen. *Lak. Pol.* 2.10). But at the same time, the diet of the boys was so restricted that the boys were encouraged to steal, so long as they stole well (Plut. *Lyk.* 18.1). This stealing of cheese from the altar at Artemis Orthia, with possibly violent consequences, might be the origin of the famous “whipping contest,” where boys would hug the altar and take as many lashes as they physically could. This contest became defining for the institution of the *agōgē*, and in some respects, for Sparta more generally, especially in the Roman period (Kennell 1995: 89).

The stealing stage of the *agōgē*, known as the *phoaxir*, or the “fox time,” along with a slew of other aspects of their education, speaks to the education of a boy as a liminal space. Xenophon discusses the quasi-Platonic paederastic element of Spartan education for older boys (Xen. *Lak. Pol.* 2.11.13–14), and Cartledge comments that “[t]he overall aim of this ritualised paederasty is . . . to foster the initiation and ease the incorporation of the youths into adult Spartan society as fully-fledged citizen warriors” (2003: 87). The young men’s association through ritual with Artemis Orthia, the goddess who dwelt at the entrance of the city, defending the line that delineated *polis* from the rest of the land, places Spartan *hēbontes* quite literally in a liminal space. The system as described in Xenophon then creates a youth of criminality and sexually gendered inversion, before the boys become contributing warrior citizens as adults. Finally, the period known as the *kryptenia*, where the young men went on night patrol and killed any helots that they happened to come across, emphasized these inversions of appropriate hoplite activity, and make it clear why an oath might have been required once adulthood was reached at last (Plat. *Laws* 633b; Plut. *Lyk.* 28.1–3). Then the young men entered into military garrisons known as *enōmotiai*, or “sworn bands” (Bayliss, forthcoming; van Wees 2006a); men who made it to this point were called *homoioi*, and, as the name suggests, were considered “the same” in their elite status. We will see that these two

aspects of Spartan education – creating a sense of obedience in its soldier-citizens, but placing them first in a “liminal” societal space before they are initiated by oath as full and equal members of the community – are both significant to the later ephebic system at Athens.

The many inversions, liminal spaces, and ritual practices and competitions that the Spartan youth moved through on their way to full male participation in their community have clear parallels with the system that developed at Athens. The sanctuary of Artemis Orthia, on the outskirts on the Spartan political territory, can be compared to the temple of Aglauros, one of the deities sworn to in the ephebic oath, and most certainly the location of where the oath is taken (Bayliss, forthcoming; Bock 1941). The Athenian ephèbes also have clear ties with a mythological figure, Theseus, who himself goes through a transition from rowdy monster killer on the outskirts of the known world to good king of Athens, as the black *chlamys*, or cloak, worn by the ephèbes were etiologically said to represent the mourning of Theseus (Philostr. *Vit. Soph.* 2.550).<sup>2</sup> While there is a plethora of scholarship discussing the intersections and connections between older coming of age rituals such as the *apatouria* and the *koureion*, which allowed membership into phratries, we must think of the *ephēbeia* as something slightly different. While both Sparta and Athens place their young men in some peripheral social roles, with a kind of inversion towards ideal soldiery at the time of maturation, I want to focus on the *ephēbeia* as a government institution with some ritual elements rather than as a ritual itself.

It is useful here to look at the fifth-century Athenian sources to consider further scholarly claims that the fourth-century Athenian *ephēbeia* originated somewhat earlier, both through archaic ritual elements and literary representations of both citizen ideals and young men, and through what we know of the fifth-century political and military structure. Within extant Greek tragedy, scholarship most frequently associates Sophokles' *Philoktetes* with the ephebic oath, and often even takes it as evidence for its existence in the fifth century. (For discussion of Neoptolemos as an ephebe, see Vernant 1990; Fletcher 2008; N. Austin 2011: 55; Padilla 1999: 110; Goldhill 1987: 74.) With its young protagonist acting within a military structure and going through a clear transition of loyalties from the beginning of the play to the end, many scholars see the play as the most definite fifth-century literary example of the transition from ephebe to hoplite, from young man to adult. Both Jean-Pierre Vernant (1990) and Judith Fletcher (2008) in their studies of the play go even further, to explicitly link Neoptolemos' maturation to his use of oaths; Vernant suggesting that the reference to Neoptolemos' “unsworn oath” mentioned by Odysseus (l. 72) is an allusion to the ephebic oath as much as it is to the oath of Tyndareos (Vernant 1990: 170), while Fletcher claims that “the process of (Neoptolemos') individuation from the cold-blooded pragmatism of Odysseus and subsequent maturation into a young man of integrity is marked by new relationship to *horkos* (oath)”(2008: 17). Despite these scholarly claims, the play makes no direct mention of an oath of citizenship – Neoptolemos is not even sworn to his mission. What the play does do is set up a clear military hierarchy, missing from the *Iliad*, as well as a sense of what being a “traitor” is, suggesting an abstract entity to betray. The play's opening dialogue, between the conniving Odysseus and the apparently innocent and honest Neoptolemos, serves to delineate this dynamic from the very start. Odysseus explains the set-up for the action by saying that he himself had stranded Philoktetes on

Lemnos because “he was ordered to do this by his commanders” (l. 6); Neoptolemos goes on to call Odysseus “commander” with his very first word (l. 26). What we have here is a clear chain of command, between those abstract “commanders,” to Odysseus, to Neoptolemos himself. When Odysseus commands Neoptolemos to take Philoktetes’ bow through deception, Neoptolemos finally gives in, saying that he does not want to be called a “traitor” (*prodotēs*, l. 94). This establishing scene suggests that a man fulfills his fifth-century adult role by taking his place within a rigid military hierarchy, obeying the chain of command, and refusing to become a “traitor.”

Obedience within a model of military and civic cohesion shows up in several other fifth-century sources, as Peter Siewert has shown (1977). He rightly points to Sophokles’ *Antigone*, particularly Kreon’s speech (ll. 661–676):

Whatever man is useful to his household  
also appears to be just to the *polis*.  
And whoever looks down upon or does violence to the laws,  
or thinks to command those who rule,  
then he will not get any praise from me.  
But whomever the city sets up, it is necessary to obey him,  
with respect to small things, to just things, and their opposites.  
And I have faith that such a man  
rules well, just as he is willing to be ruled well,  
and in a spear-storm would, wherever he was ordered,  
stand fast, a just and brave comrade-in-arms [*parastaten*].  
But anarchy is the worst of evils.  
It destroys *poleis*, places homes into chaos,  
breaks apart allies and sends them running.  
So obedience saves many lives  
for those who act right.

The *Antigone* is usually dated to the late 440s, so we can see that the discourse of obedience within a political sphere is already quite strong by the mid-fifth century. This corresponds to fifth-century philosophy, and we can see similar sentiments about obedience and treachery in Gorgias. In his *Defence of Palamedes*, Gorgias claims “[t]he traitor is an enemy to everything, to law, to justice, to the gods, to the whole of mankind” (fr. 11a101). The *Palamedes* goes on to give an expanded view of ideal citizenship, showing a similar treatment of the civic and the military that the ephebic oath will later do:

I am not worthy to suffer ill at the hands of young or old, nor any others, since I have been useful. I have caused no pain to the old, I have not been hurtful to the young, I have not envied the fortunate, but pitied the unfortunate. I have not looked down on the poor, nor honoured wealth above virtue (but virtue above wealth). I have not been useless in councils, nor lazy in battles, doing as ordered, obeying my leaders.” (fr. 11a204–9)

In the *Iliad*, we saw that Achilles had been brought up to be “speaker of words and a doer of deeds,” but here we see that usefulness has a much fuller definition, one that encompasses both military service and social behavior and attitude. What is more, the prize of what is valued within that military service has changed slightly, from the

archaic model of always fighting in the front lines, to one here of fighting well, but also following orders, suggesting the rise of a clear military hierarchy that we seldom see in the Homeric poems, and perhaps a broader shift from reciprocity between individuals towards obedience to institutions.

Obedience is just as important in Perikles' vision of ideal citizenry within Thucydides' report of his funeral oration. Perikles makes the claim:

And with respect to the unburdened way in which we conduct our private affairs, we are not lawless, but in our public life, out of fear, we are always obedient towards the leadership and to the laws, especially those which are against injury towards those laid up in illness, even those that are unwritten, but bear a commonly acknowledged shame. (2.37.2)

Perikles' view of citizenship here combines elements that we have seen before – a sense of social propriety and investment in others, with the idea of obedience towards abstracts, laws spoken and not. Siewert connects the obedience here directly to the ephebic oath, citing it as a paraphrase of the lines from the oath that "I will always obey those who rule reasonably, and the institutions of the present" (Siewert 1977: 105). But the first part of Perikles' statement here is just as important, as he says that this social cohesion exists despite the freedom with which Athenians live their lives, suggesting that it exists organically without the artifice of state-sponsored training or state-imposed swearing. Perikles is even more explicit in this suggestion when he compares the education systems of Sparta and Athens just a little later within the same speech:

We also differ from our enemies in our attention towards martial matters. For we let our city be shared, and we do not oppose, by expelling foreigners, anyone's learning or seeing something, which not being hidden might be a help to our enemies, because we trust not so much in secret preparations or deceits, but in the good nature and works of our own selves. And in education, while they toil in painful practice from the time they are young, pursuing manliness, we lead our lives with ease, yet we are no less ready to go into danger than they are. (2.39.1)

Siewert finds further traces of the ephebic oath in Thucydides (at *Thuc.1.144.4*), where Perikles says "we must ward off our enemies in this way (as our ancestors did the Medes), and try to hand down to future generations a city that is not less," which does seem to correspond to line 8 of the text of the ephebicoath: "I will not hand down my city lesser, but greater ...." Nevertheless, there are no public speeches in Thucydides that make mention of the oath, and this is particularly striking on the battlefield, where it would seem most relevant. Instead, there are no battlefield exhortations that make reference to sworn oaths, even those that delineate the Athenians from their allies. When Thucydides narrates Nikias' desperate pleas to his men before their last disastrous battle at Syracuse, he says:

Nikias, distraught by the present circumstances, seeing what kind of trouble they were in, and about to be in, as they set out, and thinking, as one does when suffering in some great crisis, that when everything necessary has been said that there is still something left to say, he went again to call upon each one of the trierarchs, calling them by their names, and those of their fathers and of their tribes – to those already well-reputed, he said to stay worthy of their reputation and not to betray it, nor the excellence of their ancestors, and erase what

their fathers had built, remembering their country to be the most free and that everyone had the power to live as they wished, not under orders, and he said the other things which men say at such a time as this, not caring whether they are speaking in clichés, saying all the same things, bringing up wives and children and ancestral gods, shouting them out, thinking they might be some help against the present terror. (7.69.2)

Nikias' battle exhortation has clear overlaps with the ephebic oath: the appeals to the glory of the *polis* itself, to the honor of the individual's ancestors (and their gods), and finally to the balance between personal and private community investment. Where Perikles emphasized obedience despite freedom, Nikias emphasizes freedom. And while Thucydides tells us that Nikias did not hesitate to call on clichés, why wouldn't he call on an oath that every one of his Athenian citizen-soldiers had sworn?

While this argument of absence is fairly convincing, we must consider what is present in Thucydides: the *peripoloi*. As a separate armed force that guarded the frontiers of the *polis* or manned its outposts, the *peripoloi* make a few noteworthy appearances in Thucydides, which show that they functioned as an institutionalized section of the Athenian military, complete with their own commander, the *peripolarchos*. Thucydides mentions them as a garrison that Demosthenes takes with him (along with a garrison of Plataian light troops) on an ambush at Enyalos (4.672–675). The fact that this mission is a night ambush, hardly the behavior of a hoplite, fits well with the theories of ritual initiation that we have already seen, and has stirred many scholars to see this as indicative of the *peripoloi* and the *epheboi* being the same. But night raids are a part of the Homeric tradition, and not necessarily indicative of social liminality. What is more, Thucydides gives no specifics about the make-up of the *peripoloi* here, and when one of their number assassinates Phrynicchos (8.92), he is called simply an *anér*, a man, without any indication of age, though we do find out that he had an Argive accomplice who knew the men that hung out at the *peripolarchos'* house. Lysias' later description of this event names Thrasyboulos of Kalydon as the actual assassin and Apollodoros of Megara as his accomplice (Lys. 13.71), and this suggests that the *peripoloi* is a garrison that consists at least in part of foreign mercenaries, and so cannot be seen as a purely ephebic institution.

Adding to this confusion is the fact that in the fourth century, Aischines, in describing his own military service, seems to use the terms of *peripolos* and *ephēbos* interchangeably. As we might expect from oratory, Aischines draws a clear dichotomy between himself, the ideal citizen who participated in the *peripoloi*, and Demosthenes, the traitor, the squanderer of wealth and solicitor of sexual favors (2.165–167):

How do we recognize the natural-born traitor (*prodotēn*)? Isn't he like you, using those who meet him, or who trust him? Writing speeches for pay for the law courts, only to reveal them to their opponents? You wrote a speech for Phormion the banker, and took his money, and then you disclosed it to Apollodoros, who was bringing a capital charge against Phormion. You came into the happy home of Aristarchos, the son of Moschos, and destroyed it. You took 3 talents from Aristarchos, pretending to be an admirer of the young man's youth. Clearly this was not the truth; love that's right doesn't accept wickedness. These things, and those like them, are what make the traitor. But he made mention of my military service, and called me a "good soldier." And, not because of his slander, but considering the present danger, I think I am above reproach to speak of these things. For where or when or to

whom, after this day, should I mention them? When I grew out of childhood, I became a border guard [*peripolos*] of this country for two years, and I now present to you as witnesses my fellow ephebes [*synephēbous*] and commanders.

In so clearly delineating Demosthenes' treachery from Aischines' ephebic service, the passage suggests an implicit connection between ephebic service and citizenship. Aischines speaks of his service as a "border guard" (*peripolos*), and at the same time speaks of his *synephēboi*, or "fellow ephebes." But the word *synephēboi* does not appear in the Greek corpus before Aischines, and his use of it here might be simply "fellow young men acting as *peripoloi*" instead of a reference to those participating in a formal ephebic institution, and no oath is mentioned. Nevertheless, it seems that some version of the Athenian ephebic program was up and running by the time of Aischines' young adulthood. We know that *On the False Embassy* was, like the other speeches we have looked at, delivered in the 340s, here 343. With some additional help from Aischines' description of himself as 45 years old in his 346 speech *Against Timarchos*, describing Misgolas as another *synephēbos*, and of a similar age, that means that his ephebe service took place around 371 BCE (Aischin. 1.49).

While Aischines uses his military service as a young man to prove his own worthiness as a citizen, his famous rival Demosthenes uses what might be a reference to the ephebic oath to appeal to the civic sensibilities of his jurors. This means that it is not on the battlefield, but in the courtroom where citizens are reminded of their ephebic oaths with the implication that they are acting (or about to act) in a way that is contrary to the spirit of that oath. In Demosthenes' early oration *Against Meidias*, Demosthenes pleads with the jurors to vote against Meidias, who had hit him, and says:

Whenever that man, holding his children to him, expects you to give your vote to him, then you should think of me, holding the laws, standing beside him, along with the oath that you have sworn, asking each of you to cast a vote against him. It is far more just for you to step forward for these laws than for this man. For you have sworn, Athenian men, to obey the laws, and through these laws each of you has equal rights, and all that is good of yours exists because of the laws, not because of Meidias, nor because of the children of Meidias. (Dem. 21.188)

Demosthenes seems to be echoing the same lines of the oath that we saw earlier in the discussion of Thucydides (2.37.2), where the ephebes swear to "obey those who rule reasonably, and the institutions of the present, and those set up reasonably in the future" (ll.11–13); even here, it is hard to say if the oath is the ephebic oath. The Nottingham Oath Database claims that the language here rules out the possibility of it being the standard oath for jurors, and that it must be the ephebic oath that is being referred to.<sup>3</sup> This possibility becomes more likely if we consider that in Demosthenes' speech *On the False Embassy*, as he lists the speeches given by Aischines, whom he views as a traitor, he asks the jurors: "Who was it that spoke to the assembly with those long and beautiful speeches, and read out the decrees of Miltiades and Themistokles, and the oath of the ephebes, taken in Aglauros?" (Dem. 19.303).

This speech confirms that there was an oath taken by ephebes at Aglauros, and as both of these speeches date to the 340s, we might see them referring to the same ephebic oath. Yet still the evidence is piecemeal – while we have reference to an oath that the

ephebes take, and an oath that ensures obedience to the laws of the *polis*, there are still no details of the content of the oath, or of the actualities of an institution built around such an oath, that can confirm it is the same as the oath on the Acharnian *stèle* or the institution that is detailed in the Aristotelian *Constitution of the Athenians* ([Arist.] *Ath. Pol.* 42.2–5).

Searching for these alignments of other sources with the Acharnian *stèle* and the *Constitution of the Athenians* belies a deeper desire to find the precise historical moment when the Athenian government began to intervene in the education of its young men. When *poleis* ask for an oath from all of their citizens, governments create the exact significance of what it means to be a citizen, while simultaneously binding those citizens ritually and religiously to their respective *poleis*. We know that the significance of oaths in the ancient Greek world is profound, affecting every aspect of personal, interpersonal, communal, political, and inter-political life, creating expectations and relationships not just through the oath itself, but through all of the ritual and religious implications that each oath holds. The oath thus functions as a major component of the progression from community to state, situated as it is within a ritual religious context that predates the *polis* as an agent of social cohesion. The ephebic oath imposes a sworn obligation upon initiates to their community that ensures religious, civic, and martial cohesion – placing obedience to those institutions not only in the sociopolitical realm, but also in that of the divine.

The ephebic oath stands, in many awkward ways, separate from the actual institution of the *ephēbeia* as we know it – the strongest evidence of which is from the Aristotelian *Constitution of the Athenians* of the late fourth century, most likely from the 320s. This places the Aristotelian text roughly forty years after Aischines' service would have taken place, and while it gives a fuller description of the ephebic training program, it also seems to corroborate certain details from Aischines' own description. The “two years” of Aischines' service as he describes it breaks down slightly differently in the Aristotelian account: the first year is spent touring the temples and the Piraeus, then taking up guardianships at either Mounichia or Akte, all the while receiving instruction in armed fighting, archery, javelin-throwing, and slinging ([Arist.] *Ath. Pol.* 42.3). The end of this year sees the ephebes demonstrate their newfound skills in the theatre (see Dillery 2002 for further discussion of this point), receive their spear and shield (hoplite arms) from the state, and then move on into patrolling the countryside and manning guard-posts (42.4). Their watch lasts for two years, during which they are exempt from taxes and disallowed from participating in most law cases, and at the end of the two years they join the general citizenry (42.5).

Perhaps the most interesting details of this training is the fact that two physical trainers and teachers (*didaskalos*) are elected to teach (*didaskousin*) the ephebes in specific martial skills that go beyond hoplite training. The ephebes put these skills on display, in a ritual presentation implying communal evaluation, before they are given the spear and shield of the hoplite, implying a positive evaluation by that community. This is the strongest and most detailed evidence for what kind of education constitutes the transition from childhood to adult citizenry in fourth-century Athens.

The curious thing about this Aristotelian description is that for all the details that it describes about the ephebic program, it makes no mention of the oath at all. If we did not know already that, at least in some of the evidence we have already seen, the oath

takes place at Aglauros, we might assume that the oath would take place in the ritual presentation of arms to the ephebes by the *dēmos*. But the *Constitution of the Athenians* mentions no oath as part of that ritual, just as it omits mention of any other ephebic or hoplite oath.

The problem is the same one that besets the question of the fifth-century evidence: does the omission of the oath simply point to its ubiquity? Some scholars certainly argue for this (Reinmuth 1952: 42), and the argument does hold some water, since the evidence we have seen so far places an ephebic program as early as the 370s and an ephebic oath at Aglauros certainly in existence by the 340s, so that both would have been in place for at least a generation by the time of the *Constitution of the Athenians'* writing. But the omission feels particularly odd because the text is so specific in the oaths that it does mention at the beginning of the chapter, detailing the oaths taken by deme members to confirm that new *ephēboi* are of the correct age and of legitimate birth. These oaths would also presumably have been in existence for a long time before the writing of the *Constitution of the Athenians*: the legitimacy of citizen parentage on both sides would date to the Periklean citizen policy of 451. With the work's inclusion of every other kind of oath taken to become members of *polis*-institutions (the dikastic oath at 1.1, the *archōn* oath at 3.3 and 55.5, the bouleutic oath at 22.2, the oath for the *syngrapheis* at 29.2, among others), the lack of any mention of the ephebic oath remains problematic.

The oath itself is described, at last and in some detail, in Lykourgos' speech *Against Leokrates*, and this Lykourgan version of the oath, which corresponds to the version on the Acharnian *stēlē*, has encouraged a long tradition of scholarship, begun by Wilamowitz (1893) and supported recently by Josiah Ober (2005) and others (notably Friend 2009) to place the oath as part of Lykourgos' reforms in the wake of the Athenian loss at Chaironea.

There is your oath, which every citizen swears, when they become ephebes and are written down in the registers, neither to shame the sacred arms, nor to leave the line, but to defend the fatherland and to hand it on as something greater. If Leokrates has sworn this oath, then he has clearly forsaken it, and not only wronged you, but he has also committed a sacrilege against the gods. And if he hasn't sworn it, then it is immediately clear that he has been contriving to do nothing of his obligations, and against these things you would rightly make him pay, for yourselves and for the gods. (Lyk. 76)

The correspondences between Lykourgos' description of the oath here and that as recorded on the Acharnian *stēlē* are obvious; all of the details of what is sworn in the oath also show up in the inscription. Lykourgos' speech dates from 330, eight years after the famous defeat of the Athenians to the Macedonians at Chaironeia: the *stēlē* has generally been dated to 335/334 (though recent scholarship is split over dates), to after the battle of Chaironeia (Ober 2005; Friend 2009), to the second quarter of the fourth century, possibly corresponding to the Athenian–Spartan alliance against the Thebans before the Battle of Mantinea in 362 (van Wees 2006a; Krentz 2007b), or to a middle view thinking that the *stēlē* is Dion's attempt to rally the Athenians against Macedon, using Demosthenes (19.303) as the first literary evidence to then place the date of the *stēlē* sometime after 348, in the third quarter of the century (R&O). Most scholars who assert the later date, after the Battle of Chaironeia, also allow the existence of previous

incarnations of the ephebeate – most notably that iteration from the first quarter of the fourth century in which Aischines took part – while insisting that the ephebic institution depicted by the Aristotelian *Constitution of the Athenians* is the rigid structure created by the Lykourgan reforms of the mid-330s.

This last view is perhaps the strongest in that it is the most easily supportable by available evidence, while attempts to date the ephebic institution as described by the *Constitution of the Athenians* to any earlier time must necessarily be more speculative. All the same, we are left with an ephebic oath of unknown date and origin, an ephebic institution that seems to date to the first quarter of the fourth century, only to be formalized later, and a lot of unanswered questions about the development of education in the Late Classical world. If we take Ober's view that Lykourgos was responsible for the reform of the ephebic program into a formal, state-sponsored and -funded institution for the civic and military education of its citizens, then it is perhaps easier to start to think about the archaic elements of the oath on the *stēlē* as well as the continuation of the program through the Hellenistic and Roman periods.

In dating the oath itself, much has been made of the swearing elements and deities (Merkelbach 1972: 281–283), which seem to place the ephebic oath most certainly into the Early Classical if not into the Archaic period. Yet perhaps it does not matter when exactly the oath dates from; only that it seems old, or speaks to an older tradition. Kellogg, in her (2008) study of both the ephebic oath and the oath of Plataia that is found on the other side of the Acharnian *stēlē*, says:

We see this intersection between the need for exhortation and example and the need for legitimacy in the form of written text in concrete form on the Acharnai *stēlē* ... The combination of the Oath of Plataia and the ephebic Oath on the same *stēlē* should be viewed, therefore, as an exhortation to Athenians just entering their civic and military training to aspire to the achievements of their fifth-century forebears in a similar geopolitical situation, given additional legitimacy by the form in which it is being transmitted. (Kellogg 2008: 372–373)

Kellogg places this use of fifth-century nostalgia into a great program of rhetoric from fourth-century speeches that use fifth-century Athens – most particularly the Athens that won at Marathon – as a political paradigm. This should come as no surprise; the same thing was done in the later fifth century, where participants in the Peloponnesian War looked back towards the glories of their fathers who had fought in the Persian War. Perikles' own funeral oration, which he calls “an ancient tradition,” had, after all, only been brought into being a generation before, after the Persian War, probably in the 460s. The present is therefore always defined by the past, and where should this be truer than in the building of citizens? We know that this kind of archaizing also applies to fourth-century depictions of educational practices – when Aischines asserts that “the lawgiver,” Solon, made the rule that *chorēgoi* should be at least 40 years of age so that the most temperate men deal with the city’s youth, he is claiming a state interest in education dating back to the beginnings of Athenian democracy (Aischin. 1.11) though the law he cites actually only came into being in the fourth century (Golden 1990: 65–67). This has a Spartan parallel in Kleomenes’ reforms of the *agōgē* in the third century BCE, using Lykourgos to claim tradition (M.A. Flower 2002).

The need to formalize education, to memorialize it not just in stone but in an institutional framework, also makes sense as a response to the Athenian loss at Chaironea. Ober (2005: 155) thoughtfully says:

Rather than seeing the institutional change as an admission that democracy was incapable of reproducing itself over time, the *ephēbeia* reform of 335/4 points to the future of Athenian democracy, a future in which democratic ideals would be carried forward by cultural media which might have surprised both Meletus and Socrates. After 322 BC many of the public institutions that had served to educate previous generations of citizens were overthrown or drastically altered by oligarchic governments. And yet Athenian democratic culture remained vital through these oligarchic interludes, as demonstrated by the Athenians' determination to restore democracy whenever they gained some measure of political autonomy.

We can strip down the bold ideology of democracy a bit here, and think instead of the simple terms of the oath, which does create all men as equal in their community's expectations of them: to be steadfast in battle, respectful and obedient of laws and leaders, pious towards ancient gods. More than this, it makes them equal in arms, and therefore within the army, with every man becoming a state-sponsored hoplite under the Lykourgan reforms (Bertosa 2003). The number of ephebic institutions propagated throughout Greece after the Macedonians take power seems a natural response – the desire to pass on communal ideals and to instill a local civic and political identity to contrast with those associated with greater, outside political powers. This is perhaps the easiest way to bring us back to Sparta – to see a parallel with the Messenian situation that surely influenced Lykourgos the lawgiver's reforms of education. In both the earlier Spartan example and the later Athenian one, there is a desperate need for delineation, to determine what makes one group distinct from another. Education is the easiest way to achieve this, to collate and continue those societal aspects that define a community, while training citizens to martially defend those same attributes.

In one sense this is why the *ephēbeia* persists throughout the Roman era, though several changes mark the structure and inclusivity of the institution from the death of Alexander on. Immediately following Alexander's death, from 321, the rule of Antipater restricted full citizenship to those possessing 2,000 drachmas or more, and that limit held for the *ephēbeia* even after democratic rule was restored, creating the institution as a training ground for the elites (Reinmuth 1948: 218). Sometime after that the institution changed again. The sharp drop in the number of those enlisted in the *ephēbeia* after 306/305 leads most scholars to agree that this was the date after which ephebic training was reduced to one year in length, and was no longer a compulsive component of citizenship. But citizenship was still a requirement for becoming an ephebe, until the second century, when Greek *ephēbeia* began to admit foreigners: Delos in the middle of the century, Athens sometime in the last quarter of the century, and certainly by 119/118 BCE (Reinmuth 1948: 219; Davies 1977: 117), while later ephebe lists from various cities reflect increasing diversity.

These changes lead away from the *ephēbeia* as a democratically motivated equalizer and marker of citizenry towards an educational model that marks the ephebe as a willing appropriator of a certain civic-moral paradigm: this is particularly true when we consider the case of foreigner ephebes, who need not be foreign-born, but who were certainly not natural-born citizens. For *xenoi* youth, the *ephēbeia* became a possible path to Athenian

citizenship.<sup>4</sup> After the Romans took power over Athens in 146 BCE, the need for a standing citizen army, and therefore the need for the ephebic training program, might have felt superfluous. But evidence shows increases in the number of ephebes in the second century BCE, as the institution gained in cultural capital for both Athenians and non-Athenians alike (*IG*, II<sup>2</sup>: 1006, ll. 52ff.; Reinmuth 1948; Pelekidis 1962). Evidence for ephebic activities in this later period is abundant, and while military training continued in the form of hoplite training, sword fighting, archery, and slinging, focus seemed to shift towards a more active civic model, where ephebes in Athens participated in games and festivals, such as the Theseia and the City Dionysia, while inscriptions praise their attendance at philosophical lectures and religious services. Meanwhile, we have evidence from Berenike that ephebes were used in instances of keeping civil order, so they still had a security function within *poleis* as well (Kennell 2006, s.v. Berenice).

Some scholars argue that the program tapered away in Athens after Augustus' decree that Athenians stop accepting money for citizenship, but evidence shows that Athenian ephebes embraced Augustus with birthday games in Delphi (Levick 1996: 655).<sup>5</sup> The program continued to thrive during the early empire, and evidence from the first century CE shows that ephebic programs of Greek cities throughout the empire took part in festivals surrounding the Imperial cults (Braund 1985: #127, 673, 586). During the Roman Imperial period, under the Athenian high priesthood of Herodes Atticus, the institution was at least partially funded by the Sebastophoric fund, which was usually used for the Imperial cult (G.J. Oliver 1977: 92). It is worth noting that Herodes Atticus had himself participated in the Spartan ephebate (*IG* V 1.45), and Spawforth (1980: 206) makes the point that "... archaism was increasingly permeating the cultural atmosphere of the Greek world, the result of an intensified response by Greeks under Roman rule to the achievements of their past. One effect of this archaism may have been to revitalize the ancient rivalry between two such self-consciously historic poleis as Athens and Sparta."

Spawforth suggests that the enrolments of the various generations of the Atticus family in the Spartan ephebate correspond to the relationships that the family holds with either Athens or Sparta at the given time. Herodes Atticus also was the one who allowed the ephebes –enigmatically – to change the color of their cloaks from black to white (*Philostrat. Vit. Soph.* 2.550). By the Imperial period, the ephebate not only defined the elite, but defined them according to distinct, archaizing cultural milieus which aided in political strategy and self-presentation in the broader Roman world.

The importance of an ephebic program was ultimately that it artificially and purposefully created the kind of community that was not really possible after the rise of the *polis*. Diversity within a community, particularly as that community grows in size beyond the point of being based on individual relationships, can inhibit an organic motivation of the community's individuals to invest in that community – this is true of varying classes and ethnicities as much as it is of conflicting political ideologies or even political systems. The *ephēbeia* creates a bastion of security against such conflicts; initially in its formalized incarnation as an equalizer, a system that made everyone, no matter their class or family, into a hoplite citizen who defended the *polis*; later as a place where young elites of varying geographic and ethnic origin could gather and become familiar with civic and religious aspects of a Greek *polis*. The oath-bound sense of camaraderie, along with a standardized set of taught subjects and ritualized duties within the *polis*, gives the members of the *ephēbeia*, whatever their background, an investment in the community

as a whole, and a frame of social and moral reference within which to conduct themselves as adults. At the same time, particularly in later periods, the program defined the *polis* itself to the exterior world; *ephēbeia* programs were governmental institutions not just of education, but of ideals, to be lived up to within, and to be projected without.

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## NOTES

- 1 Kennell catalogues all inscriptional evidence speaking to the existence of ephebic programs within the Greek world, with a number of linguistic markers that range from offices associated with training programs to those simply mentioning young men (*neoi*) and boys (*paides*).
- 2 See B.S. Strauss (1993: 118–122) and Vidal-Naquet (1986) for further connections between Theseus and the ephebate.
- 3 See the Nottingham Oath Database ([www.nottingham.ac.uk/~brzoaths/database.php](http://www.nottingham.ac.uk/~brzoaths/database.php)): Oath ID 3417. For further information on the ephebic oath, see [www.nottingham.ac.uk/~brzoaths/database.php](http://www.nottingham.ac.uk/~brzoaths/database.php), IDs 340, 2740, 2741, 2742, 2743, 3417, 3827.
- 4 While this point is generally agreed, Woloch (1971) argues that citizenship was not granted automatically through the *ephēbeia*.
- 5 This seems to follow after similar dynamics of ephebes honouring Diogenes perhaps as early as the 220s; see Habicht (1997: 179–180).

## CHAPTER 21

# Government and Warfare

*John Serrati*

Warfare was the most prominent activity of Greek states in all periods prior to the Roman conquest. Armed conflict was the ultimate result of most state action, and one of the key aspects of Greek statehood was the ability to make war independently. From modest beginnings before the Persian Wars, where fighting was by and large the privilege of the wealthy and well-off who were strictly amateurs, hostile foreign action would not only come to embrace nearly every aspect of *polis* life, but would also force changes upon governments and governmental structures by expanding civil control and bureaucracy. Service on the battlefield, particularly in the hoplite phalanx, came to be the hallmark of citizenship, and was the most prestigious and public endeavor in which a citizen could engage. Furthermore, the interconnectedness of the citizen community through warfare went beyond fighting, as governments often came to care for orphans and widows, while state funerals celebrated achievements of a military nature. Within a community, one of the primary functions of memory – not just of the individual dead but also of past collective achievements – was to serve as an example of martial excellence to the living citizen body. As such, via monuments in addition to walls, warfare altered and defined the *polis* itself as well as the physical spaces within it.

Military action in the Achaic Age was confined largely to border wars and was waged on a very small scale in comparison to later periods. Hoplites had little if any training, armed themselves, and fought only in a short window during the summer months. Warfare was also not annual, and a soldier might expect to see battle only a few times in his life. “Campaigns” involved next to no logistics. Later, the Delian League and then the so-called Athenian empire changed the rules of the game. It has recently been argued by Ian Morris (2009: 128–154) that the Athenian empire was not an empire at all in the sense of Macedon or Rome, but simply the *polis* writ large, a greater governmental and administrative entity; by Classical Greek standards, it was a superstate.

The sheer size of the Athenian navy, the wealth of Athens, and the state's ability to combine these two in order to strike anywhere gradually made conflicts larger, engulfing more *poleis* in the process. The reactions of other Greeks against this demanded *a priori* cooperation between cities for a sustained period on a level not seen before. However, when this proved inadequate, states were forced to hire masses of mercenaries who had to be deployed wherever Athens held power.

The fifth century BCE saw the rapid introduction of new financial and logistical realities into warfare that had to be tackled by the governments of the *poleis* both individually and in conjunction with one another. Athens, in turn, gradually increased the size of its forces and the scope of its action. Thus warfare in the Classical period not only became more professionalized on the battlefield, but governments themselves had to become more professional about making war. As a result, the aristocratic warrior ethos from the Archaic world gradually waned, since the ruling elite, at least in organized *poleis*, not only lacked the individual financial means to conduct private campaigns, but, perhaps more importantly, had themselves lost the ability to protect their cities against superstates like the ones under the hegemony of Athens, Sparta, and then Thebes. War, from its planning to its financing, supplying, training, and campaigning, therefore increasingly became the prerogative of the state in the fifth and fourth centuries.

In order to deal with new realities on the battlefield, states hired professionals and increased the training of their own forces, whose service was demanded far more frequently and for greater periods from the mid-fifth century onwards. Athens attempted to form a body of well-trained citizen cavalry (a substantial investment in terms of both time and money, rarely made by even wealthy states), while, perhaps most damaging to the concept of *aretē* left over from the Archaic battlefield, we find the *hoplomachos*, an instructor in hoplite tactics, from the late 400s. This, of course, is almost an oxymoron: Classical hoplite tactics worked so well because they did not require much training or drill; besides, unless one had the misfortune of facing Sparta on the battlefield, soldiers rarely fought against anyone but other such amateurs. Eventually, however, the rise in professionalism gave birth to permanent, standing, elite units of hoplites, a process that culminated in the Theban elite hoplite unit known as the Sacred Band.

To deal with the new financial realities of warfare, states formalized tax and tithe structures and, in doing so, created a layer of heretofore unknown governmental bureaucracy. They furthermore took out loans, forced public-private partnerships on their citizens, and hired out their forces as mercenaries, garrisons, guards, and escorts. However, as the Peloponnesian War dragged on, even these sources proved inadequate. States therefore turned to plunder, thus increasing the ferocity of warfare significantly. Here, we should see the primary purpose of the Sicilian expedition not as enriching the Athenians, expanding their power, or cutting into their enemies' grain markets (though all of these were important), but as merely giving the Athenian state another source of income to maintain what it already had, namely a colossal and expensive war fleet.

In the end, no Classical Greek *polis* was ever able to get a true handle on military financing, and thus all were forced eventually to go cap-in-hand to Persia. This goes a long way towards explaining why no state – Sparta, Thebes, or Athens – was ever able to bring Greece under the leadership of a single power and create a lasting confederate system, as the Romans did within Italy. Thus Greek warfare was trapped in a paradox: no *polis* could garner enough power and finances to establish a lasting superstate, and

so any attempt to do so had to involve Persia, who itself never would have allowed the rise of any such power on its western border.

## Greek Warfare in the Archaic Age

In the eighth and seventh centuries, warfare in Greece was largely conducted by private individuals, warriors who led bands of private retainers (*therapontes*) on missions of plunder and conquest. Only in the sixth and early fifth centuries did states begin to take a monopoly on organized external violence, and even then this was never universal, as private warfare continued for at least another two hundred years. However, throughout much of the Archaic Age, it was the norm. This conforms to what we know about other premodern states during their earliest stages of development, and is confirmed on two occasions by Thucydides (1.5.1–3, 15.2). The earliest communities in Greece, the nascent *poleis*, were in fact, formed by war as they were ruled over by a *basileus*, “warlord” rather than “king,” or several *basileis* who imposed their rule upon others via their martial strength. This rule was accepted for the purposes of protection and communities formed because of the need for common defence. A *basileus* might arm and equip his warriors, who expected him to lead them on plundering raids or, if the force were powerful enough, the capture of a neighboring community. Thus it is difficult to speak of “wars” in this period, as most conflicts were small, quick, and resulted in little lasting change to the political landscape.

Lasting state structures appear in the *poleis* mostly during the sixth century, yet even here, these featured mechanisms to accommodate the private warrior and his followers, who continued to exist but were now fighting on behalf of the state. The forces of these private individuals sometimes made up the bulk, if not the entirety, of a state’s army, and no Archaic *polis* other than Sparta could do without them. These early armies appear to have been organized by private individuals on the basis of tribe, phratry, or, more often, clan (Hdt. 5.70–71). Under the tyrants, things began to change; here, we can first see the government beginning to take a serious role in warfare and to bring it under state control. Even if an army might still be raised on the level of a clan, armed and paid for by an individual, tyrants could not allow warlords to threaten their position. Thus these private forces, where they were allowed to exist, would have operated at the behest of the government. At the same time, the Aristotelian *Constitution of the Athenians* tells us (15.4–5) that Peisistratos did have at his disposal a list of armed citizens. Whether he compiled this is unknown, but it is not inconceivable that other tyrants possessed such muster rolls as a means of forming an army for the *polis* and limiting the role of the private individual in warfare. It therefore appears that these two types of forces coexisted, with units organized by individual clans serving alongside those brought together by the roster of male citizens within the *polis*. A third element in this mix would have been the personal troops of the tyrant, who were the ultimate guarantors of his power. These were often mercenaries, who, in addition to guarding the ruler and his position, could and did undertake wars of conquest. They also very likely served with forces raised privately and publicly when the *polis* was attacked. If experienced and in service for a long time, these men could prove a valuable fighting force, as did the *epikouroi* of Peisistratos, who appear to have been something of an elite mercenary unit.

Other than these mercenaries, the forces raised by the government, whether tyranny or oligarchy, were mustered on the basis of need, paid for their own equipment, received no formal training, and had only a very basic command structure. The units, if they can even be called that, in which they served were determined by wealth; those at the top could afford the hoplite panoply (bronze breastplate, helmet, possibly grieves and thigh protectors, large round shield, sword, and spear) and would have served within the phalanx, the development of which will be discussed in the next section. Men who were not as wealthy might serve as lightly armed or missile troops, while the poorest had no protection at all and might do nothing else but simply throw stones. Although Greek aristocrats at this time certainly owned horses and might ride them to the battlefield, no Archaic *polis* possessed more than rudimentary cavalry, if they possessed any equine force at all, as the plains of Greece were mostly too small to permit serious maneuvering by horsemen. Nonetheless, in order to be even the least bit effective, horsemanship for the purposes of warfare usually takes several generations to develop, and as the Greek aristocracies never practiced for combat on horseback, a mounted warrior culture could never have taken root. Thus infantry ruled Greek battlefields for some time, and these were in every way citizen militias. Unless paid by a warlord or clan chief, the men served *gratis*, and this went a long way towards the evolution of the idea of the *polis* as a community of citizens, as during the Archaic Age there developed an attitude that a person's share in collective enterprises, particularly those of a military nature, was not just a duty but a distinguishing characteristic of citizenship.

Wars in the Archaic Age were on a small scale, with neighboring *poleis* fighting each other mostly over arable lands. Armies could not strike far beyond their borders and states possessed little, if any, coercive powers. Other than with Sparta, the formation of even tiny hegemonies is almost unheard of in this period. Nevertheless, states did find themselves regularly at war, and the controlling of nearby natural resources as well as securing plunder and profit, however small in scale for the time, were doubtlessly important reasons that cities might have to engage in hostilities (Archilochos fr. 2W). Additionally, the breakdown of interstate arbitration and the role of interstate rivalry should not be discounted: many cities did attempt to solve their disputes via negotiated settlements, and entered into armed conflict only once this process had failed. At other times, wars occurred because of an age-old hegemonic rivalry within their immediate area, as was the case with Athens and Thebes in central Greece, or, like the resistance of Argos to Sparta in the Peloponnes, a *polis* might fight in order to avoid being brought under the power of a local hegemon. As much as the Greeks fought over control of land, in their highly competitive culture, local rivalry was very likely just as important a reason that two armies might find themselves facing each other on an archaic battlefield (Fisher 2000: 84–90; Garlan 1989: 28–30; Ma 2000: 350–353; I. Morris 2009: 135–136; Raafaub 1999: 131; Sartre 1979; van Wees 1992: 131–135; van Wees 2004: 19–40; van Wees 2007: 285–289).

Although the armies of the Greek *poleis* from the eighth to the sixth centuries were certainly based on heavy infantry, contrary to what the later Classical Greeks believed, Archaic warfare was not the exclusive preserve of hoplite phalanxes. While these did play a primary role, evidence points to missile and light-armed troops having very important functions in combat, and these at times even appear to have been interspersed with the heavy infantry (Tyrtaios fr. 11W). Nevertheless, perception is always stronger than reality,

and Classical Greeks in part justified the extreme social prestige that went along with service in the phalanx by superimposing their own form of hoplite-dominated warfare upon the Archaic world. As a result, these methods of combat became marginalized and hoplite combat entered a phase where it would become ritualized and inert (Krentz 2002: 32; van Wees 2000b: 149–156; van Wees 2004: 47–52, 64).

## The Era of Hoplite Dominance

Although the Classical Age saw much continuity from the previous era, many changes in the realm of warfare had already occurred by the late sixth century. Hoplites had begun to dominate Greek battlefields almost to the exclusion of other troops, and conflict had entered a phase of ritualization, where conventions and protocols were set out for declarations of war, the establishment of peace, and the aftermath of battles – specifically, the burial of the dead (Thuc. 5.74.2, 145–146; cf. Connor 1988a; Garlan 1999: 25–51; Ober 1996; Burkert 1983: 47; Krentz 2002; Krentz 2007a: 147; Raaflaub 1999: 138).

Nonetheless, the Persian Wars, where Greeks came together to battle a foreign invader, signaled a shift to warfare on a larger scale; *polis*-versus-*polis* warfare, while never fully disappearing, declined in frequency in favor of larger, multistate conflicts. The greatest by-product of this was that forces required greater numbers and greater organization, in turn necessitating that governments take on a larger role in armed conflict.

Even before the Persian Wars, however, warfare was becoming more organized. Although we find hoplites being regularly commanded and even paid by private citizens as late as the 440s, most states appear to have moved away from a system of armies raised by these individuals to one involving set property qualifications, whereby those citizens owning a certain amount of land were obliged to serve the state when called. Athens, in particular, moved from a system in which hoplite armies were raised privately on the level of the clan or tribe (*SEG* 4.171; Thuc. 8.100.3), to a muster that was organized, under the democracy, by deme registers (Aristoph. *Knights* 1369–1371; *IG I<sup>2</sup>* 79; Frost 1984: 284; cf. Hamel 1998: 59–99; Whitehead 1986: 224–226). This appears to be atypical, however, as the evidence would show that most other *poleis* continued to organize troops by phratry, tribe, or clan (Plut. *Nik.* 14.5). Despite these new arrangements by governments, service within any given *polis* never seems to have been exclusive, as Aristotle (*Pol.* 1297a29–35, b2–13) tells us that citizens falling below the minimum property amount might come forward due to the societal prestige that accompanied hoplite service (Christ 2001; van Wees 2004: 55–57, 103–104, 166–183, 232–240; van Wees 2007b: 278–279, 291–292). Regardless of this, warfare in the late sixth and early fifth century went from being largely composed of private raiding to a system of organized campaigning by public armies.

The adventures of two generations of the aristocratic Philaidai family of Athens are a perfect example of this process. Miltiades the Elder was active in the mid-sixth century and was clearly a warlord who funded and commanded a private army and navy of significant size. Not answerable to any government, he conquered part of the Thracian Chersonese around the Hellespont sometime after 546 BCE and ruled the area as a tyrant (Hdt. 6.34.1, 35–37.1; Paus. 6.19.6). Half a century later, things were very different for his nephew Miltiades the Younger. He too possessed a private force with which

he conquered Lemnos in 493 BCE. By this time, however, the government at Athens was powerful enough to express displeasure over, though not to stop, such private conquest, and he therefore surrendered the island to the Athenian state (Hdt. 6.41.1–2, 136.2–3). Private expeditions still existed, but were now undertaken in the name of one's *polis*. After Marathon, the government appears to have only grown in strength. In 489, Miltiades again sought to conduct a private expedition, but on this occasion, he was forced to seek permission of the democratic assembly, who then augmented his force with significant public manpower, ships, and funds (Hdt. 6.132–133). The message was clear: private expeditions were a thing of the past. Hoplites might be paid and commanded by a private individual, with each soldier owning his own equipment, but by the fifth century the state was in firm control concerning when the citizen army was called into service as well as where and against whom it was deployed (Figueira 1991: 133–138, 253–262; Gabrielsen 2007b: 254–255).

Although some of this evolution had taken place before the Persian Wars, the period afterwards witnessed profound changes in the nature and scale of warfare. Battles themselves became much larger affairs involving multiple *poleis*. There were several reasons behind this, one of the most important being that states could usually marshal more forces and more funds than individuals. All the same, the development of the Delian League, more than anything else, changed the nature of warfare in Greece as well as its relationship to the state. In the late sixth and early fifth centuries, population growth, economic development, and increased trade resulted in higher revenues for many Greek states, meaning that they could afford to spend more freely. The construction of the Athenian fleet in 483 was a product of this. The outfitting of 200 vessels, a massive number by contemporary standards, altered the scale and scope of conflict as well as the methods by which it was fought. Henceforth, warfare became increasingly ubiquitous both temporally and geographically, as the politics and wars of the Classical Greeks came to revolve around large alliance systems and empires.

The expanded scope of warfare and the greater number of men involved significantly increased its ferocity (Thuc. 1.18.3, 21.2, 23.1–3; Xen. *Ages.* 2.14). Athens, with the huge expense of its navy, was at least partially, if not wholly, responsible for these changes. As will be discussed in the next section, maintaining the Athenian navy was a colossal expense, but the Delian League's tribute taxes along with plunder from Persia met its costs. However, once the latter was removed in 449 by the Peace of Kallias, the plundering of other Greeks began to have a much greater significance in warfare and came to be seen as a necessity rather than as a desire or bonus. Very quickly, the scale of warfare at Athens, and the scale of warfare required to fight the Athenians, ballooned. Plunder thus represented a way, albeit not always an easy way, of raising capital. Mass enslavements and the total destruction of cities were still rare, but nevertheless happened far more frequently than in the preceding period.<sup>1</sup>

Troop transports now became a regular feature of warfare, particularly on the part of the Athenians, meaning that their hoplites could strike anywhere, again increasing the cost and scale of conflict (*IG I<sup>3</sup> 60, II<sup>2</sup> 1627*, with *SEG* 50.45). This new element in Greek warfare necessitated a change in strategy on the part of Athens' opponents and gradually many of them came to mimic Athens, as all over Greece in the mid- to late-fifth century states took greater control over their armies, navies, logistics, and war finances. Despite this, however, none, not even the Peloponnesian League, achieved the level of

organization of which the Athenian superstate was capable. Sparta, notoriously, did not reform its state structures at all, and as a result, never really came to grips with how to fight, let alone defeat, the Athenian superstate. Thus the Spartans cannot be given much credit for the victory of 404, which in reality was self-inflicted, militarily and financially, by the Athenians outside the walls of Syracuse from 415–413, and then won largely and privately by Lysander with the massive funding he personally secured from Persia. Yet Lysander, even with all of his accumulated power and wealth, was unable to reform the Spartan state to face the era's new realities of warfare and economics. Yet Lysander was perhaps the first non-Athenian Greek to comprehend what was necessary for large-scale campaigning. As conflicts expanded in size, scope, and distance, the Greek *poleis* had to deal with problems of logistics and supply for the first time. In the fifth century we begin to hear of servants, slaves, pack animals, and baggage trains carrying not just provisions, but also tools, tents, and medical supplies (Hdt. 6.60; Thuc. 6.22; Xen. *Anab.* 1.10.18; *Kyr.* 6.2.32; *Lak. Pol.* 11.2; 13.4; cf. Hammond 1983; Krentz 2007a: 151–152; Lee 2006: 494–495; Pritchett 1971–1991: I.30–41). The Spartans, at least according to Xenophon (*Lak. Pol.* 13.7), brought doctors on campaign.

Despite these profound changes, hoplites and phalanxes continued to be the main forces fielded by *poleis* during this period. Hoplite battle, in both the Archaic and Classical ages, was, literally, a straightforward affair. Although they were encouraged to exercise and hunt (Xen. *Mem.* 3.12.1–4), and perhaps had some experience passed on from an older male, soldiers were purely amateurs who received no formal training whatsoever (Arist. *Pol.* 1338b25–39; Thuc. 2.39.1; Xen. *Hell.* 6.1.5; *Lak. Pol.* 13.5; *Mem.* 3.5.15, 3.5. 21, 3.12.5). That Xenophon (*Poroi* 1.1, 4.33, 6.1) encouraged the Athenians to inaugurate formal training indicates that such a program did not currently exist. The phalanx formation derived its strength from its cohesion and negated the role of the (often highly inexperienced) individual in favor of the collective. As a result, historians have often used the phalanx as a metaphor for the *polis*. However, the formation and its origins had little to do with civic organization. On the contrary, it would appear to have developed in the Archaic Age as a tactic specifically for use by untrained amateurs. Huddled together for safety, the hoplites relied almost completely on numbers and collective strength rather than on any individual skill or prowess. A hoplite's only functions were to march in a forward direction, cover his neighbor with the left side of his shield, stab with his spear, and, above all, not break ranks, acts that required more bravery than training. Moreover, warfare in general was so infrequent before the mid-fifth century that formal training was most probably felt to be unnecessary.

A lack of drill as well as any sort of formal organization or real chain of command ([Arist.] *Ath. Pol.* 3.1, 22.5, 61.1–6; Hdt. 6.109–110) is evident in the fact that phalanxes were unable to execute complex, at times even simple, maneuvers on the battlefield, and usually could march in only one direction: forward. Once the phalanx was broken, hoplites almost universally retreated, again illustrating a lack of leadership hierarchy and that they possessed little if any ability to fight on their own. This was also made clear when hoplites faced the one Greek state which did formally train its men as well as possess a clearly defined command structure: Sparta (Thuc. 5.66.3, 68.3; Xen. *Lak. Pol.* 11.4–5, 13.1, 7). As warfare for the Spartans, against the Messenians, Argives, and other Peloponnesians, was frequent, essential to their way of life, and often very violent, their *polis* was a militarized state that trained its hoplites from a very young

age. Thus sources attest that Lakedaimonian hoplites were able to execute maneuvers of which other phalanxes were simply incapable. We are furthermore told that other Greeks disliked being directly commanded by Spartans because of their demands concerning discipline and their well-earned reputation for meting out corporal punishment when necessary (Plut. *Arist.* 23.2; Thuc. 2.87.9, 8.84.2; Xen. *Hell.* 3.1.9, 6.2.18–19). Clearly, therefore, such discipline was in very short supply in the common Greek phalanx.<sup>2</sup>

Going even further, evidence points to this lack of training being worn as a badge of honor by certain Greeks, particularly members of the aristocracy, who believed strongly in their own *aretē*, the Homeric ideal of inborn excellence, as well as their perceived natural abilities and native courage. Taking their status as amateur soldiers quite seriously, they held that real training (weapons and formation drilling) was unnecessary for those of their station, since aristocratic, hereditary *aretē* would prevail on the field of war (cf. Hom. *Iliad* 15.642, 20.411; Hdt. 1.176.1, 8.92.1, 9.40). Out of this notion arose the ideology of hoplite dominance; by the fifth century, the Greeks saw hoplite warfare as the ultimate form of martial prowess, coming to hold other methods of fighting in disparagingly low regard. Proper men, it was believed, served and fought as hoplites and it was phalanxes alone that decided the day on Greek battlefields. Despite all of Athens' naval might, the defeats suffered by the city's hoplites at Koroneia in 447 and Mantinea in 418 cut very deep. Athens might have ruled the waves and the navy might have been the greatest guarantor of Athenian power, but the *polis* was still judged, and judged itself, by what its hoplites accomplished against rival phalanxes on land.

Though the practical reality was probably far different, Greek aristocrats, according to Herodotus (8.26.3), at least liked to think that they were fighting primarily to display their *aretē*, while things like land and profit were decidedly secondary. Furthermore, not only did these Greeks incorrectly superimpose this ideal upon the age which came before the Classical (many troops not armed as hoplites played decisive roles on Archaic Greek battlefields) but this also led those making military decisions – themselves hoplites who believed that they deserved their positions of political power because of their exploits as heavy infantry – to marginalize and minimize any non-hoplite form of combatant. Simply put, it was during the Late Archaic and Early Classical periods that the idea of a “hoplite class” developed. Being part of this group brought a large degree of social prestige and the possibility of political power; as a result, membership was exclusive and expensive, and intentionally kept that way (Arist. *Pol.* 1297b1–2; Lys. 13; cf. P. Hunt 2007: 125–127, 133–134; Pritchard 1998a, 1998b; Roisman 2003). Doubtless the Persian Wars contributed significantly to this attitude, as the conflicts saw citizen-hoplite militia decisively defeat an enemy that relied almost exclusively on the types of soldiers the men of the phalanx came to deride: cavalry, light infantry, and missile troops. Thus, while never quite disappearing from Classical armies, in the fifth century these types of soldiers ceased to play an important part on battlefields, so subordinated were they to the hoplites. This, however, would come to change once the manpower requirements of the Peloponnesian War forced the Greeks to (re)consider the use of non-hoplite troops.

Manpower requirements during the Peloponnesian War increased exponentially. Most states now fielded armies on a scale never seen before (Thuc. 2.13.6, 31.1–2, 4.66.1). Governments were therefore forced to seek out soldiers in new places: property qualifications for service were lowered, metics were enrolled or had their enrollments increased, while at Sparta many Lakonian helots were promised freedom in exchange for service. As

a result of the less-well-off serving within the phalanx, hoplite armor becomes noticeably lighter from the late fifth century onwards, as many of the new recruits could only afford leather cuirasses rather than metal breastplates (Hanson 2000: 55–65; P. Hunt 2007: 115–116; van Wees 2001). These men were often eager to serve in the phalanx as it gave them access to the social prestige that went with being a hoplite. As a result of the new level and violence of warfare, the Classical concept of inborn *aretē* began, albeit slowly, to be undone. Mercenaries, who were from all walks of life, regularly bested citizen hoplites and their supposed natural excellence; moreover, the *hoplomachos* (“hoplite teacher”) appears on the scene for the first time at the height of the Peloponnesian War (Plat. *Euth.* 271d; Theophr. 5.10) – a tacit admission that martial prowess could be taught to anyone.<sup>3</sup>

The demands of the Peloponnesian War necessitated a return of non-hoplite soldiers onto the battlefield as light troops. They were most often archers, slingers, and peltasts, as well as some light cavalry, though sometimes, according to Xenophon (*Anab.* 5.2.12, 14; *Hell.* 2.4.33), they were armed with nothing but throwing stones. Many of these would have been mercenaries from various parts of Greece who entered service out of necessity, while others hailed from the fringes of the Greek world and were merely fighting in their native styles. Such lightly armed troops were present on Greek battlefields during all time periods, but the late fifth century saw them reach a level of prominence not seen since the Archaic Age. The amount of raiding done throughout the Peloponnesian War clearly shows that light troops were becoming more common, as hoplites were wholly unsuited to such quick attacks. They furthermore proved their worth as they quickly illustrated just how vulnerable bands of isolated hoplites could be when confronted with swift, missile-wielding soldiers. Thus the face of warfare changed as states had to adapt tactics to combat these new troop types (Thuc. 3.94.3–98.2; 4.32.2–35.1; cf. Bugh 1998: 83–89; Hunt 2007: 119–124; Gaebel 2002: 90–109; Lee 2006: 490–491; Pritchett 1971–1991: 11.130–133; 2.117–125, 188–189; 5.3–67; Spence 1993: 57–60).

Many *poleis* utilized their own citizens as light troops alongside mercenaries; however, these were confined to forces operating on foot. Only the Athenians were atypical in this regard as in the mid-fifth century they formed their own cavalry. It was exceedingly rare for a government to attempt to form its own cavalry from scratch due to the expense and training involved for each individual trooper. Most contented themselves with either not using cavalry at all or hiring mercenaries from horse cultures (in the Greek context, specifically Macedon and Thessaly). Usually, it took generations to breed the excellent horses and train the riders for an elite cavalry. The effort and expense on the part of Athens (which even went so far as to train some as horse archers, a very rare skill) should therefore not be underestimated (*IG I<sup>3</sup>* 83, with Tod 1.72, 375, with *SEG* 30.22; M&L 84).<sup>4</sup> Even the fantastically wealthy Hellenistic kingdoms of the subsequent era did not invest in trying to build up a core of elite horsemen. All the same, while the effort was laudable and illustrates the resourcefulness of the Athenian state at war, these horsemen played no greater role than the mercenary cavalry employed by other *poleis*. The quality, diversity, and abundance of light troops, both cavalry and infantry, made hiring them impossible to resist for the endlessly warring Greek cities from the late fifth century onwards.

As with light troops, mercenaries had played a role in Greek warfare since Archaic times, but the late fifth century saw a dramatic increase in their usage. This was done to increase and make up numbers and because mercenaries often made better fighters than

amateur citizens. Moreover, the employment of full-time soldiers allowed male citizens to stay at home in order raise crops and tend to businesses – in essence, to contribute to the economy of *polis*. Such efforts were necessary to cover the higher costs of war in the late fifth century. While the hiring of infantry and cavalry mercenaries represented a difficult yet manageable expense for most states, the same could not be said for other forms of combat. After naval forces, which will be examined in the next section, the siege represented the greatest wartime expenditure. Siege warfare was in its infancy in the fifth century, and often the only real way to take a city was to blockade it until the inhabitants surrendered from starvation. At Plataia (429–427 BCE; Thuc. 2.71–78, 3.51–68), the Spartans, with superior numbers and better fighters, and despite efforts with fire, battering rams, and a siege mound, were unable to break into the city over the entire summer of 429, and eventually had to settle for a blockade that lasted nearly two more years. This is a typical example of a siege from the Classical period, and, as a result of the length of time needed to reduce an enemy city, such operations were highly expensive: Thucydides speaks of how the sieges of Poteidaia in 430 (2.70.2) and Mytilene in 428–427 (3.19.1) strained the finances of even a state as wealthy as Athens. Moreover, defenders also incurred high costs: walls were perhaps the ultimate symbol of a *polis*' independence, yet they were expensive to build and maintain (Camp 2000). By the late fifth century, cities also required more elaborate systems of forts and border defenses in order to safeguard territory from attack and to provide citizens with points where they could take refuge (cf. Lee 2006: 496–499).

Although warfare in the late fifth century bore many resemblances to its predecessor in the Late Archaic and Early Classical periods, the scale and costs were now incommensurable with what had come before. This, more than democracy or the centralizing powers of oligarchic *boulai*, was what truly removed war from the hands of private citizens, as all of these numbers, sieges, fleets, logistics, and mercenaries, were now beyond the means of individual aristocrats and, as a result, had to be paid for out of public monies (Thuc. 4.129.2, 5.6.2, 7.27.1 and 29.1; Ps.-Xen. *Ath. Pol.* 27.2). Athens, unsurprisingly, was at the forefront in this regard, but costs spiraled even out of its control, and more than once during the Peloponnesian War the *ekklēsia* debated approaching Persia for financial support (Thuc. 2.7.1, 4.50.3, 6.8). The city's largest cost was the fleet; the guardian of Athens' wealth and freedom, the navy was a huge expenditure, and proved even too much for the Athenian empire. However, before the collapse of its Aegean hegemony, the city of Athens formed heretofore unseen levels of public administration and bureaucracy, catapulting warfare and its relationship to the state to new heights in the Greek world.

## The Athenian “Empire”

Of all armed forces in the Classical era, fleets represented the largest cost by far. Sparta and Korinth took out loans from Delphi in order to afford their fleets in the Peloponnesian War, but this was not enough, and they eventually had to approach Persia. It is therefore a testament to Athens that the city was able to possess, operate, and maintain an enormous navy for three-quarters of the fifth century. The influence of this navy on the history of that century, and on Greece in general, cannot be underestimated.

Not only did it eventually force Athens' antagonists to increase the size and quality of their forces both at sea and on land, it also required the creation of a greater Athenian state, the so-called Athenian "empire," to maintain it.

The Athenian superstate changed the nature and scale of Greek warfare and interstate relations, and its evolution broke firmly with the Archaic past. Not only did it prioritize coinage over all other forms of wealth, but the main source of its power, the navy, was entirely Athenian property. As Athens became the first *polis* to take a monopoly on external violence, from the 470s onwards, the city saw no more private armies, expeditions, or wars. The fleet had forced war and finance permanently into the public sector (Gabrielsen 1994: 173–207; Kallet-Marx 1993: 37–69; 1994; I. Morris 2009: 101, 128–154; Raflaub 1999: 141–144).

By the mid-fifth century, the number of combat-ready triremes in the Athenian fleet was about 200; however, the total number of the warships controlled by the Athenian state at any one time might have been as high as 300. The active Athenian navy at sea, therefore, would have been operated by some 40,000 men at the very least. This was nothing less than a floating economy, with triremes – which featured no sleeping arrangements and minimal room for supplies – stopping every night and generating much work and profit for friendly ports (cf. Aristoph. *Ach.* 546–555 for the commotion that the Athenian fleet could cause at a port). Nonetheless, despite the obvious benefits the fleet brought to Athens and its subjects, it remained a massive expense and financing was often a difficult struggle.

The construction of ships was the most immediate expense, and the procurement of naval supplies and shipbuilding material, especially wood, required large amounts of coinage as well as diplomatic networks and trade contacts. These ships had to be maintained, as did the port and ship sheds at Piraeus. Pay for the crews, all rowers being skilled men, also had to be good, particularly when competition for rowers was introduced during the Peloponnesian War. Furthermore, the most highly talented helmsmen were very prized and these men could command hefty wages. All-in-all, thousands of Athenians as well as foreigners were now on the public payroll as crew members and maintenance personnel. Similarly, the state also required hundreds of administrators and bureaucrats, the *hellenotamiae* amongst others, to hire these crews, pay and supply them, and to collect the tribute and taxes from around the Aegean that went, primarily, to the fleet's maintenance.<sup>5</sup> In short, the Athenian fleet was always very difficult to maintain financially, and these problems were exacerbated after 431, again after 411, and again after 404. Each time, the Athenians had to come up with more inventive methods of funding. Initially, the fleet was maintained via a combination of tribute from Athenian subjects, taxation, and the public–private partnership known as the trierarchy (see chapter 19 in this volume). Eventually, however, the raising of sufficient capital came to include loans, protection, extortion, plundering, and outright piracy. Others, specifically Sparta, turned to a third party in order to finance a fleet. These methods came with pitfalls: taxes and tithes could become irregular as states went through financial difficulties during long conflicts; allies could revolt; loans had to be repaid; the aid of third parties was never unconditional (sensing weakness in the Spartan position, Persia exacted a heavy price for its financing of the Spartan fleet); plunder and piracy were dangerous, could meet with resistance, and might cost one allies; while hiring one's forces out as mercenaries and escorts might get them all killed.

The majority of tribute collected from Athenian subjects went to the navy. The imposition of a single currency upon Athenian controlled *poleis* greatly facilitated this (Gabrielsen 1994: 173–207; Kallet-Marx 1993: 37–69; Kallet-Marx 1994; I. Morris 2009: 101, 128–154; Raaflaub 1999: 141–144), but it proved inadequate with the advent of the Peloponnesian War, and Athens was forced to increase the tribute by more than two and a half times in the conflict's first ten years (*IG I<sup>3</sup>* 71, ll. 16–17, with M&L 69; *SEG* 32.9; Plut. *Arist.* 24). This undoubtedly put a serious strain on many subjects, and Athens would have had to expend more bureaucratic effort and administration on catching delinquents and enforcing payment (Thuc. 2.69.1, 3.19, 4.75.1). The decrees of the 420s make it clear that tribute structure was breaking down and that some states could no longer afford to pay. Later in the war, Athenians also had trouble collecting and transporting tribute as the Aegean was no longer exclusively in their hands (*IG I<sup>3</sup>* 34, with M&L 46; *SEG* 26.7, *IGI<sup>3</sup>* 60, 68, with *SEG* 45.231; *IG I<sup>3</sup>* 71, with M&L 69, *SEG* 32.9). In an attempt to make up for these shortfalls, the city borrowed from sacred treasuries (*IG I<sup>3</sup>* 369, with M&L 72, *SEG* 28.18), instituted a 10 percent tax through Hellespont (*SEG* 25.21, with Tod 51), and, from 428 onwards, charged its wealthiest citizens the *eisphora*, a war tax (see chapter 22 in this volume).

After the Sicilian expedition, it is clear that the finances of Athens were strained as never before; tribute was becoming more difficult to exact and collect, and triarchies were being avoided. Athens first attempted to reform its main stream of income by abandoning the traditional tribute and instead charged its subjects a 5 percent tax on all revenues passing through their harbors (Thuc. 7.28.4; cf. I. Morris 2009: 146–147). This, however, proved both unpopular and impractical and was repealed in 411, with the exaction of tribute returning the following year. More telling of the city's precarious financial state was the fact that incidents of piracy by the Athenian navy (Diod. 13.47.6–7, 64.4; Thuc. 3.19.1), the extortion of money from allies, and the attacking of enemy as well as neutral cities to gain nothing but plunder, increased exponentially after 413. Finally, in order to raise capital Athens took to leasing out its forces as mercenaries, escorts, and garrisons around the Eastern Mediterranean.<sup>6</sup> All of these activities were undertaken simply to maintain the war fleet. Again, it is a credit to Athens that the city was able to operate its colossal navy for as long as it did, and the level of organization and administration it implemented in order to do so was unprecedented. But in end this all proved to be too much, and the defeat in the Peloponnesian War was financial as much as it was military.

## The Fourth Century

The late fifth century had forever altered warfare in Greece, as long gone were the days when a few thousand citizen hoplites could decide a conflict in a single day with relatively light casualties. The scale of the Second Peloponnesian War represented a significant shift in Greek warfare and history. Individual *poleis* could no longer afford to be so jealous of their singularity and freedom, for alliances had to be formed and resources had to be pooled in order to compete with the larger players who now fielded armies with higher components of mercenaries and with combined arms to augment their troops. Even hoplites themselves were changing as the fourth century saw them shed more of their body armor as they sought the swiftness necessary to deal with mobile missile troops.

The fourth century, in many ways, continued where the fifth had left off, and therefore the period 404–395, between the end of the Peloponnesian War and the beginning of the Korinthian War, should not be seen as some sort of firm break, far from it. Rather, the period 431–362, arguably even 431–338, should be viewed as one long war punctuated by very short ceasefires. The scale was large, the conflicts intensely violent, the troops professional, and the main players, at least until 357, remained the same. The only real change throughout this period, other than allegiances, is that war continued to grow in expense, forcing all major states eventually to turn to Persia for funding.

At the same time, armed forces had not reached the size and level of professionalism in Greece that they would during the Hellenistic world, when both individual *poleis* and alliance networks had to compete or defend themselves against enormous kingdoms. Amateur citizen-soldiers fought well into the fourth century and beyond, and on occasion these might still be paid by private citizens (Dem. 19.84; Lys. 16.14). Their presence on Greek battlefields, however, was becoming proportionally smaller as mercenaries played increasingly important roles (Dem. 4.21; Isok. 7.9). This brought with it many strengths, most notably a higher level of professionalism and experience in the average soldier. Moreover, the professional light and missile troops now in regular use could be transformed, by innovative generals like Iphikrates, into tactical assets. Soon, no army could afford to be without them. Similarly, cavalry units became equally necessary and most states formed such units or hired specialized horsemen. Some even employed *hamippoi*, trained light infantry who fought intermingled within a cavalry unit. In short, warfare in the fourth century continued to change; though not fully realized until Philip II, Greek armies were gradually moving towards combined arms.<sup>7</sup>

All of the above, of course, meant much higher expenditures for every state involved. Eventually, most sought an advantage beyond their financial means and turned to Persia, who was only too willing to watch the Greeks fight amongst themselves. But even this was not enough; Athens in the fourth century rented out its own forces as mercenaries, escorts, and garrisons on an even greater scale than before,<sup>8</sup> and also demanded that its wealthy citizens pay for more frequent and increased trierarchies. *Eisphorai* also greatly increased and eventually became annual in 347. To shoulder the burden, the state began to permit payment in groups for both obligations. Additionally, the entire collection system became more heavily organized, with greater punishments for evasion (*IG II<sup>2</sup>* 244, ll. 12–13, with *SEG* 56.136; *IG II<sup>2</sup>* 505, ll. 14–17, with *SEG* 38.114; Dem. 42.25, 50.8–9; Dein. 1.69; Lys. 21.3). While these measures certainly contributed to a more effective marshalling of Athenian financial power for the purposes of war, that such rules and punitive measures were necessary in all likelihood illustrates how the system was breaking down and that larger numbers of citizens were avoiding payment.

In order to negate some of this expense and continue to utilize men from within the *polis* – who undoubtedly still sought the social prestige that accompanied hoplite service – many states formed trained, standing forces from the ranks of their own citizens. The *ephebeia* at Athens is the most obvious example of this. While the institution gave Athens a well-trained force upon whom the state could call, the young men nonetheless returned to civilian life after the completion of their training (cf. chapter 20 in this volume). Others, such as Argos and the Arkadians, took things one step further and kept their trained citizens enrolled in standing units. It was Thebes, however, who took the process to a higher level still with their full-time, highly trained, elite unit:

the Sacred Band. Formed in 379 BCE and numbering 300, these men would dominate Greek battlefields for three decades. This, as well as some being blessed with some gifted generals, explains the brief period of Theban hegemony in the fourth century.

Even more successful than Thebes, however, was Syracuse. Conditions in Sicily differed in that there were fewer significant Greek powers, but one very large foreign power, Carthage, which kept Syracuse perennially under threat. Attempts to reform the state, its military, and its military finances, after the ousting of Athens in 413 had led to infighting and eventual failure. An intensification of the threat by Carthage, however, catapulted Dionysios I (405–367) to supreme power. He, like his contemporary Lysander, understood what was necessary in order to fight a large, well-funded state, be it Athens or Carthage. He formed a standing citizen hoplite force, second only to Sparta amongst the Greeks, armed totally at state expense, turned Syracuse into a fortress, and then capped this all off by attracting engineers who would build for him the Greek world's first siege-train complete with artillery (Diod. 14.41.2–4). This new model army was then used to conquer nearly all of Sicily and extend his power significantly up the Italian peninsula. He even managed to emerge as a major player in Greece for a short time. In fourth-century Syracuse, the relationship between warfare and the state is more symbiotic than in any other Greek *polis*. In Sparta, while the state made war, warfare did not alter the state, relatively speaking. In Syracuse, however, the wars in which the city engaged radically transformed the state and brought many aspects of the military and the economy under government control. Syracuse in the fourth century was a state made by war.

Beyond the hegemonies of Thebes in Greece and Syracuse in the west, all *poleis* in the fourth century and into the Hellenistic period continued to field citizen-soldiers as a part of their armed forces. Hoplite battle, although changing, still ruled the day on Greek battlefields. It is clear, moreover, that the ever-increasing frequency, economic necessity, and violence of warfare for nearly all Greeks caused them to move closer to the Spartan model of the professional, state-maintained soldier, be he a mercenary or citizen. Greek armed forces reflected their society, in particular, that of the *polis*; equally, however, warfare influenced Greek political and social development and organization. The particular brand of Greek warfare, specifically the hoplite phalanx, provided a level of cohesion in the *polis* that, in part, was responsible for victory in the Persian Wars. However, afterwards, the fact that these were so often used against each other, and that Athens never succeeded in unifying Greece in the way Rome did Italy, perhaps doomed the treasured political independence of the Greek states. In the end, although the increased scale of warfare forced states to enlarge their state infrastructure, and although this new infrastructure at times became a beast of its own that required wars to feed it, the Greeks of the fifth and fourth centuries never came to grips with the new realities of warfare between empires and superstates. As a result, they fell victim to the first western government which did strike a balance between war and finance: Macedon.

## NOTES

- 1 On attitudes to and the importance of plunder: Arist. *Pol.* 1256b23–26; Diod. 14.111.4; Xen. *Kyr.* 7.5.73; *Lak. Pol.* 13.11. Cf. Garlan (1999: 45–51); Krentz (2007a: 180–183); I. Morris (2009): 119, 136, 145, 154–155; Pritchett (1971–1991): 5.68–203, 363–456; Raaflaub (1999: 132, 138, 141–143); van Wees (2007b: 280–284).

- 2 On command structure, phalanx training, and discipline in general: cf. Garlan (1999: 93–96, 199–203); Hanson (2000: 19–26, 121–125); Hunt (2007: 109–113, 128–130, 144); Lee (2006: 483–484); Pritchett (1971–1991: 2.208–231); Raaflaub (1997c), Raaflaub (1999: 133–134); Rawlings (2000); van Wees (2004: 89–95, 166–197); van Wees (2007b: 273, 278–280).
- 3 Anaxandrides, a writer of comedy, entitled one of his plays *Hoplomachos*, possibly composed in the 370s, of which only two fragments survive; cf. Hunt (2007: 133); Wheeler (1983).
- 4 See also Andok. 3.5; [Arist.] *Ath. Pol.* 49.1; Lys. F 6, 16.6–7; Thuc. 2.13.8; 5.47.6; Xen. *Hipparch.* 1.13, 18–19; 3.2–14; cf. Bugh (1988: 39–78, 221–223); Gaebel (2002: 85–89, 93–99, 108–109); Lee (2006: 491–493); Spence (1993: 9–10, 15–16, 180–190).
- 5 Foreign rowers: Thuc. 1.121.3. *Hellenotamiae: IG I<sup>2</sup>* 191 (with SEG 5.1); Andok. 3.38; Antiphon. 5.69; Thuc. 1.96.2. Other titles: *IG I<sup>3</sup>* 14 (with SEG 53.1.47); 21, lines 77–80 (with SEG 45.2); 34.6–7 (with M&L 46; SEG 26.7); 156 (with SEG 28.12); 1453 (with M&L 45; SEG 48.58). Cf. Gabrielsen (1994: 105–169); Gabrielsen (2007: 256–263); Kallet-Marx (1993: 1–20); Pritchett (1971–1991: 1.13–14; 5.456–472); Raaflaub (1999: 141–144).
- 6 See *IG II<sup>2</sup>* 408; 1623, ll. 276–280 (with SEG 50.45); 1628, ll. 37–42 (with SEG 37.102, 146); Dem. 4.24; 8.24–25; 21.167; 50.17–21; Diod. 16.22.1–2; Lys. 19.50; Philoch. *FGrH* 328 F 162; Theopomp. *FGrH* 115 F 292; Xen. *Hell.* 1.1.22, 36. Cf. Gabrielsen (1994: 157–206; 2007: 259–272); Kallet-Marx (1993: 134–138, 160–164, 200–201); Pritchett (1971–1991: 5.312–363, 381–387).
- 7 In general cf. Bugh (1988: 39–78, 135–158); Lee (2006: 490–493); Pritchett (1971–1991: 1.127–33, 2.117–125, 5.53–67); Spence (1993: 57–60, 202–210).
- 8 See *IG II<sup>2</sup>* 408; *IG II<sup>2</sup>* 1623, ll. 276–280 (with SEG 50.45), *IG II<sup>2</sup>* 1628, ll. 37–42 (with SEG 37.102, 146); Dem. 4.24, 8.24–25, 21.167, 50.17–21; Diod. 16.22.1–2; Lys. 19.50; Philochor. *FGrH* 328 F 162; Theopomp. *FGrH* 115 F 292; Xen. *Hell.* 1.1.22, 36.

## CHAPTER 22

# Finance and Taxes

*Vincent Gabrielsen*

One specialty of states is to make war; another is to tax (Tilly 1997: 87–91). The ancient Greek state was not an exception. Taxation had constituted the backbone of public finance since Mycenaean times (Perna 2004). A prized instrument of government and a defining feature of statehood, it influenced most areas of life, including moral values: paying one's taxes voluntarily, Plato held, is something that distinguishes the just from the unjust man (*Plat. Rep.* 343d). As a growing body of inscriptional evidence shows, taxing remained one of the ancient state's principal preoccupations. It is all the more remarkable, therefore, that while we have several books on warfare no comprehensive treatment of taxation exists, not even for Classical Athens.<sup>1</sup> The present chapter makes a modest contribution to right this imbalance. Accordingly, it deals less with finance, a subject that has received greater attention, and more with taxation. It ends with a brief account of the state's prerogatives regarding coinage and weights and measures.

### Finance

Five major areas continually preoccupied a city-state's financial administration (*dioikēsis*: Arist. *Pol.* 1287a3–6): political activity, warfare, religion, civic amenities, and food supply. In all five areas the demand for resources started rising, in some places steeply, from about 480 BCE onwards. Since in a few states they manifestly rose to staggering heights, great differences came to replace the general uniformity prevailing amongst the Archaic city-states. Quantifying these demands is a *sine qua non*, if we are to appreciate not only the nature of Greek finances but also the volume and intensity of taxation. But I know of no reliable method by which to capture and put into a single, chronologically organized formula all the variegated items of expenditure within each of these areas; arguably, that on religious observance being the most tenacious of all (Linders and

Alroth 1992), even if we accept, as we should, the recent estimate of just one item, the recurring festivals at Athens, at around 100 talents a year. Something more can perhaps be done with political and military expenditures.

Until the establishment of democracies, political activity made few financial demands, and they were usually met by the very aristocracy of birth and wealth which monopolized all governmental functions. Timocratic systems, like the one introduced by Solon in Athens (595/594), defined which property-classes (*telē*) had access to magistracies ([Arist.] *Ath. Pol.* 7.3–4). They nonetheless maintained the principle that possession of wealth and public duty were inseparable. Thus the age-old Greek creed, that performance of a service to the community (*leitourgia*) conferred honorable distinction, continued to apply. Solon's system, linking property possession to performance of public functions, bears a resemblance to the liturgies of the post-Classical period, when these were increasingly absorbed by regular magistracies. Archaic *poleis*, or their tyrants, did resort to taxation: in the sixth century, Kyzikos, Axos, and Gortyn levied a variety of taxes (Kyzikos: *Syll.*<sup>3</sup> 4; Axos: *IC* 2.5.1; Gortyn: *IC* 4.64), while Hippias of Athens imposed an *eikostē* (5%) on produce (Thuc. 6.54.5–6; [Arist.] *Ath. Pol.* 16.4). However, it was hardly political activity that necessitated these measures, and if anyone was taxed heavily before about 500 BCE, it was the serf populations of the Greek world, the  *klarotai, hektemoroi, helots, woikiatai, penestai*, and the like. The spreading of democratic constitutions boosted the demand for a steady supply of coined resource, stockpiled, kept safe, and spent as “public” funds (*dēmosia chrēmata*).

Political pay (*misthos*) was one of the largest items in the state budgets of democracies. “Radical” democracies (offering pay to all those who attended the assembly, manned the law courts, and served as magistrates: Arist. *Pol.* 1317b17–35) were the most expensive of all. Post-462 Athens particularly distinguished itself in this area. A rough but realistic modern estimate sets the annual costs of running the democracy in the fifth century (before the introduction of assembly pay) at 75 talents (Kallet 1998: 46). The corresponding estimate for the fourth century is 100 talents (Hansen 1991: 315–316), to which we must probably add 20–30 talents spent on paying officials (Gabrielsen 1981: 57–87). Still all this leaves out the substantial (but unknown) sums hoarded in the Theoric Fund and distributed amongst the citizens as “theater money.” Certainly, not all Greek democracies were as costly as the Athenian democracy. Yet most of them did have to deal with expenditure of a magnitude that kept their financial administrations constantly searching for adequate and consistent sources of revenue.

Expenditure on war set these same administrations (those of oligarchic states now included) even harder at work. Here caution is necessary, for not all military expense was public expense. The principle of service by those who provide their own weapons persisted, also when states from around 450 onwards increasingly took on the responsibility of paying – and feeding – their armies. A sixth-century law from Eretria specifies when public pay (*dēmosios misthos*) is to be provided to naval crews (*SEG* 41.725; Gabrielsen 2007b: 257), thereby implying the coexistence of privately paid *misthos*, while a fifth-century decree of Lindos distinguishes between publicly and privately paid *misthos* to soldiers (*IK* 38.251). Ordinarily, soldiers and naval crews received 1 drachma per man per day. As the armies fielded by *poleis* grew larger and campaigns became lengthier and more distant, military expenses rose exponentially. Money could win wars. “In war those at whose side wealth sits will always prevail,” wrote Aristophanes in 388 (*Plout.* 184–185).

The Spartan king Archidamos put it more prosaically in 431: “War is not a matter of weapons, but of money which gives weapons their usefulness” (Thuc. 1.83.2–3). A development that caused expenses to go sky-high was the deployment of large fleets.

Greek tyrants, like Polykrates of Samos, invested many resources in building fleets of 50-oared ships and equipping their harbors with ship sheds (Thuc. 1.13–14; Hdt. 3.39.3; 3.45.4). From about 540 the increasing use of a larger, purpose-built warship, the trireme (a development spearheaded by Korinth), presented naval states with formidable financial challenges. Not only was the trireme a more expensive vessel to build and maintain, but it also took a larger complement, 200 men, all of whom had to be paid, fed, and watered. In addition, it called for the building of spacious naval installations as integral parts of a city’s fortification system. By 480 BCE, most Greek states possessed a navy, some of them a sizable one. To deal with the rising naval costs, some states partially privatized their navies by turning trireme captainship into a fiscal obligation, a liturgy. Moreover, by 450 naval states had adopted a tactical concept which required that their infantries (heavy and light), cavalry, and fleets were deployed simultaneously, supporting each other in amphibious campaigns. As a result, expenses on these military branches became interconnected, all following a common timetable, and the whole gamut fluctuating in unison.

In this area, too, fifth-century Athens took the lead, becoming the major Greek sea power in possession of a naval empire, which it transformed into a huge, tribute-paying fiscal base. And even though it had to lead an empire-less existence in the fourth century, Athens still maintained a remarkably large fleet: 283 ships in 357/356, rising to 417 in 325/324. To express how rapidly large amounts of funds were being consumed by naval warfare, contemporaries had nicknamed the triremes “gluttonous” (*adēphagoi triereis*: Lys. fr. 39 Thalheim); maybe justifiably so. In 351, Demosthenes proposed the establishment of a permanent force of 10 triremes, 200 hoplites, and 200 cavalry. The yearly operational expenses of this rather modest force he set at no less than 92 talents (Dem. 4.28–29). His proposal was voted down, though not because his budget was unrealistic. About fifty years earlier, during the Peloponnesian War, the Athenians had spent 2,000 talents on the two-and-a-half year siege of Poteidaia (Thuc. 2.70.2), a monthly average (66.6 talents) that was 8.4 talents short of the cost of democracy for a year, while similarly large outlays are attested for other campaigns (M&L 55, 61; *IG I<sup>3</sup>* 364, ll. 21–23; Thuc. 6.93.4). The Poteidaia force, just like that of Demosthenes’ proposal, was geared for the amphibious mode of warfare.

Construction and maintenance of harbor installations added further to the costs. From 347/346 to 330/329, for example, the Athenians constructed new ship sheds, repaired old ones, and built Philon’s naval store in the Zea harbor (*IG II<sup>2</sup>* 1627, ll. 398–405; 1668). This seven-year project was financed through a special *eisphora* of 10 talents a year. Levied for 24 years (347/346–323/322), it totaled 240 talents, which gives a yearly average of 34 talents (*IG II<sup>2</sup>* 244, ll. 12–13; *IG II<sup>2</sup>* 505, ll. 14–17, with add. 601). If we add to this yearly average the cost of a moderate expeditionary force (say, 200 talents), and a further 6 talents as the annual average cost of shipbuilding and maintenance a year, then the total is 240 talents annually. Considering that this figure relates to only the major items of naval expenditure, the real total would seldom have come under the 250-talent limit and frequently must have lain above that limit. Military expenditure thus dwarfed the costs of the governmental operations of democracy at any time. More to the

point: in contrast to expenditure in any other field, which could be predicted, military expenditure remained frustratingly unpredictable, defying dependable financial planning. Proof of this was offered in 431. Before the start of the war Perikles confidently itemized Athens' unsurpassed financial strength: a reserve of 6,000 talents, 600 talents annually in tribute and much other resource besides (Thuc. 2.13.2–5). Yet heavy borrowing from Athenian sacred treasuries (initiated in 434/433) was in full swing as he was speaking, the “sacred debt” in that very year (431) having risen to 1,300 talents (M&L 72). To cope with mounting expenses in 428/427, an *eisphora* of as much as 200 talents was levied for the first time (Thuc. 3.19.1). Trireme fleets were thus “gluttonous” indeed.

Not all Greek states possess Athens' record of military activity. Still, many of them had to deal with similar pressures: either because in the fifth century they had become subjects of a hegemonic state with insatiable cash demands and were therefore forced to accept its logic of “their money, but not their wars”; or because in the fourth century they sought (with hopes of Persian help) to carve out their paths to power; or, again, because after 322 they increasingly had to justify their claim to statehood within a vastly expanded political space dominated by the Hellenistic monarchies and Rome. Whichever of these reasons pertained, a great number of *poleis* did experience a considerable degree of persistent financial strain – *stenochōria* being a favourite word for expressing its occurrence in Hellenistic times (SEG 37.859, B II.12–14). All they could do, then, was to transmit that strain onto their own populations and those within their purview. Taxation became their prime instrument.

## The Myth of Greek Disdain of Taxes

Three general features distinguish the Greek state in this area. First, governments considered it their indisputable prerogative to demand that individuals under their authority surrender part of their possessions and personal labor to the state. Second, who was liable, when, how much one had to pay, in what way, and how regularly, all were questions whose answers depended on a number of factors: geography, sociocultural traits, and constitutional arrangements ranked highest amongst them. Variation from one city-state to another was the norm. We should therefore be wary of exporting all of the tax institutions of our best-documented Classical state, Athens, to other states.

But, that said, all states shared some basic notions: (i) taxes constituted a prime source (*poroi*) of the public revenues (*prosodoi*) which were needed to cover public expenditure (*dapanē, analōmata*); (ii) the corresponding transfers of resources underlined the separation of the private sphere (*idion*) from the public (*koinon, dēmosion*) and the sacred (*hieron*: Arist. *Pol.* 1267b33–37); (iii) the only other peaceful way of acquiring their subjects' wealth, or the wealth of others, was public borrowing (*daneismos*); (iv) as with ordinary transactions, taxpayers generally expected and often received something in return for their contributions, such as permission to perform a particular act, use a passageway, or practice a trade; the right of belonging to a group; protection against some threat and the dispense of justice; public goodwill and praise for meeting their obligation; finally, (v) in order to make those liable pay, considerable ingenuity had to be spent on devising viable schemes, that is, schemes with the right blend of governmental force and incentives so as to keep voluntarism high.

Yet the modern orthodoxy on the subject emphasizes the *polis'* dislike of taxes, especially taxes on landed property. Direct and regular taxes on the property of citizens and especially their persons, it is held, were usually avoided; they were felt to be degrading. Tyrants resorted to them occasionally, but cities with republican-type constitutions abolished them as far as possible. Indirect taxes, by contrast, were frequently employed by Greek cities and were one of their main sources of revenue (Austin and Vidal-Naquet 1977: 121–122). Any form of direct tax on citizens, writes Finley (1973: 164), was condemned as tyrannical (except in war emergencies), and the *metoikion*, a poll tax, the direct tax *par excellence*, was thus the degrading mark of the outsider. The cities had no income taxes and levied no direct tax on property, except certain taxes on slaves, the war-taxes, and the liturgies. Not only is this view based on work that is over a hundred years old (Boeckh 1886: I, 367, 400),<sup>2</sup> but it has miraculously survived the various criticisms that were leveled against it (Guiraud 1893: 540–544; Schwahn 1934a: 251, 610; Pleket 1973: 251–252; Gauthier 1976: 9–10; Fantasia 1977: 47–48; Migeotte 1993, 1995a, 2003, 2008; Migeotte 2009b: 49–54).

In this chapter, almost every component of this orthodoxy will be contested. We can start with its descriptive categories. According to modern definitions, an indirect tax such as value added tax (VAT), goods and services tax (GST), or sales tax, is a tax levied on goods and services rather than on persons or organizations; it increases the price of a good or service and is collected by an intermediary, who then forwards the proceeds to the state (Begg *et al.* 2003). However, the Greeks never distinguished between direct and indirect taxes; indeed, to them such a distinction would have been meaningless. Only by violating the modern definition can certain ancient taxes be placed in the category of indirect taxes, just because they were not being paid directly to the government. This, for one, disregards the ancient practice of auctioning the collection of most taxes amongst private contractors (*telonai*) (Schwahn 1934b; Migeotte 2001b).<sup>3</sup> Taking the risk of loss upon themselves, these contractors offered the state the security of timely paid, stable tax returns, all free of administrative costs. They did normally make a profit from the deal, but never by increasing the price of a good. The modern distinction between direct and indirect taxes has no equivalent in ancient practices. It is high time to abandon it.

Moreover, as we shall see, Greek states did not refrain from taxing the person, property, and even the wages of their citizens. Neither did those who were liable to such impositions necessarily – or always – regard them as degrading.<sup>4</sup> That they often found them onerous (Isok. 8.128, 15.159–160), or even tried to evade them, is another matter. The Greek state's general disdain of taxes is simply a myth. Like the modern welfare state, the Greek state had a very healthy fiscal appetite. But it taxed differently. The two utmost commandments of modern taxation – to use as broad a tax base as possible and to distribute fiscal burdens as equitably as possible – were foreign to the ancient state. In fact, if we were to point to the features that define ancient Greek taxation, and set it apart from modern practices, these would probably be its strong compartmentalizing, itemizing, and discriminatory tendencies; in other words, a multiplicity of specific taxes were levied on specific groups of persons, types of property, or kinds of activity, frequently each with a view to financing specific projects. Generally, the *communis opinio* on this topic attributes the qualities of a hare to the Greek state. But we have reasonably good evidence to show that we are dealing with a rather wilder animal. Indeed, some states, during certain periods of time, clad themselves with so thoroughgoing and sophisticated tax regimes

that they arguably fit the Austrian economist Joseph Schumpeter's (1918) description of a special type of state, *Der Steuerstaat*, the “tax state”; its overriding feature being sheer force of taxing power, rather than a consensual process between political authorities and taxpayers. Two specimens come readily to mind: Classical Athens and Ptolemaic Egypt.<sup>5</sup>

## Taxing Economic Activity

To understand Greek taxation properly we ought to consider three characteristics. First, there existed a hierarchy of authorities with the right to levy taxes. Leagues or federal states taxed their constituent members, just as the fourth-century Delphic Amphiktyony imposed a poll tax (*epikephalos obolos*) on those within its purview (Roux 1979: 146–164), or as the *tagos* ruling Thessaly (Xen. *Hell.* 6.1.11–12) drew tribute from mainland peoples (Boiotia: *Hell. ox.* 19.4 Chambers; Roesch 1982: 297–301). *Poleis*, in their turn, taxed their inhabitants and dependent states or client states, if they had any: Archaic Thasos annually received substantial returns from its mainland possessions (Hdt. 6.46); fourth-century Athens imposed an 8 1/3 percent (twelfth, or *dōdekatē*) and a 2 percent (fiftieth, or *pentēkostē*) tax, payable in grain, on her kleruchies Lemnos, Imbros and Skyros (*SEG* 48.96), and exploited the tax potential of Delos to the limit (Chankowski 2007: 304).<sup>6</sup> Finally, demes and other *polis* subdivisions taxed their members and residents. The Attic deme of the Eleusinians could thus refer to “the taxes over which the Eleusinians are masters” (*IG II<sup>2</sup>* 1186, l. 25).

Second, there was a close link between what we readily recognize as taxes and, on the other hand, tribute, fines, fees, gifts, or even regular donations to the gods (*aparchai*). If we sometimes cannot distinguish clearly between them, it is because the Greeks deliberately blended them. Three examples will illustrate this.

- 1 Rich Athenians performing the liturgy of the *proeisphora* had to advance a short-term, interest-free loan. By renouncing the profit they would have made from demanding interest they were thus making a gift to the state, but it was hardly a voluntary one.
- 2 Many classical and Hellenistic cities occasionally made formal appeals to their residents or citizens to come forth and donate money to the state. All such contributions did have the appearance of, and indeed they were called, free gifts (*epidoseis*), but in many instances they were compulsory, or possessed a pronounced element of compulsion (Migeotte 1992: 322–325).
- 3 The distinction between tribute (the symbol of subjection) and gift was sometimes blurred. This was especially so when the tribute-imposing power, in order to sweeten an onerous and degrading obligation, enriched it with a face-saving quality that signaled, if not a relationship between equals, then voluntary acceptance of rule. The Athenians' attempt to make the fifth-century tribute (*phoros*) paid by their imperial subjects look like gifts, solemnly offered at the Dionysia, compares favorably with the depiction of tribute payments by conquered nations as ceremonially presented gifts to the king in Persian imperial iconography (Isok. 8.82; Raaflaub 2009c). It also compares well with the custom of other non-Greek peoples to mask tribute payments as spontaneous and voluntary gestures by calling them “gifts” (*dōra*: Thuc. 2.97.1–4; Pol. 45–46; *Syll.*<sup>3</sup> 495, ll. 11, 91).

Third, belonging to the broader family of taxes, but standing out for their “political” status, was the set of obligations known as liturgies. These are treated below. Here our concern is with taxes on economic activity or vocational status.

The most common Greek word for tax is *telos* (pl. *telē*). Tax exemption was called *ateleia*, and the person enjoying it *atēlēs* (pl. *ateleis*) (Schwahn 1934a; Rubinstein 2009). Often the amount to be paid was expressed as a percentage of whatever was taxed: e.g., *dekatē* (tithe) *eikostē* (twentieth or 5%), *pentekostē* (fiftieth or 2%) *hekastostē* (hundredth or 1%). Not all city-states taxed with the same intensity. Some were so rich in resources that, instead of taxing their citizens, they distributed the year’s surplus amongst them. Surplus revenue from their mainland possessions along with silver and gold mines enabled the early fifth-century Thasians to exempt themselves from tax on their crops (Hdt. 6.46). The Siphnians, too, distributed the surplus from their gold and silver mines to the citizen body (Hdt. 3.57), and a similar distribution was proposed of the Athenians’ windfall from the Laurion silver mines in 483/482 ([Arist.] *Ath. Pol.* 22.7). Mende’s revenue from harbor dues and other taxes was reportedly so large that no taxes were being collected from land- and house-owners, who instead made ad hoc payments when the state needed funds ([Arist.] *Oik.* 2.2.21). However, most cities, being less blessed with an abundance of resources, had to resort to taxation.

How inventive rulers and governments could be in this area is illustrated by the early Hellenistic selection of fiscal stratagems assembled in Book II of the Pseudo-Aristotelian *Oikonomika*. Hippias of Athens, for instance, is said to have sold permits to house-owners which allowed upper storeys, flights of stairs, railings, and doors that opened outwards (2.2.4) – reminiscent of the Hearth or Chimney tax in fourth-century France and seventeenth-century England. The city-state of Byzantium offers another example. In addition to exacting one-third of the earnings of those engaged in the fishing industry, salt merchants, miracle-workers, diviners, charm-sellers and others, the city charged a 10 percent tax on all commodities sold (Arist. *Oik.* 2.2.3; van Groningen 1933). The historicity of most of these stratagems cannot be confirmed, but the central message they convey, which is what matters here, is credible enough: when it comes to raising revenue, governmental cunning knows no limits. Even though these stratagems are all exceptional measures, not representative of what *poleis* usually did, they nevertheless introduce us to rich tax terminology, such as *ekphorion*, *epikarpia*, *kata gēn telē*, and the like ([Arist.] *Oik.* 2.1.4). More importantly, they circumscribe the three principal areas that states used as fiscal hotspots: countryside, *agora*, port/emporium. On this the collection in the *Oikonomika* receives ample corroboration from Xenophon’s recommendations to the Athenians in his *Poroi* (c.355), and from other sources as well.

Three of these sources – selected here randomly and comprising inscriptions from sixth-century Kyzikos (*Syll.<sup>3</sup>* 4), fourth-century Teos (L. Robert and J. Robert 1976, with SEG 26.1305), and first-century Kos (*Syll.<sup>3</sup>* 1000) – exemplify the variety of *polis* taxes imposed on occupational activities or crafts, possessions, transactions, agricultural produce, and labor. Amongst them, these incompletely preserved documents name no less than forty different kinds of taxes. They include taxes on: (i) animals, which are divided into discrete taxes for plain oxen, working oxen, plough animals, horse-raising, cattle, and sheep; (ii) workforce, which is divided into separate taxes for slaves, female slaves, slaves engaged in the charcoal trade, wood trade or any other mercantile profession, hired labourers, wood-carriers, and vine planters; (iii) land, beehives, gardens

and house-rents; (iv) the production, sale, and export of woollen garments, the fish-salting business, the sale of frankincense, the sale of pulse, barley, wine, everything that relates to the processing and sale of timber; (v) musical events, a “roast-spit” tax, and a tax of “the talent,” possibly for the use of public scales (Kyzikos).

Were these inscriptions fully preserved, we would almost certainly have been able to register even more taxes. Material from elsewhere confirms and expands the overall picture: directly, by providing evidence for such taxes as those on prostitutes in fourth-century Athens (*pornikon telos*: Aischin. 1.119); and indirectly, by recording the grants of tax exemption (*ateleia*) with which many Classical and Hellenistic cities privileged foreign merchants and craftsmen (Rubinstein 2009: 124–125). However, even in their incomplete form our three geographically and chronologically dispersed documents make the point that no activity, trade, commodity, group of individuals, or kind of possessions was likely to escape the watchful eye of the state. They also tell us two more things. First, the significance of the tax-farmer, as an indispensable broker between tax authority and taxpayer, still ought to be fully appreciated. Second, that, while innovation is clearly attested, the overall trends points towards continuity. The tax on doctors (*iatrikon*) features in our inscription from Teos and in that from Kos; it is also known in third-century Delphi (*Syll.*<sup>3</sup> 437); a poorly understood tax called *naussos* appears in the document from Kyzikos and in that from Kos. A certain measure of conservatism marked the Greek fiscal mindset. This is visible at port areas, one of the three fiscal hotspots.

Kyme, Strabo says (13.3.6), was reputed as the city of the imbecile, for only 300 after its foundation did it begin to farm out its harbor taxes; previously “the people did not profit from this revenue.” The taxes usually demanded by maritime states in their port areas are fairly well attested (Vélißaropoulos 1980: 204–231). Olynthos, for example, possessed revenues from many harbors and *emporía* (Xen. *Hell.* 5.2.16), and so did Thessaly (Dem.1.22), not to mention the Piraeus in the fifth and fourth centuries<sup>7</sup>: in 413, the Athenian empire replaced tribute with an *eikostē* (5%) tax on maritime commerce in the harbors of the empire (Thuc. 7.28.4; *IG II<sup>2</sup>* 24). On the general practice, then, Strabo is clear enough. But as regards Kyme he is ambiguous: were the citizens of Kyme slow in realizing that they were sitting on a fiscal gold mine? Or were they slow in following the common practice of farming out the harbor revenues? If (as I think) the second is true, then the Kymians for 300 years had kept the cumbersome administration, risks, but also the profits, from such a potentially unstable source of revenue to themselves, instead of transferring them to tax-farmers – who were not unknown for defaulting their payments (Andok. 1.92–93; Dem. 24.144). In that case, the Kymians were bold and adventurous, not imbecile.

Two kinds of harbor taxes feature most prominently: the *pentēkostē* and the *ellimenion* (Vélißaropoulos 1980: 207–211; Chankowski 2007: 313–319). The *pentēkostē* was a 2 percent tax on the value of imported and exported commodities.<sup>8</sup> But the term was also used in reference to several other taxes (farmed out separately) such as the *pentēkostē* exacted by the Athenians in Nea (the harbor of Oropos: *IG II<sup>2</sup>* 334, with *SEG* 18.13) and the *pentēkostē astia* in third-century Delos (*IG XI*: 2 287A, l. 9). In fourth-century Athens, a *pentēkostē tou sitou* was imposed on, and was paid in, home-grown grain ([Dem.] 59.27). This tax, together with the *dōdekatē*, also a grain-tax paid in kind, was exacted from Lemnos, Imbros, and Skyros when these islands became Athenian kleruchies (Xen. *Hell.* 5.1.31; *Agora* 19, L13). Agyrrhios’ grain-tax law of 374/373 BCE

concerns these two taxes. However, rather than creating a new tax, or modifying an old one (Stroud 1998: 38, 78–81), this law simply authorized the sale to individuals or groups (consistently called “purchasers,” not *telōnai*) of the right to transport the annual returns from these taxes to the Piraeus and thence to the *asty* (*SEG* 48.96; Jakab 2007; Hansen 2009).

The *ellimenion*, on the other hand, refers to harbor dues, which, in some places at least, were reckoned as a percentage of the value of goods aboard a ship (Chankowski 2007: 313–319). In the early fourth century, for instance, the Delphic Amphiktyony occasionally exempted certain groups of pilgrims from the *ellimenion* (*Corpus des inscriptions de Delphes* 4.2). Whenever our sources mention grants of exemption from import and export taxes,<sup>9</sup> a privilege often accompanied with the right to enter and exit the harbor (Bresson 2007: 53–56), they probably refer to the *pentēkostē* and the *ellimenion*. In Athens, moreover, an embarkation tax (*epibatikon*) was paid by shippers to the treasurers of the Other Gods for financing the cult of Anakes (*IG* I<sup>3</sup> 133, ll. 1–12; cf. *IG* I<sup>3</sup> 130a, ll. 4–5), and a similar charge is attested in fourth-century Thasos (*IG* XII: Suppl. 349). Finally, on arrival at the Piraeus foreigners seem to have been asked to pay the 1 percent tax (*Ps.-Xen. Ath. Pol.* 1.17).

Closely related to harbor taxes were those of the marketplace (*agoraiā telē*: [Arist.] *Oik.* 2.1.4; cf. Dem. 57.34). This is not only because nearly all the functions of inland *agorai* were duplicated within the port area, or because in some cities the city *agora* lay next to the port, but also because these were the areas in which governments sought to concentrate all taxable activity – herding, as it were, taxpayers into them (Véliissaropoulos 1980: 209–210). They thus extended a helping hand to the ever-watchful *telōnai*: an Athenian about to sail from the Piraeus with too much baggage was held back by over-anxious tax-farmers who suspected him of trying to smuggle out merchandise. In addition to sales taxes, in some cases called *epōnia*, cities imposed a variety of charges and fees on buying and selling. The herald’s fee (*kērykeion*) and the tax buying foreigners the right to use the market (*xenikon telos*), both attested in Athens (*SEG* 48.96, l. 28; [Dem.] 57.34), are merely some of them.

Mention must be made of the charges demanded by those controlling arterial land or sea passages (Purcell 2005; Gabrielsen 2007b). Famously, Korinth owed much of its wealth to revenue from the *dioskos*, the artificial way across the Isthmus that united her eastern (Kenchreai) and western (Lechaion) harbors (Thuc.1.13.5). In the fourth century, the Macedonian kings exacted taxes for export (*exagogē*) and for passage (*diagogē*: *Syll.*<sup>3</sup> 135b.) However, the Straits in the Thracian Bosphorus were more important (*diagōgion*: Pol. 4.52.5). Ships paid a ten per cent charge for passage (*dekatē*) to whichever of the local polities – Byzantium or Kalchedon – controlled the Straits, or to the hegemonic power possessing the area. In 410/419, the Athenians established a tithe-collecting station (*dekateutērion*) at Chrysopolis in Kalchedon (Xen. *Hell.* 1.1.22), thereby relocating a toll station they previously operated from Byzantium (*IG* I<sup>3</sup> 52). However, in 390/389 they moved the toll station back to Byzantium (Xen. *Hell.* 4.8.27, 31). For part of the third century, the passage was controlled by Byzantium, which sometimes kept it free of charge (Pol. 4.38.1–10, 45–52).

We have some figures that document the amount of those transactions. Until 166 BCE, the *ellimenion* of Rhodes fetched 1 million drachmae a year (Pol. 30.31.12). In 361, the *ellimenion* in Macedon was priced at 20 talents, but through manipulation it was sold at

double as much ([Arist.] *Oik.* 2.2.22). In the fourth century, the *emporia* of the Thracian Chersonese are said to have fetched over 200 talents a year, but it is not specified whether this sum accrued from the *ellimenion* or the *pentēkostē*, or both (Dem. 23.110). In early third-century Delos, the *pentēkostē* was farmed out for 15,000 drachmae a year (Vial 1984: 339–340). At Athens, the same tax was sold for 30 talents to the syndicate headed by Agyrrhios in 402/401, and for 36 talents to the syndicate of Andokides in the next year (Andok. 1.133–134). In 220 BCE, the Byzantines reintroduced the toll at the Straits in order to be able to pay a yearly tribute of 80 talents to the Tylian kingdom in Thrace (Pol. 4.46.3–4); the amount must have corresponded to what Byzantium earned from the *dekatē* at the Straits. Thus maritime states and states controlling crucial passages enjoyed considerable tax revenues.

Though the Greeks lacked a concept equivalent to our income tax, they did tax income. To finance the cult of Apollo (probably Pythios), the Athenians in 434 BCE introduced an annual tax on all those who performed military service, “each one from the wages (*misthos*) he receives”: the *hippeis* were each to pay 2 drachmae, the hoplites 1 drachma and the archers 3 obols. The demarchs were to collect the tax from all those registered in the citizens’ list, and the commanders of the archers from the (foreign) archers. In case anyone failed to pay his share, the *tamiae* are instructed to deduct the relevant amount from his wages (*IG I<sup>3</sup>* 138; cf. *IG II<sup>2</sup>* 1582 and *Agora* 19, P26; Schlaifer 1940). Even though it was levied on a specific group (soldiers) and discriminated between the rates to be paid by each of three subgroups, this regular tax on *misthos* was imposed equally on citizens and foreigners. Its likeness to the “first fruits” (*aparchē*) is apparent. A near-contemporary decree from Lindos (c.440–420 BCE) prescribes how funds are to be raised for financing the cult of the war god Enyalios. “All those who set out for military service from Lindos, whether they are paid from public or from private means, are to pay to Enyalios one-sixtieth of their wages [*misthos*]. The sums are to be collected by the *stratēgos*, who shall then give them over to the priest [of Enyalios]” (*IK* 38.251). Thereby Lindos established a recurrent tax that was imposed on all those who performed military service, on land and at sea. If, as seems probable, the *stratēgos* deducted the tax directly from the soldiers’ pay, then we would have here an early version of the modern tax deduction at source, or Pay-As-You-Earn system.

In our last two examples, it was the performance of a certain function that made individuals liable to a tax, much like the practitioners of certain professions. In other cases, it was legal status that defined the population group liable to a tax: metics in Athens, and probably elsewhere, paid a poll tax (*metoikion*) at the annual rate of 12 drachmae (males) or 6 drachmae (females). Still in other cases, individuals incurred the obligation to serve their *polis* with their body and property solely on account of their high economic standing. It is because of their strong orientation towards the *polis* that these taxes, to which I now turn, are here labeled “political” (Wilson 2000: 36).

## Political Taxes

*In the archonship of Theopompos [411/410], being appointed choregos of tragedies, I spent thirty minai, and two months later, at the Thargelia, two thousand drachmae, when I won a victory with a male chorus; and in the archonship of Glaukippos, at the Great Panathenaia, eight hundred drachmae on pyrrhic dancers. Besides I won a victory with a male chorus at the*

*Dionysia under the same archon, and spent on it, including the dedication of the tripod, five thousand drachmae; then, in the archonship of Diokles, three hundred on a cyclic chorus at the Little Panathenaia. In the meantime, for seven years I served as trierarch and spent six talents. Although I have borne all these expenses, and have faced daily peril in your service abroad, I have nevertheless made contributions – one of thirty minai and another of four thousand drachmae – to war taxes (eisphorai). As soon as I sailed home, in the archonship of Alexias, I performed a gymnasialy at the Promethea, and won a victory after spending twelve minai. Then, later, I was appointed to produce a chorus of boys, and spent over fifteen minai. In the archonship of Eukleides (404/3) I was choregos of comedies for Kephisodoros and won a victory, spending on it, with the dedication of the equipment, sixteen minai; and at the Little Panathenaia I performed a choregy for beardless pyrrhic dancers, and spent seven minai. I have won a victory with a trireme in the race at Sounion, spending fifteen minai; and besides I had the conduct of sacred missions (architheoriai) and ceremonial processions and other duties of the sort, for which my expenses have come to more than thirty minai. Of these sums that I have enumerated, had I chosen to limit my liturgies to the letter of the law, I should have spent not a quarter.*

(Lys. 21.1–5, adapted from Loeb edition)

This is how an Athenian defendant introduced his speech before a jury: he enumerated his expenditure on public services. His list offers a convenient vantage-point from which to view not only the institutions through which private wealth became available for public purposes (the *eisphora* and the liturgies), but also three interconnected, long-term trends.

First, the institutions: at Athens the *eisphora*, attested from about 434/433 (*IG I<sup>3</sup> 52*), was an extraordinary war tax levied not on persons but on property. Citizens, metics, and corporate bodies such as demes became liable to it on account of owning such property. Liability was ascertained through reports ([Dem.] 50.8) or self-declaration, rather than through updated official records over property-holding. In 354 the declared taxable capital (*timema*) of Attika was set at 6,000 talents (Dem. 14.19, 39; Pol. 2.62.7: 5,750 talents). The speaker of Lys. 21 paid 3,000 and 4,000 drachmae to each of two levies, but other property-owners, though they might be just as affluent, managed to get off cheaper than that, or evade completely their obligation by concealing their property (Dein. 1.69–70; Gabrielsen 1986). In ten years Demosthenes paid 1,800 drachmae from a property assessed at 15 talents (Dem. 27.37); nothing suggests that the levies to which he had contributed were especially small. Thucydides (3.19) says that in 427 as much as 200 talents were levied for the first time, and there is every indication that from then on *eisphorai* tended to be more demanding and frequent. In 378/377, besides organizing those eligible into 100 *eisphora* groups (*symmories*), the Athenians introduced the liturgy of the *proeisphora* (Wallace 1989b). Henceforward the 300 richest Athenians had to advance the whole levy and then recoup their contributions from the other taxpayers. By privatizing the collection process the Athenians hoped to ensure quick availability of funds. However, this new liturgy did not prevent the accumulation of arrears: from 378/377 to 356/355 no less than 14 talents from *eisphorai* totalling around 300 talents were outstanding (Dem. 22.44) – which does not necessarily mean that only 300 talents were levied in these 22 years.

The *eisphora* is also known from the Boiotian federation (*Hell. ox.* 19. 4 Chambers, cf. Roesch 1982: 297–301), Siphnos (Isok. 19.36) and other states. However, in contrast to Classical Athens, but in accord with many a Hellenistic city, the purpose of *eisphorai*

and *proeisphorai* in these states seems not to have been limited to war campaigns. The Spartans and the Cretans, Aristotle says, pay *eisphorai* to finance their common messes (Arist. *Pol.* 1271b11–18, 1272a14–16); and fifth-century Samothrace probably used the *eisphora* as a fundraising mechanism for meeting its tribute obligations to Athens (Antiphon fr. 56 Thalheim). In the period from 347/346 to 323/322, we have seen, the Athenians levied a yearly *eisphora* of 10 talents to finance large building projects, while they could still vote extraordinary levies for war expeditions (*Dein.* 1.69). In this area they thus began to conform to a wider practice.

At Athens the liturgies consisted of some 100 festival liturgies (Davies 1967) and the two military liturgies, the *proeisphora* and the trierarchy – that is, the obligation to captain and finance a warship for a year (Gabrielsen 1994). The trierarchy was strictly reserved for citizens – and the few non-citizens who were privileged with *isoteleia*, “the right to pay the same taxes as citizens” (*IG II<sup>2</sup>* 276, 1.13; *IG II<sup>2</sup>* 1623, ll. 204–205). From 357/356 to 323/322, 1,200 persons, distributed into 20 *trierarchic* symmories, were needed each year to perform the trierarchy (*Dem.* 21.155, 47.21). Considering claims to exemption and the like, the number of liturgists required in a three-year period would have totalled about 4,400. Other *poleis*, too, had liturgies (e.g. Mytilene, Siphnos, Priene, Teos), including the trierarchy.<sup>10</sup> However, few, if any, of these liturgy systems were nearly as strictly regulated and demanding as that of democratic Athens. Imposing heavy “political” taxes on the rich was a feature of democracies (Ps.-Xen. *Ath. Pol.* 1.13); imposing heavy “political” taxes on the rich but compensating them with political influence and office was a feature of oligarchies (Arist. *Pol.* 1272a15–16). Aristotle warns democracies to spare the wealthy: “it is best to prevent men from undertaking costly but useless liturgies like choregies, torch-races and all other such services” (*Pol.* 1309a15–21; cf. Isok. 8.20, 128). Aristotle might have agreed that the festival liturgies did indeed become “useful” at Athens after 317/316, when they were absorbed by certain magistracies (Duris *FGrH* 76 F 10). With this the Athenians returned to the principle that possession of wealth, civic obligations, and office-holding are inseparable. Their liturgy system was thus aligned to what was the norm in the Hellenistic world (*IG XII.7* 26, ll. 4–5; Quass 1993: 270–291). So much for the fiscal institutions. Let us now turn to the three long-term trends of which the fiscal performance of the speaker of Lys. 21 is a part.

- 1 The first characterizes Athens and consists of the ever-increasing enforcement of governmental taxing power, within and without Attika, in order to finance an ever-expanding sector of public activity. The sheer growth of monetary exactions by the end of the fifth century is but one reflection of this trend: within seven years, the speaker of Lys. 21 spent a total of 63,600 drachmae. Not your archetypal liturgist, perhaps. Yet this one man’s average yearly outlay (9,100 drachmae) equaled a year’s poll tax paid by 760 male metics – the true payers of “direct” taxes, according to the modern orthodoxy. Further reflections include (a) the application of the dreadful *antidosis* procedure, which is unattested outside Athens, in order to keep those liable on a tight leash (Gabrielsen 1987); (b) the obsession from 411 BCE on with introducing effective cash-extracting mechanisms: syntrierarchies, symmories, groups of joint-contributors (*synteleiai*), and so on; and (c) the supplementation of regular liturgical obligations with such extra schemes as the canvassing of

“voluntary gifts of money” (*epidoseis*) and appeals to a given group to shoulder naval expenditure not as trierarchs, but as “guarantors” (*IG II<sup>2</sup>* 1623, ll. 166ff.). All these provoked acidulous contemporary comment to the effect that fiscal fervor of this order turned the wealthy taxpayer into a thrice-squeezed orange: “I observe that already the state is exacting heavy contributions from you,” says Xenophon’s Sokrates to the immensely rich Kritoboulos.

You must keep horses, pay for choruses and gymnastic competitions, and *prostateiai*; and if war breaks out, I know they will require you to undertake triarchies and pay *eisphora* taxes that will nearly crush you. Whenever you seem to fall short of what is expected of you, the Athenians will certainly punish you as though they had caught you robbing them. (Xen. *Poroi* 2.6)

Listing his own public services nearly fifty years earlier, the speaker of Lys. 21 put on record the same historical phenomenon – the growth of the “tax state” (Schumpeter’s 1918 *Steuerstaat*) on Classical Athenian soil. Additionally, he gave a glimpse of that tax state’s specific demands during a critical transition: when it ceased feeding itself with imperial tribute and was beginning to cut its teeth even deeper into home-grown tax potential.

The tax state’s further aggrandizement in the fourth century relied on counterbalancing its inherent disincentives with a set of added incentives. But above all, it was made to thrive on a special version of voluntarism that often took the form of fiscal heroism. Take the list in Lys. 21. Successions of individuals waved alleviating prerogatives or hard-won incentives aside, eagerly undertaking more liturgies, more personal toil, and more expense than were strictly required. They thus made down-to-earth outlays look not only unheroic, but almost like tax evasion, which itself ranked second to treason. Civic duty, love of honor, and other positive societal values created a layer of *noblesse oblige* thick enough to conceal the degrading features of forceful and onerous taxation; and all that in the expectation of pretty slim or uncertain rewards. “I have been trierarch five times, fought in four sea-battles, paid many *eisphorai* during the [Peloponnesian] war, and I have performed the other liturgies as good as any citizen. But my purpose in spending more than the *polis* ordains was to raise myself higher in your opinion,” sounds like the modest claim of another such fiscal hero to Athenian jurors (Lys. 25.12–13). The tax state, noticed by moderns merely for its putatively wealth-confiscating effects (Andreades 1933: 277), remained an Athenian phenomenon, unparalleled in the Classical Greek world. However, its decrease, triggered by the political changes after 323/322, made neither fiscal heroism nor the “thrice-squeezed oranges” disappear completely. In the Hellenistic Age both of these found new ways of articulating themselves and a new home in the concept of *euergesia*. Besides, they came to inhabit tax regimes which repaid fiscal outlays much more generously in political currency.

- 2 The second trend is the gradual erosion of the basic obligation. Everywhere the liturgies had the double character of a property tax and a poll tax. Formulation of the general principle – “to serve the state with one’s property and body” – underlined the fact that monetary contributions and personal service formed an inseparable whole (Lys. 19.58; [Arist.] *Ath. Pol.* 29.5; Dem.10.28).<sup>11</sup> The “property” half

of the requirement announced that liability was incurred from every kind of possessions, not least land ([Dem.] 42.5–9; 50.8). Inscriptional evidence decisively discredits the long-held view that land was free from regular taxation (Migeotte 2003, *contra* Finley 1973: 95–96). Athenian demes exacted a land ownership tax (*IG II<sup>2</sup>* 1214; Pernin 2007: 378–379), kleruchs paid taxes by virtue of holding kleruchic land (*IG I<sup>3</sup>* 1, l. 3; *IG I<sup>3</sup>* 41, ll. 36–38), while others were taxed on account of farming the land (Andok. 1.92–93). The decision of Thasos to exempt citizens from taxes on produce (Hdt. 6.46), or that of Mende not to tax land and houses ([Arist.] *Oik.* 2.2.21), confirms the general rule. Teos taxed gardens (L. Robert and J. Robert 1976: ll. 17–18), Priene land (*I. Priene* 2, ll. 7–10), and even the Classical Spartans paid *eisphorai* because “most of the land is owed by them” (Arist. *Pol.* 1271b11–18). The Greeks, while cherishing an ideology that sanctified land, showed not the slightest compunction about taxing it.

The “body” half of the requirement brought the liturgies close to military duty and tax in kind (*corvē* labor). Originally, liturgists, especially trierarchs, had to serve in person: while proposing a reform of the Athenian trierarchy, Demosthenes speaks in terms of *chrēmata* (money) and *sōmata* (bodies: Dem. 14.16–20); a trierarch refusing to serve in person was regarded as a deserter (Dem. 21.165). It is his unflinching observance of both duties (service with cash and “the body”) that the speaker of Lys. 21 wanted to stress when he added that he had “borne expense and faced daily peril.”

From around 360 BCE on, however, governments, faced with declining willingness for personal service, began to prioritize cash over “the body,” a tendency first seen with the trierarchy. The Athenians started appointing individuals as trierarchs who simply had to defray naval debts, rather than take charge of a ship (Gabrielsen 1994: 194–199). Moreover, even though they never entirely approved of it, they looked the other way when trierarchs leased their active service out to a contractor ([Dem.] 51.8). Eventually, states decided to stop pretending, and made the erosion of the principle an officially recognized fact. Hellenistic Rhodes recognized a trierarch’s substitute as a regular officer, the *epiplous* (Gabrielsen 1997: 100–101). Similarly, in around 30 BCE Priene, having officially separated “the inseparable” with all liturgies, made exemption from personal service an independent privilege. Here, as elsewhere, “exemption of the body” (*ateleia tou sōmatos*), as something distinct from exemption from a whole liturgy (personal service and expenditure), became one of the honors bestowed on distinguished individuals (*I. Priene* 4, ll.36–37).<sup>12</sup> Necessity had been turned into a virtue. By 200 the erosion of the basic principle was complete.

- 3 The third and final trend had more profound social and economic implications. It consists of the shifting balance between taxation and public borrowing. Briefly, public expenditure that was customarily met by *eisphora* levies now became increasingly met by loans extended by domestic (and sometimes foreign) moneylenders. A principal indicator of this shifting balance is the extensive use of familiar tax terminology to describe transfers that were public loans. As a result, the terms “tax-payer” (*ho eispheron*) and “payer of tax in advance” (*ho proeispheron*) became interchangeable with the terms “public lender” (*daneistes, ho daneizon*) and “lender of money in advance” (*ho prodaneizon*, Gabrielsen 2005: 147–149). Gathering momentum

from around 300 this development meant that public coffers received an even larger share of refundable contributions (loans), compared to non-refundable contributions (taxes). Often cities had to replace their tax schemes with loan deals, including ones approximating the issuing of government bonds. Needing funds with which to cover a rising public deficit in 211/210, Miletos expressly discarded the option of levying an *eisphora* in favour of announcing a public loan arrangement, which, as a premium to the 39 citizen-lenders who chose to accept it, offered an advantageous pension or annuity scheme (*I. Milet* I: 3.147; Migeotte 1984: no. 97; Gabrielsen 2008b). In the area of civic obligations, public taxation was losing ground to private profit-making, and all the while the public lender in a taxpayer's disguise claimed recognition for bouts of fiscal heroism.

## Coinage, Weights and Measures

Coinage is not a prerequisite of taxes, fines, and so forth; for a long time, bullion had served such purposes well. Yet its introduction, part of a regularizing and legalizing process within Archaic *poleis*, added to the rise of statehood (T.R. Martin 1985; Schaps 2004). In about 525–500, for example, Eretria specified by law when naval crews were to receive public pay (*misthos*: *SEG* 41.725), which was in accordance with the mechanisms of other cities for regulating payments of fines, liturgies, or tribute. Like the standardization of weights and measures (for Solonian Athens: [Arist.] *Ath. Pol.* 10.2), coinage now made governments the principal suppliers of transactional trust within their purview. Moreover, it enabled them to receive and make payments with unsurpassed efficiency and technical sophistication. Sanctuaries, too, could thenceforward express a deity's possessions and surplus wealth in specie, instead of in utensil currency: spits, weighed ingots, axes, or cauldrons (Strøm 1992; von Reden 1995: 175); in so doing they gradually refined their accounting methods. In due course, coinage also eased private economic transactions by providing retail and overseas traders with a handy and precise means of exchange that was not tied to personal relationships (patronage, friendship, etc.) and their networks (Meadows and Shimpton 2001; von Reden 1997). We must remember, though, that some Archaic and Classical *poleis* (famously Sparta) managed well without coinage of their own, while others were latecomers: pre-450 Crete used Aeginetan coins. As an authorized token of payment, the stamped coin (*nomisma*) attained significance among the Greeks before it was absorbed by Near Eastern cultures (Seaford 2004).

Herodotus (1.94.1) makes the Lydians the first to use coins of gold and silver, explaining that “they were the first to become retail traders.” Other traditions credit Aegina instead (Ephoros *FGrH* 176 F 70; Strab. 8.6.16), and insist on commerce as a prime motive (Arist. *Pol.* 1257a31–b5; *Eth. Nik.* 1132b21–1133b28). But most of this is hindsight. On the question of origin we must turn to the earliest coin finds themselves. Specialists agree that these point to Lydia and some Ionian Greek cities at the end of the seventh century BCE. The first coins were of electrum, a gold–silver alloy found naturally in Lydia; they did not carry a sign of which *polis* had minted them. Though the date of the earliest specimens, unearthed at the temple of Artemis in Ephesus, is debated, most would now place them to the end of the seventh century. Asia Minor was also the

place of the next major development: the minting of silver coinage by a few cities which was stamped on the obverse and the reverse with symbols (later with inscriptions, too) that identified the issuing authority. In the mid-sixth century the practice had spread westward to Greece proper. The principal mints were those of Aegina (earliest silver coinage c.550), Korinth and Athens (which first produced the so-called Wappenmünzen, and after c.525 tetradrachms with the famous owls). Soon followed the rest of the Greek world (from Cyprus through South Italy and Sicily to Emporion in Spain), Macedon and Thrace. By 500 over forty cities were minting (R. Osborne 1996: 253–255; Howgego 1995: 1–8). Normally, coins were cut of pure silver (gold was used in Lydia and Persia), but from the fourth century bronze issues also became widespread. From the early fifth century, the level of monetization was rising steadily. By 470 Athenian allies were converting their ship contributions into tribute in coin (Thuc. 1.99). After Alexander the process gained in prevalence, as the mints of the Hellenistic monarchies now operated alongside those of cities. It is estimated that the volume of coinage circulating in the last two centuries BCE was comparable to that available in eighteenth-century France (Migeotte 2009b: 122). Yet old customs lingered: some cities still specified fines in utensil currency; in 453 Athens was receiving tribute in electrum coinage (*IG I<sup>3</sup>* 259, ll. 10–13).

A typifying feature of coinage was its diversity. Since the early emissions were based on locally prevailing, mutually incompatible weight standards, different currency standards existed simultaneously throughout the Greek world; but the stater and especially the drachma (which was divided into 6 obols) remained the basic monetary units common to all. Outside its own *polis*, a coin was valuable only as bullion, and several cities did not accept foreign currency. Moreover, except for the few places that possessed silver deposits (Athens, Macedon-Thrace), all others had to import silver. This diversity, and the difficulties it created for economic exchanges, speaks against the idea that commerce was a prime motive for introducing coinage; previously, it was typical also to point at the predominance of high denominations amongst the early emissions, but as is now shown small denominations were abundant, too (Kim 2001).

Diversity was nevertheless counterbalanced by certain trends towards unification. First, cities that were part of a federation or an alliance could issue federal or alliance coinages. Second, besides currencies for local use there were others for common circulation (Plat. *Leg.* 742a), and cities began accepting such imitations or counterfeits as they found to be valid (*dokimon*). Thirdly, from early on clusters of cities harmonized their coinages. Uniformity in standard and fabric is, for example, detectable in the Archaic coinage of some South Italian cities. More important is, though, the establishment of international systems through the adoption by a larger number of cities of the standard of a dominant city: famously, the Aeginetan standard (a drachma weighing 6.30 g) and the Attic-Euboic standard (a drachma weighing 4.31 g). During the Athenian empire, too, Athens' owls became the dominant currency in the Aegean and the Black Sea, while around 431 Athens imposed its coinage, weights, and measures on all her allies (M&L: 45), who now paid tribute in Attic tetradrachmae (each weighing c.172.2 g). Several strong international currencies appeared in Hellenistic times. Following Alexander's conquests, kings and cities minted the much sought-after "Alexanders" (on the Attic standard), while the coinage of Rhodes, Pergamon, and the Achaian League attained wide prominence.

Right from its introduction, the minted coin represented a major technology that held its place as the dominant form of money until 1914. Its impact on economic life was enormous. Yet, before anything else, coinage, together with standard weight and measures, has been (and is) the symbol of the very authority that guarantees transactional trust, and that authority is almost unexceptionally identifiable with the state.

## NOTES

- 1 Brief surveys may be found in A.H.M. Jones (1974); Littman (1988); Migeotte (1995a: 14–21); Migeotte (2003); Migeotte (2009: 49–54). On individual aspects of Athenian taxation, see: Thomsen (1964); Brun (1983: 3–51) – *eisphora*; Davies (1981) – liturgies; Gabrielsen (1994) – triarchy.
- 2 See also Francotte (1909: 49); Andreades (1933: 126–130, 151–154); Möller (2007: 377–378).
- 3 On fourth-century Athens, cf. [Arist.] *Ath. Pol.* 47.2.
- 4 Dem. 22.54–55, often cited in support of that view, only shows that corporal punishment on citizens was deemed degrading.
- 5 On Egypt, which for practical reasons is not treated here: Thompson (1997).
- 6 On fifth-century Chalkis see: *IG I<sup>3</sup>* 40, ll. 52–57; Giovannini (2000).
- 7 See Ps.-Xen. *Ath. Pol.* 1.17; *IG IX.I<sup>2</sup>* 583 (SEG 22.495): *prosodoi limenos* of Anaktorion (216 BCE).
- 8 For example, Syracuse (Dem. 32.18); Erythrai (*Syll.<sup>3</sup>* 229); Koresia (*IG II<sup>2</sup>* 1228, with 404, ll.15–19); Delos (*IG XI.2* 161A, l.26); Athens (Andok. 1.133–136; Dem. 35.29–30). The rulers of Bosporos charged a *triakostē*, *hexēkostē*, and *ennēkostē* on exports of grain: Dem. 20.32; *Syll.<sup>3</sup>*: 212. Syros charged a *triakostē* on exports: *IG XI.2* 161A, l.74.
- 9 For example, Teos (fourth century): L. Robert and J. Robert (1976) (SEG 26.1305, l. 16); Priene, 334 BCE: *I. Priene* 2 and 6; Eretria: *IG XII.9* 206, ll.14, 16; Knoepfler 2001: no. 5; Chios in c.320 BCE: SEG 12.390.
- 10 Mytilene: Antiphon. 5.77; Siphnos: Isok. 19.36; Priene: *I. Priene* 4, ll.36–37 (c.330 BCE); Teos: L. Robert and J. Robert (1976) (SEG 26.1305). Rhodes: Arist. *Pol.* 1304b.
- 11 The law (at Athens) ordained explicitly that those liable served in person (*tois sōmasin autoi lētourgein*: Dem. 21.165 ); cf. Dem. 16.12, 41.25.
- 12 Gauthier (1991) argues that *ateleia tou sōmatos* does not relate to liturgies because these required both expenditure and personal labor.

## CHAPTER 23

# Greek Government and the Organization of Time

*Robert Hannah*

### Natural and Mechanical Time

From the outset, it is worth having some comprehension of how people in Antiquity perceived the passage of time, and at a basic, popular level sought to mark, tell, or measure it. Not all of the ancient means can be recreated now, or at least not without significant physical or imaginative effort, but we should at least make ourselves aware of them, where we can. In that way, we can hope to appreciate more fully the institutions and mechanisms that were predicated on these perceptions, and understand the degree to which people sought to systematize and regularize natural cycles of time in the interests of social, and specifically political, organization.

On its own, the human body itself is a reasonable timekeeper. It can tell us when we should sleep and awake, eat and drink, and much else. This facility is now understood to be a function of internal physical receptors, coordinated by a pacemaker in the hypothalamus of the brain, and synchronized to solar time in periods of approximately 24 hours; hence these periods are called “circadian rhythms.”<sup>1</sup> The most powerful time cue which keeps this circadian rhythm “on schedule” is the day/night cycle. This affects the secretion of the hormone melatonin, which in turn governs sleep. We are as subject to this now as our ancestors were.

If social activities are aligned with celestial events, such as sunrise, they are effectively linked to our basic, day/night, circadian rhythm. Furthermore, the mechanisms needed to maintain a schedule based on so natural a rhythm are also innate: sight alone is needed to tell us when we should act. Or we can take advantage of alternative, but still natural, external “alarm clocks,” such as bird calls at dawn, and use our sense of hearing to time our activities. With practice, the body can even tell us the time of day or year within such culturally situated artifices as the hour or the month, which become part of our habitus as urbanized human beings. These naturally in-built or socially learned capabilities should not be forgotten when we consider the nature of political time in ancient Greece, for they

survive even in the periods of artificial technologies of time. While these technologies can reflect a tendency towards “denaturization” (Turner 1990: 20) – the gradual distancing of people from nature – nonetheless it is remarkable how late in the day it is, so to speak, before instruments as diverse as the luni-solar calendar (a time-marker), the *klepsydra* or water-clock (a time-measurer) and the sundial (a time-teller) appear to dominate the processes and means of marking, measuring or telling time respectively. It would be interesting also to know the degree to which the abstractions of natural measures of time, including even the time that speakers could address the political assemblies or law courts, were functions of naturally felt blocks of time.

*Denaturization* too is a term which needs to be used with care. In the ancient world, the countryside was never far from the city. Ancient cities remained within sight and sound of the countryside and of its timekeeping practices. In Classical Athens, the assembly, law courts and other gatherings had a practice of beginning proceedings at daybreak, forewarned by the disappearance of the stars or by cock-crow (Aristoph. *Ach.* 19–20; *Ekk.* 20, 30–31, 82–85, 289–292, 390–391; *Wasps* 689–690). Such means are almost completely devoid of human artifice, depending as they do on people’s senses of sight or hearing and the presence of nature in or near the town. Only in an emergency would more artificial means be used, such as a trumpet sounded the evening before an assembly was required (Dem. 18.169), but even then people still had to know when to get up the next morning.

The choice of such a natural event as the visible rising of the sun, and its natural signals (the gradual disappearance of the stars, or the loud and persistent call of a bird) leaves the Athenians with a “moving wall” as far as the time of commencement of proceedings throughout the year is concerned. In a temperate country like Greece the time of sunrise changes with the seasons. So assemblies in summer would have started much earlier in the day than did those of winter, while those of spring and autumn would have matched each other in their starting times. In modern terms, the seasonal time difference for dawn in Athens is three equinoctial, or equal, hours between one extreme in winter of about 07:21 a.m. (in local solar time) and 04:21 a.m. in summer. This seasonal “time wall” moves slowly, so the body’s adjustment to the change of time in objectively measured terms is gradual. Ordinarily, the body clocks of premodern peoples’ would naturally shift with the seasons, as secretion of the hormone melatonin, which promotes sleep, varies with exposure to light through the seasons. In urbanized societies today, with our artificially and rigidly timetabled lives, it can be difficult for us to appreciate how systematically organized ancient societies still were via such simple, natural means. Getting up and going down with the sun represents a very effective control mechanism on social, and hence political, activities.

## Timing Devices

Once up and about, people in Antiquity had various means of telling the time of day, or of timing activities in the course of the day. In Classical and Early Hellenistic times a normal means of telling the time appears to have been the simple measurement of the length of one’s own shadow. So Aristophanes, Euboulos, and Menander would

have us believe (Aristoph. *Ekk.* 651–652; Euboulos, in Athen. 1.8b-c; Menander, in Athen. 6.243). There is no reason to doubt the use of the method in this period, since formalized shadow tables were to have a long history in Antiquity, even after the proliferation of sundials and water-clocks to mark out time through the day (Hannah 2009: 78–81). In ancient Greek politics, personal timing devices like one's own body could easily be used, sensitized as people were to local phenomena like sunlight, in which they stood at the full assembly or large-scale law courts.

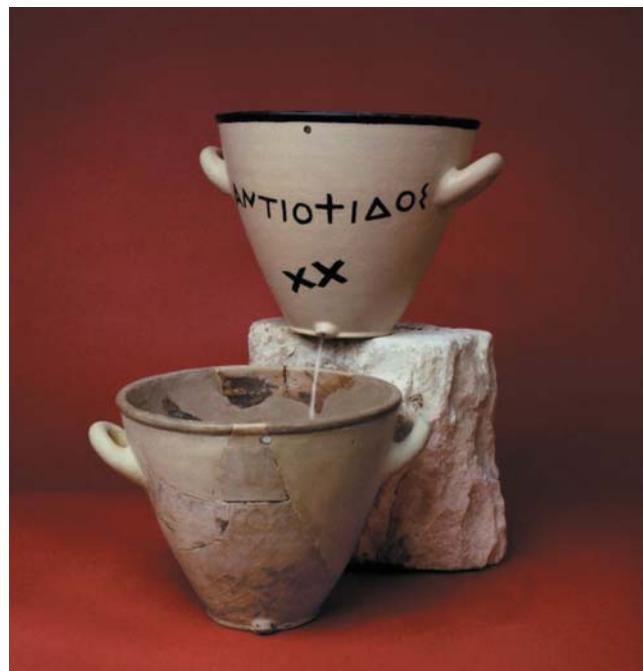
But by about 300 BCE we may imagine that the informal measure of time via one's own shadow was facing stiff competition from the measure provided by formal shadow tables and by public sundials, each of which depersonalized and denaturized the process of telling the time through artificial abstractions. The Kynic Diogenes of Sinope, who lived in the second half of the fourth century BCE, is reported to have been shown a sundial (*hōroskopeion*) and to have discerned its value as a timekeeper for meals (Diog. Laert. 6.104). The nature of the story suggests that such sundials were a novelty, something still to be marveled at. Vitruvius's list of inventors of different types of sundials (*On Architecture* 9.8.1) includes some who lived around this same period: Berosos “the Chaldaian” and possibly Patrokles. Yet the discovery of a sophisticated, equatorial plane sundial in the Amphiareion at Oropos in Attika, dating perhaps to the second half of the fourth century, suggests that simpler sundials were probably available in public contexts in and around Athens earlier (Hannah 2009: 73–74, 166–167 n.32.). The word *hōra* meaning an “hour” of the day first appears in surviving literature in the Hippocratic medical texts of the first half of the fourth century BCE, and by Menander's time even the rare half-hour is known (fr. 1015), though for what purpose we do not know. Were it not for the Oropos dial, we would not think of sundials being used in public contexts at all until the Hellenistic period, when there is plenty of evidence of their usage in public spaces such as theatres and gymnasia, whether in Athens itself (figure 23.1) or even as far afield as Ai Khanoum in Afghanistan (Hannah 2009: 87, 121, 125).

What we certainly do encounter, however, in the Classical period is another type of timing device, the *klepsydra*, which was used at least from the fifth century BCE so as to time speeches in the law courts. Indeed, the *klepsydra* became synonymous with the courts, as Aristophanes' plays show (*Ach.* 694; *Wasps* 93). But more than this, by the mid-fourth century the orator Demosthenes could use the word “water” (*hudōr*) as a synonym for “time” itself. He talks of the period allotted for his speech in the law court as being his “water” (Dem. 50.2; cf. 18.139; 19.57). The *klepsydra* was treated much like a modern stopwatch: Demosthenes requests of the court official, “Stop the water!,” when the taking of depositions interrupts his speech (Dem. 57.21; 54.36; 45.8). An example of a judicial *klepsydra* has been excavated in the *agora* in Athens, dating to around 400 BCE (figure 23.2; Young 1939). A bucket-like vase with a piped hole near the base for the outflow and marked on the outside with the Greek letter χ twice (i.e., two *choes*), it was found by experiment to hold 6.4 liters or the equivalent of just six minutes' worth of water, a fraction of time unattainable by sundial.

Different measures were used for different speeches. Ten *choes*, for example, were made available for cases involving more than 5,000 drachmas and seven *choes* for those under that amount ([Arist.] *Ath. Pol.* 67). In his defense speech *On the False Embassy*, Aischines tells of having eleven amphoras allotted him (2.126). In telling the story of a



**Figure 23.1** Sundial above the theater of Dionysos, Athens. Hellenistic period. Photo: R. Hannah.



**Figure 23.2** *Klepsydra* (water clock) from the *agora*, Athens, fifth century BCE. The lower *klepsydra* is original; the top one is a plaster model. Agora image 2008.19.0037. Courtesy of the Trustees of the American School of Classical Studies at Athens.

case about a right of inheritance, Demosthenes complains of being given only a quarter of the time that the claimants were granted – to their one amphora he has just three *choes* (Dem. 43.8).

It may be that the introduction of the *klepsydra* to civic contexts like the law courts signifies an increasing consciousness of time from the late fifth century BCE. What caused people to look for such instruments can only be guessed. It may be that the developing democracy in Athens drew attention to issues of equality and standardization even in the realm of time. Yet if such a need for regulated timekeeping was felt, there is also an aversion to being controlled by a time machine: Plato has Sokrates express his belief that in contrast to the freedom to expound at length and at will enjoyed by philosophers, the pressing needs of the law court, including the flow of water from the *klepsydra*, enslave lawyers (*Theait.* 172c–e). Nonetheless, the necessity for brevity imposed by the *klepsydra* ensured equality through standardization, a fundamental characteristic of the democracy.

The standardization of time through the *klepsydra* extended also to the whole of the legal day in Athens, in those cases that demanded more time. This so-called “measured day” was made to correspond, regardless of the time of year, to the length of the shortest days of the year, those of the Athenian month Poseideon in midwinter ([Arist.] *Ath. Pol.* 67.4; Harpokration *s.v. hēmera diametremenē*), or about nine-and-a-half hours in our terms. This was then subdivided into a certain quantity of water – Aischines talks of one such day being equated with “11 amphoras” – with one-third each being given to the prosecution, the defense, and the judgment. Once again, it is interesting to note how time is restricted presumably in the interests of equality: access to the same amount of time for court cases throughout the year was assured by correspondence with the shortest day of the year, ensuring that cases tried in other seasons would still occupy only the daylight hours. The equinoctial and the solstitial days, for instance, would have been too long in winter.

Two very large *klepsydrai* have been found in Athens and Attika, one near the Heliaia in the Athenian *agora* and the other in the Amphiareion at Oropos (Armstrong and Camp 1977; Hannah 2009: 108–111; Theodossiou *et al.* 2010). Each had a capacity of about 1,000 liters, and their common features suggest that they may have been designed by the same person. The Oropos *klepsydra* is the better preserved, and allows us to calculate that both examples would take about 17 hours to empty, long enough to operate uninterruptedly over the whole of a summer’s day of less than 15 hours. The clock would be filled at the start of the day, and then allowed to empty gradually through the day or through a more limited period if desired. A gauge of some kind was presumably fitted to enable people to see how much water had passed, and therefore how long a period of time had elapsed or was left to elapse for whatever activity was being measured. Both seem to have been designed for public viewing. At Oropos the *klepsydra* may have been used to time rituals or performances at the nearby theater. The clock in the Athenian *agora*, on the other hand, occupied an open site at the head of busy streets which led to the Pnyx and the Piraeus Gate. This *klepsydra* was redesigned probably in the third century, and then finally put out of commission in the first half of the second second century BCE with the redevelopment of this part of the *agora*. Later that same century the monumental Tower of the Winds would be erected beyond the eastern end of the *agora*, with a variety of means of telling the time, thus providing

something of the same service in coordinating private and public business that medieval and modern town clocks came to offer to the general public.

## Calendars

We might classify diurnal timing devices, such as the *klepsydra* and sundial, as “micro-level” mechanisms. At the “macro-level,” on the other hand, there stand the various calendars, by which both special and repeated activities were organized through the months and the years. We know that while all Greek city-states adhered to a luni-solar structure of some kind to enable lunar months to be correlated to seasonal/solar years, there were ethnic and regional differences between the cities. The new year could start in quite different seasons from one city to another, even in those closely connected politically (such as Athens and Delos), and the names of the months could also differ markedly despite ancestral links – as, for instance, among the Ionian states (Samuel 1972; Trümpy 1997; Hannah 2005). Because of the relative wealth of literary and epigraphical material from Athens, the situation there for the Classical period provides a benchmark for our understanding of Greek calendars generally, and it allows an insight at the local level into the complexity of the problem of time-reckoning in Classical Greece. It remains a pity that the calendars of the other major Classical cities, notably Sparta and Korinth, are so poorly represented in the surviving record. But even today, thanks to archaeology or improved scientific techniques, we are still able to learn new details about other city-state calendars, such as that of Argos, only recently filled out by the chance discovery of bronze tablets at the sanctuary of Hera (Kritzas 2006; Garbit 2009), or of ethnically connected calendars, such as those of the Dorian Greek world, as exemplified by the calendar discovered on the Hellenistic Antikythera Mechanism through CT scanning (Freeth *et al.* 2008). We can only live in hope of learning more.

Fundamental to all these calendars is a need to find a correlation between moon-based months and sun-based seasonal activities especially, but not exclusively, those related to farming. The solar (or “tropical”) year is approximately  $365 \frac{1}{4}$  days in length (a length recognized in Antiquity, but we need not concern ourselves here with more precise measurements made then or now). Through the changes of the seasons in a temperate climate like Greece’s, the sun governs agricultural and maritime activities, both the farming and sailing in themselves as well as any related activities, such as religious festivals. The moon’s changing face, from new to full to new again, lends itself to a reasonable method of marking out smaller parcels of time through the long, seasonal year, while the day provides useful units within the month. The day itself in ancient Greece was taken to start at sunset (*Arat. Phainom.* 733–735), and a new month began with the first sighting of the new moon’s crescent setting after the sun – in practice a day or two after the astronomical new moon, which is invisible. But a lunar month is about  $29 \frac{1}{2}$  days in length, and in practice no month can comprise this fractional number of days, and no whole number of these lunar months can equate with a single solar year: 12 lunar months equal approximately 354 days, while 13 equal about 384 days.

In reality, a year will necessarily consist of 12 or 13 complete lunar months, each of 29 or 30 days in length – usually in alternation in order to achieve the average of  $29 \frac{1}{2}$  days’ length. However, one needs to know how many years need 12, and how many need 13 months, because 12-month years, if unchecked, will soon run well ahead of, and so

out of synchronization with, the solar year. Adding a thirteenth, or intercalary, month, provides the necessary brake that slows the lunar year down, so that the solar year can catch up. What was discovered by some ancient societies was that a whole number of lunar months could more or less equate with a whole number of solar years in a fixed cycle of lunar years. We need not trace here the history of this discovery, but need only recognize that in the Archaic and Classical periods in Greece two related luni-solar systems of correlating months with years were identified and used: first the *octaeteris*, or eight-year cycle, and then the 19-year, or so-called “Metonic,” cycle. Although Olympia and Delphi each celebrated their games at four-yearly intervals, both used the *octaeteris* to govern their timing. And the festival calendar at Athens, which reflected the year of tenure for the civic archons, increasingly appears to have been governed by the Metonic cycle from the Classical to the Hellenistic period and beyond. In the case of both cycles, a fixed number of lunar years had to be provided with an intercalary month, so as to give the year 13 months and thereby to slow down the lunar years and ensure as close a fit as possible over the eight or 19-year period to the sun in that time. In the case of the *octaeteris*, three years had to have 13 months, while in the 19-year cycle, seven did so. There were different approaches to which particular months in each cycle were given the intercalary months, so that even if city-states used one cycle or the other internally, their calendars would appear to be adrift of their neighbors if they used different intercalary cycles. Add this to the likely divergence in deciding when a month actually started because of observational discrepancies between different localities, and one can understand how Greek calendars came to be regarded as utterly confused in the more regimented Roman period (Plut. *Arist.* 19.7), even without assuming political tampering (F.M. Dunn 1999).

At the Panhellenic level, there was no single calendar made to suit all. Large-scale, interstate events like the four-yearly Olympic Games or Panathenaic festival presented problems. In the case of the former, we are told that the Games were held alternately after 49- and 50-month intervals, which meant that even in the local Eleian calendar they were held in two different months from one celebration to the next, “now in the month of Apollonios, now in the month of Parthenios” (scholion to Pind. *Ol.* 3.35). The Panathenaic Games, on the other hand, were held always in the month of Hekatombaion, the first month of the Athenian year, thus giving some semblance of stability to its timing. Yet Athens’ allies did not all follow Athens’ calendar, to the point that their New Year’s Day could be six months distant from the host city’s. So some means of coordinating these disparate methods of marking time through the year was necessary. We shall touch on this later.

By the fifth century BCE in Athens there were two principal means of political time-reckoning in use: the “archontic” (or “festival” or “sacred”) calendar on the one hand, and on the other the “bouleutic” (or “prytany” or “civil”) calendar. Let us examine each of these in turn.

## The Archontic/Festival/Sacred Calendar

The Athenian state administration was run by a variety of officials. For religious and judicial matters, the important officials were the three, annually elected archons: the

*archōn*, the *basileus*, and the *polemarchos*. The first of these is often called the eponymous *archōn*, a later Roman nomenclature, as his name was used to identify the particular year in which he held office, since the Athenians (and the Greeks in general at this time) did not number their years from a particular epoch. He was responsible for some religious festivals, which were organized through the year according to a lunar calendar. This is the archontic calendar, often indicated on inscriptions as such by the phrase *kat' archonta*. It served to provide a temporal framework within which the celebration of religious festivals could be regulated in Athens. This calendar indicated the specific days of specific months on which the festivals were to be held and sacrifices were to be made. In effect, it also provided a framework for the civil calendar in the city, since there was a tendency to avoid holding political meetings on religious festival days (Mikalson 1975; E.M. Harris 1991).

The 12 lunar months in Athens were: (i) Hekatombaion, (ii) Metageitnion, (iii) Boedromion, (iv) Pyanepsion, (v) Maimakterion, (vi) Poseideon, (vii) Gamelion, (viii) Anthesterion, (ix) Elaphebolion, (x) Mounichion, (xi) Thargelion, (xii) Skirophorion. These names and their order are secured by a variety of forms of evidence, epigraphic and literary. Most pertinently for our present purposes, on the epigraphic side we have a number of more or less complete calendars of sacrifices from Athens and the demes of Attika, which organized their own, locally distinct festivals. Such calendars occur across the Greek world from a variety of state, regional, or family communities or other religious associations. They provide not only a window on to a central communal activity of the state, wherein the individual was subsumed to particular group (R&O 62), but also, of course, the very means of organizing otherwise disparate individuals and localities into communal social activities. In Attika the earliest surviving example comes from the deme of Thorikos and dates probably to the 430s BCE (*IG I<sup>3</sup>* 256; Price 1999b: 172–173).<sup>2</sup> The requisite sacrifices to various gods in each month of the year are listed in succession, one day after another, from Hekatombaion to Skirophorion; only the name of Metageitnion has had to be restored. These “month by month” calendars may derive from a sixth-century codification, which was associated with Solon (Plut. *Sol.* 25). This law was controversially revised at the end of the fifth century amid debate over which sacrifices were to be retained and which new ones introduced (Lysias, *Speech* 30).

The placement of the months in the seasonal year is provided in literature. In the late fifth century Antiphon (6.42, 44) talks of Thargelion and Skirophorion as the last two months of the year, and of Hekatombaion and Metageitnion as the first two. Aristotle (*De animal.* 543b6–13, 549a14–16) associates Hekatombaion with the time of the summer solstice, while Theophrastos (*De caus. plant.* 4.11.4–5) associates the months of Skirophorion and Hekatombaion with the period around the summer solstice, and he provides a further astronomical correlation when he tells us that the rising of the star Arcturus occurred in the month of Boedromion (i.e., about mid-September).

This situating of the first Athenian month of the year around the time of the summer solstice contrasts with other Greek calendars, even ones which we might expect to be similar. That Dorian calendars would differ from the Athenian might seem unsurprising – thus the Eleian calendar began at the winter solstice, as did the Boiotian calendar. But even Ionian Delos, for so long a dependency of Athens, began its year also around the winter solstice, six months askew from the Athenian calendar. It seems to

be characteristic of Classical Greek calendars to begin the New Year after a significant astronomical point in the seasonal year, rather than from an artificial point, such as an anniversary – as happens in the Hellenistic and Roman periods, especially after the adoption of the Julian calendar, when January 1 or September 23 (Augustus' birthday) becomes New Year's Day. What drove Classical Greek cities to choose a particular astronomical point in the year as the marker for the coming New Year is unknown, but the fact that ethnically and politically related states, such as Athens and Delos, could choose quite different points suggests that the drivers were local. For all that they utilize such an objective marker to signal the coming New Year, however, this may not have been entirely innocent of politics. In Athens it is remarkable that from the political assembly area on the Pnyx the sun's rising at the summer solstice appears at or near the peak of Mt Lykabettos in the northeast, and it may be that this coincidence provided a handy means of knowing when the solstice was about to occur, and hence the New Year with the next new moon (Hannah 2009: 5–9, figures 2.2, 2.3). No such topographical aid is available for the winter solstice. On Delos similar assistance may have been provided by Mt Kynthos, which lies to the southeast of the sanctuary, but in the general direction of the sun's rising at the winter solstice, which forewarned New Year for that community.

With New Year's Day six months apart in Athens and Delos, the tenure of political offices overlapped between the two cities, with the archons of one city taking up office half-way through the tenure of their counterparts in the other city, and relinquishing them half-way through the tenure of the successors there. While this overlap has enabled us to reconstruct the relative coordination of the months in the two sites, it is not clear how or whether it affected political life on a day-to-day basis. Table 23.1 sets out the Athenian and Delian calendars for comparison. Four month-names are held in common: Hekatombaion (1st in Athens, but 7th in Delos), Metageitnion (2nd and 8th respectively), Poseideon (6th and 12th), and Thargelion (11th and 5th). In Greece, month-names were distinctly religious in origin, derived either from the names of gods who were honored in those months, or from festivals which took place in them. For instance, in

**Table 23.1** A comparison of the Athenian and Delian calendars

<i>Athens</i>	<i>Delos</i>
1 Hekatombaion	7 Hekatombaion
2 Metageitnion	8 Metageitnion
3 Boedromion	9 Bouphonion
4 Pyanepsion	10 Apatourion
5 Maimakterion	11 Aresion
6 Poseideon	12 Posideon
7 Gamelion	1 Lenaion
8 Anthesterion	2 Hieros
9 Elaphebolion	3 Galaxion
10 Mounichion	4 Artemision
11 Thargelion	5 Thargelion
12 Skirophorion	6 Panemos

Athens the month called Thargelion reflected a festival of Apollo and Artemis held in that month in Athens. We would anticipate, therefore, that month-names held in common by city-states would reflect a shared religious heritage at the level of particular cults.<sup>3</sup>

The Athenian New Year's Day, the first day of Hekatombaion, began on the evening of the first sighting of the new moon's crescent following the summer solstice. New Year's Day in Athens was therefore a movable feast, being tied to both lunar and solar phenomena. To maintain alignment with the seasons, as we have already noted, a lunar calendar eventually requires the intercalation of a thirteenth month. For the fifth century, the only inscriptional evidence of intercalation in Athens is for month 1, Hekatombaion, to be repeated if necessary. This is allowed for in the so-called First-Fruits Decree of the 430s (*IG I<sup>3</sup> 78*). Later, intercalation was achieved by repeating the sixth month, Poseideon, although we have evidence that the months of Metageitnion, Gamelion and Anthesterion could also on occasion be repeated (Pritchett 2001: 8).

## The Bouleutic/Prytany/Civil Calendar

The Council of Five Hundred (the *boulē*) was a basic element of the Classical Athenian democracy, undertaking *probouleusis*, or the prior consideration of the business of the assembly (*ekklēsia*). It had its own year, which is encountered in the prescripts of Athenian inscriptions: “It was resolved by the *boulē* and the People, Aigeis held the prytany, Neokleides was secretary, Hagnodemos presided, Kallias moved: . . .” (*IG I<sup>3</sup> 36*, from 424/423 BCE).

Down to Aristotle's time, this year was divided into ten prytanies, each representing the period of office for one of the tribal prytanies, or standing committees, drawn annually by lot, 50 citizens per tribe, from each of the city's ten tribes. In the political calendar of Athens, dates were counted according to these ten prytanies of each year's council. One prytany year was distinguished from another by giving each year the name of the official who was secretary of the first prytany, as can be seen in the example just quoted, but since there was no sense of an epoch or era from which all political years began, we are reliant on later lists of eponymous archons to relate any Athenian political year to one in our present system.

Through most of the fifth century, the *boulē*'s year ran independently of the *archōn*'s term of office, and hence of the lunar, archontic year. Instead of being as long as an ordinary lunar year of 354 days or of an intercalary year of 384 days, the bouleutic year was effectively a solar year of 365 or 366 days, and hence not coterminous with the archontic year, neither starting nor finishing at the same point as the latter, as various pieces of evidence illustrate. Antiphon (6.44–45) provides the equation for 419/418 BCE Prytany I.36/ Metageitnion 21, and assumes 30 days for Hekatombaion, which leads to the conclusion that Prytany I.1 occurred on Hekatombaion 16, 15 days after the start of the archontic calendar. The *Constitution of the Athenians* ([Arist.] *Ath. Pol.* 32.1) indicates that the political year 411/410 BCE would have started on Skirophorion 14 had not the revolution intervened, and so half a month earlier than the archontic year.

In the fifth century the ten prytanies may have been divided up as a set of six with 37 days each followed by another four of 36 days each, although other combinations are

possible. This assumption is based on some testimony from Athenian financial records, but more particularly on the evidence for the fourth century, by which time the political year had been brought into line with the archontic lunar calendar. The Aristotelian *Constitution of the Athenians* explains the later system: “Each of the tribes holds the prytany in turn, according to what they obtain by lot, the first four for 36 days each, the last six for 35, for they observe the year according to the moon” ([Arist.] *Ath. Pol.* 43.2). This division of the year into four prytanies of 36 days each and six of 35 days each gives a total of 354 days, or 12 lunar months. The author does not say so, but an intercalary year of 384 days, with the additional prytany, was probably divided into four prytanies of 39 days followed by six of 38. Nor does he say anything of the process of deciding when an intercalary year would be needed, but in the interests of equality in government the decision would have to be made in the previous year.

How long the two calendars were independent of each other we do not know. Estimates for the date of introduction for the “solar” bouleutic year range from the late sixth century (in the time of Kleisthenes’ reforms), through the middle of the fifth century (the time of Ephialtes’ reforms), to 432 BCE (the time of Meton’s invention of the luni-solar cycle). From 407 BCE it was dropped in favor of running both the bouleutic and the festival years as lunar ones, beginning and ending at the same time (Rhodes 1972: 224–225; Rhodes 1993: 406–407; Pritchett 2001: 181). A century later, from 307/306, and down to 224/223, and then again from 200 BCE, the number of tribes was 12, and each prytany lasted a civil month (Pollux 8.115), thus making the bouleutic year probably coterminous with the archontic year. We may see in this gradual process a rationalization of political and religious (or more broadly, social) time.

By Aristotle’s time, and perhaps from the late fifth century, there were four meetings of the assembly in each of the ten prytanies ([Arist.] *Ath. Pol.* 43.3). In the later period of 12 tribes, when prytany period and festival month were more or less equivalent, three meetings per prytany would seem to have been the norm (scholion to Dem. 24.20).<sup>4</sup>

Analysis of the distribution of the meetings of the assembly is noteworthy (Mikalson 1975, updated by Harris 1991). On the one hand, there were some days in every month when no meetings at all took place – in fact as many as 15 days had no attested meetings under the ten tribes, and 11 in the 12-tribe period; and on the other, the Assembly tended to meet on the 11th, the 18th–23rd, and the 29th–30th of the month (fairly well in accordance with the scholion to Dem. 24.20, which cites the periods around days 11, 20, and 30 as the usual meeting days for the assembly). Something external, it would seem, drove the organization of the assembly’s meetings, and that outside force was the festival calendar. We might guess as much from ancient literature, which notes, from both positive and negative perspectives, the frequency of festivals and the pressure this placed on the conduct of political business, as it was put to one side in favor of the religious celebrations (Thuc. 2.38.1; Ps.-Xen. *Ath. Pol.* 3.2–8; Aristoph. *Thesm.* 76–80). Confirmation comes from preserved decrees of the assembly. In these, few meetings are attested as taking place in the first eight days of any month, most of which are monthly festival days: day 1 honored the New Moon (Noumenia), day 2 the Agathos Daimon, day 3 Athena, day 4 Herakles, Hermes, Aphrodite and Eros, day 6 Artemis, day 7 Apollo, and day 8 Poseidon and Theseus. About three-quarters of all attested meetings in the epigraphical record occur on or around the three days on which the scholion to Dem 24.20 states meetings of the assembly were held. Confirmation

**Table 23.2** Correlation between months and number of decrees proclaimed

Month	Number of decrees
Hekatombaion	5
Metageitnion	12
Boedromion	13
Pyanepsion	10
Maimakterion	4
Poseideon	8
Gamelion	10
Anthesterion	7
Elaphebolion	25
Mounichion	11
Thargelion	14
Skirophorion	26
TOTAL	145

that this religious character to the day tended to prevent meetings comes from the 11th day in each month. Those months that lack meetings on day (11) include Anthesterion, when this was a day of the Antheeria festival, and Elaphebolion, when this was a day of the City Dionysia. The shift from 10 to 12 tribes does not seem to have affected the relative popularity of certain days of the month for meetings, nor the avoidance of others. Some festival days, however, were open to being used as meeting days. This appears to be the case when the festival in question is a female-only one, such as the Thesmophoria, because the assembly was a men-only affair. Such a situation is attested in the following decree: “When Nikodemos was *archōn*, in the fourth prytany, that of Antiochis, when Epigenes the son of Epigenes of Oinoē was secretary; on the 11th of Pyanopsion, on the 10th of the prytany; the Assembly in the theatre . . .” (*IG II<sup>2</sup> 1006, Ll. 50–51*).

The 11th Pyanopsion is the first day of the festival, when the women processed to the Thesmophorion on the Pnyx. As this was the usual meeting place of the assembly, the men transferred across to the theater of Dionysos (Mikalson 1975: 189). Overall, then, we can see how the festival calendar governed the normal schedule of regular meetings of the assembly. The members of the prytany seem to have waited usually until the 11th of the month to convene the Assembly (in the period of the 12 tribes the 9th could be an alternative date). In the period of 10 tribes, 40 regular assembly meetings had to be held in the year, and probably 36 a year in the period of the 12 tribes, so a meeting was needed roughly every ten days. This drives the Assembly to meet further around the 20th and the end of the month.

Another insight into the causes and effects of timing may be seen in the variation of the number of decrees passed by the assembly each month through the course of the year (Mikalson 1975: 182). Surviving decrees, which can be positively dated, are unevenly distributed through the year, with the four “winter” months from Maimakterion to Anthesterion containing only one-fifth of the decrees, as table 23.2 illustrates.

In other words, it would appear that business in general was uneven through the year, even if there was an equal number of meetings of the assembly in each prytany. In itself,

this need not surprise anyone who has spent time in administration, since some aspects of board and committee business naturally congregate more in some parts of the year than in others, most notably financial reporting and auditing. But Mikalson's explanation for the seasonal imbalance in decrees neatly contextualizes the Athenian evidence within the seasonal year: he argued that most of the preserved decrees passed by the assembly were honorary, and that most recipients of those honors would probably have preferred to receive them in the months outside winter, especially if they were foreigners who had to travel to Athens by sea.

## Regularizing the Calendar

There is a well-entrenched belief in current scholarship that the Athenian festival calendar suffered in practice from tampering by the city's chief annual officials, the archons, with days haphazardly intercalated or subtracted, and that it was therefore often seriously out of phase with the moon itself. In his play, *Clouds*, first produced in 423 BCE, Aristophanes has his chorus of clouds convey a series of complaints from the moon about the way the Athenians ignore her pivotal role in timekeeping:

She says that she does other good turns, but that you do not observe the days correctly at all, but make them run up and down, so that she says the gods threaten her each time, whenever they are cheated of a meal and go home not having had the feast according to the reckoning of the days. And then whenever you should be sacrificing, you are torturing and judging, and often when we gods are observing a fast, when we mourn for Memnon or Sarpedon, you are pouring libations and laughing. For this reason Hyperboulos, having been chosen by lot this year to be the sacred remembrancer, then was deprived of his garland by us gods. For this way he will know better that one must observe the days of one's life according to the moon. (*Aristoph. Clouds*: 615–626)

The usual interpretation of this complaint about missed fasts and mistimed festivals is that it stems from the lunar festival calendar slipping out of alignment with the moon's true phases, because of haphazard human interference in the calendar. The archons, it is supposed, unsystematically added or subtracted days to the point that festival days were now out of time with the moon. An odd feature of this interpretation, however, is the fact that it ignores the reference earlier in *Clouds* (16–18) to the expectation that when the moon has reached its "twenties," the month is nearing its end and with it the due date for the interest on loans. So if there was a difference between the phase of the moon and the date of the lunar month, it cannot have been great.

What is more, explicit evidence for tampering with the festival calendar in the fifth century is very limited. There is more later, from the Hellenistic period, which is usually, but probably anachronistically, taken to represent similar practices in earlier times. When the calendar was adjusted, the evidence indicates that it was due usually to the extreme needs of war (Dunn 1999). Or it may have been due to a desire to coordinate activities better with a related religious requirement, which then had to be postponed.

Another possibility is that the complaint in *Clouds* is illustrative not of occasional attacks on an already rational system, but of an increasing systematization of the civic calendar, via a shift from the use of the irregular moon as the fundamental overseer

of the year, to the much more regular sun in some guise. Increased use of a more highly regularized, luni-solar calendar could have had the effect of upsetting people's expectations of the timing of certain festivals, however good the new calendar may have been for improving the associations between festivals, the moon, and agricultural milestones.

The fact that in the 420s the political calendar's year was 365 or 366 days in length makes it tempting to think that an official effort had been made to adjust the city's calendars to the solar year. Unfortunately the evidence is too scanty to prove that this was so with the political calendar, but developments in luni-solar cycles and in the seasonal calendar around the same time make it highly suggestive.

That some link was made between festivals and seasonal calendars is evident from a later remark by Columella, the Roman agricultural writer of the mid-first century CE, who refers explicitly to the star calendars of the Greeks being adapted to public festivals: "Indeed, in this rural instruction I am now following the calendars of Eudoxos and Meton and the old astronomers, which are adapted to the public sacrifices, because that old view, understood by farmers, is better known, and, on the other hand, the subtlety of Hipparchos is not necessary, as they say, for the duller learning of rustics" (*On Agriculture* 9.14.12).

Columella mentions Meton, an astronomer who worked in Athens exactly at the time we are examining. He is satirized in Aristophanes' *Birds* (992–1019), specifically as a "geometer," or town-planner, but he is better known from other sources for a variety of activities concerning the calendar. For example, Aelian (*Varia Historia* 10.7) tells us that Meton set up pillars (*stelai*) and recorded the solstices, as well as discovering the 19-year cycle. Philochoros (according to a scholion on Aristoph. *Birds*: 997) says that in the archonship of Apseudes, who preceded Pythodoros, Meton erected an instrument called a *heliotropion* in the political assembly area on the Pnyx hill in Athens. Diodorus (12.36.2) tells us that in the archonship of Apseudes Meton made public his 19-year cycle, the beginning of which he fixed on the 13th day of the month Skirophorion. The type of instrument that Meton set up on the Pnyx, a *heliotropion*, by its very name suggests that it had something to do with the solar tropics (i.e., turning points) of the solstices and possibly the equinoxes. As we have already noted, it is remarkable that at the summer solstice the sun, when seen from the Pnyx, would probably have been seen as rising at dawn behind the peak of Mt Lykabettos, a prominent hill to the north of the Akropolis, and it may be that Meton's *heliotropion* aligned with this visible phenomenon. Remember too that New Year's Day in the local calendar followed the summer solstice, so there appears to be a distinct conjunction here between science and politics, with the former probably in the service of the latter.

Geminus (*Introduction to Astronomy* 8.50–58) provides the most useful information about the 19-year, Metonic cycle. He tells us that the astronomers of the time of Euktemon, Philippos and Kallippos (thus covering the century from the late fifth century BCE) observed that over a period of 19 years there were 6,940 days or 235 months, including seven intercalary months. Of the 235 months, they made 110 "hollow" (i.e., of 29 days each), and the remaining 125 "full" (i.e., of 30 days each). The imbalance between "full" and "hollow" months means that they cannot alternate throughout the cycle, but sometimes there would be two "full" months in succession. Geminus then explains how the devisers of the cycle arrived at 110 "hollow" months:

all 235 months are initially assigned 30 days each, which gives a total of 7,050 days to the 19-year period. This overshoots the sum of 6,940 days of 235 lunar months by 110 days, so 110 months must each have one day omitted through the cycle, and they become 29-day months. To ensure as even a distribution of this omission as possible, we are informed that the Greeks divided the 6,940 days by 110 to get a quotient of 63, so that the 110 days were removed at intervals of 63 days.

Scholars are divided as to whether to take Geminus seriously about the awkward omission of days in Meton's cycle, and even about his account of the cycle as a whole. But the discovery of a Metonic cycle in the workings of the Antikythera mechanism goes a long way towards justifying Geminus's account (Freeth *et al.* 2008). The Metonic cycle begins with a solar phenomenon (the summer solstice) which is dated according to a lunar calendar (*Skriophorion* 13). This lunar date provides us with an age for the moon (nominally 13 days old) at the time of the epochal solstice in 432 BCE. New Year's Day, *Hekatombaion* 1, should then follow *Skriophorion* 30, 18 days later (assuming the month is a “full,” 30-day one). Whether *Skriophorion* 13 is an official civil date or just Meton's own calculation, we do not know, but simplicity would seem to suggest that we initially allow it to correspond to the local civil date. We then treat the epochal summer solstice on *Skriophorion* 13 in 432 BCE as the date from which the luni-solar New Year's Day must be reckoned. What the cycle must then do is tell the user that by the time of the next solstice the moon will be 11 days older, and therefore that the lunar date will 11 days more advanced (i.e., *Skriophorion* 24). New Year's Day, *Hekatombaion* 1, will therefore be seven days later.

How the cycle could do this is not clear from the description by Geminus, but the fact that Meton and Euktemon also established so-called *parapēgmata* suggests that the 19-year cycle was attached somehow to a *parapēgma*. To judge from the fragmentary remains of later *parapēgmata*, they do not look like the kind of object made just to assist specialist astronomers, but more like instruments to be used in the public sphere.

A *parapēgma* keeps track of the solar year via various star phases, and so it presumably provided the means to enable users of Meton's cycle to keep track of the date of the solstice. Nothing of Meton's *parapēgma* survives archaeologically, and evidence for it in later literature is limited to a handful of observations, mainly predictions of weather changes. But for the *parapēgma* of his contemporary, Euktemon, there is a good deal of evidence from later literature and inscriptions, for it was one of the most popular star calendars used in later periods. The most extensive quotation from Euktemon's calendar appears in the collection of *parapēgmata* attached to the *Introduction to Astronomy* of Geminus. He structures the observations from Euktemon's *parapēgma* according to the artificial signs of the zodiac (i.e., under “solar” months), recording that on the nth day of the sun's passage through a given zodiacal sign, certain stars rose or set at dawn or dusk, and foreshadowed certain weather conditions. We can extract from this compilation the observations associated only with Euktemon, and so gain a “text.” For instance, this “text” reads as follows for the zodiacal month of Leo: “The sun passes through Leo in 31 days. On the 1st day, the Dog [Sirius] is visible, and the stifling heat begins; signs of weather. On the 14th, the heat is at its greatest. On the 17th, the Lyre [Lyra] sets; and it also rains; and the Etesian winds stop; and the Horse [Pegasus] rises” (cited after Aujac 1975: 99).

The whole sequence of observations in Geminus starts with the first day of the sun's entry into Cancer, a day which also marked the summer solstice. Because of this, we can

**Table 23.3** The “month” of Leo

<i>Date</i>	<i>Euktemon’s description</i>
23 July	On the 1st day, the Dog [Sirius] is visible, and the stifling heat begins; signs of weather.
5 August	On the 14th, the heat is at its greatest.
8 August	On the 17th, the Lyre [Lyra] sets; and it also rains; and the Etesian winds stop; and the Horse [Pegasus] rises.

assign nominal modern (Gregorian) calendar dates for Geminus’s compiled observations and therefore to Euktemon’s own. Thus, the “month” of Leo just quoted could be assigned the dates shown in table 23.3.

The fact that later stone *parapēgmata* have been found within Greek cities, such as Athens and Miletos, has led to the suggestion that the local civil calendar or the religious festival calendar could be aligned with the stellar and solar phenomena of the *parapēgma* (Pritchett and van der Waerden 1961: 40). In his *Republic*, set dramatically in the 420s, Plato promotes the notion that the ideal political leader should know as much about the seasonal calendar as the farmer and sailor: “... being well versed in the seasons and months and years belongs not only to farming and sailing, but also no less to generalship,” says Glaukon (527d). This may be idealized fiction, but as far as the festival calendar is concerned we have already seen that the Roman agricultural writer Columella refers explicitly to the star calendars of Meton and Eudoxos being adapted to public festivals.

The period of Meton certainly witnessed dissatisfaction with traditional methods of time-reckoning, as we have seen from Aristophanes. While it is presently thought unlikely that the 19-year Metonic cycle was introduced in the late fifth century to regulate the Athenian civil years, this looks increasingly misguided, as the application of the Metonic cycle to Hellenistic decrees is showing that it is highly likely to have been the underlying organizational principle in securing coordination between the political lunar and the seasonal solar calendars (M.J. Osborne 2000, 2003). The calendar’s ability to offer a more regular progression within the year and from one year to the next could have been extremely attractive to the political leaders of Athens in the later fifth century as a means of coordinating and even centralizing political and religious activities across the Athenian world. In this period the city tried to increase its control over its allies not only through standardized coinage, weights, and measures, but also through centralized cults and festivals (Fornara 97; cf. Fehr 1980). The First-Fruits Decree appears to be part of this process, and we have seen how the Metonic cycle and the *parapēgma* might have supported such ventures.

It is true that there is no evidence for their allies adopting the names of the Athenian months, nor even the same New Year’s Day (as we have seen, Athens’ ally Delos is a striking example of non-conformity). But in this respect the situation is not very different from what pertains later in the Greek East, when the Roman Julian solar calendar is introduced and imposed over Greek lunar or luni-solar calendars. Then, the Roman month-names are not adopted, nor is January 1 (an arbitrary date) necessarily adopted as New Year’s Day. In both the earlier Athenian and the later Roman situations, what is provided by the Metonic cycle or the Julian calendar is a framework, by which other

local calendars could be coordinated more closely with the seasonal and solar cycle, and to the parent community's religious or political year.

## Conclusion

In this brief survey, we have seen the development of timekeeping methods from the natural and individual to the artificial and communal. It is unlikely that the individual ever lost sight of the personal means of telling the time – the satirization of the sundial as a slave-driver, which ignores the human body's own signals for the right time to eat, remained a popular comic trope well into the Roman Imperial period. But the pressing needs of the political body to perform not only at the right time but also equitably for all members of the community impelled civic societies to develop ever more sophisticated and regularized means of organizing their activities according to schedules. At the micro-level the span of daylight was parceled out into even blocks of time called “hours,” while at the macro-level the fundamentally incommensurate cycles of the sun and the moon are ultimately integrated by means of the 19-year Metonic cycle. Yet even though nature manages to maintain a presence through these changes – the “hours,” for instance, are equal within each day but unequal across the year, stretching and contracting with the seasons, so that they are longer in summer but shorter in winter – nonetheless what we witness over time in Greek society is a conscious process of rationalization and systematization, driven by the pressures of the political world.

## NOTES

- 1 See, for example, Czeisler *et al.* (1999), and more recently Keaney (2009); Wilkinson (2008); Hastings *et al.* (2007); Kalsbeek *et al.* (2007); Maywood *et al.* (2007).
- 2 For others see Dow 1968; Lambert 2002; Gawlinski 2007.
- 3 See Trümpy (1997: 10–38) on the generic, Ionian character of these common month-names, and for a reconstruction of a hypothetical, Ionian *Urkalender*. Of the four months common to Athens and Delos, two had major festivals of more than local significance in Athens: Hekatombaion was the month of the Panathenaia, and Metageitnion witnessed the Great Eleusinia. Both had something of a Panhellenic character. But other months of a similar “international” character in Athens did not share names with Delos: Elaphebolion (the month containing the City Dionysia), or Gamelion, in which the Lenaia was held.
- 4 See E.M. Harris (1986, 1991); Rhodes (1988); Rhodes (1993: 778–779); cf. R&L 13–14; the timing is a controversial issue: contrast Hansen (1993c).

## CHAPTER 24

# The Religious Management of the *polis*

## *Oracles and Political Decision-Making*

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*Pierre Bonnechere*

Seemingly strange to the Western monotheistic mind, Greek polytheism is based on a shifting body of beliefs, rituals, and mental furniture, which must have been immediately recognizable as Greek to its practitioners but which elude any logical classification. Its myths were malleable, it had a plethora of gods, and as many rites as occasions and communities to practice them; although it had priests, there was nothing comparable to the hierarchy of the Catholic church, for example. Each *polis* had its own *sui generis* civic religion, theoretically limited to its own citizens, with a unique calendar, rituals, and a pantheon of gods with its own internal balance (Parker 1989; Jost 2007; Richer 2007). We shall review the notion of public participation in Athenian religion especially (Parker 1996, 2005; Deacy 2007), before elucidating one crucial problem: how the *polis* governed its direct contacts with the gods, via oracles, from the fifth century to the Hellenistic period.

### **The Religious Management of the *Polis***

Because the concept of the *polis* has varied considerably from Numa Fustel de Coulanges to Mogens H. Hansen, briefly defining its handling of the sacred dimension remains a hazardous endeavor. Experiencing daily life as a revolving door between the more and less sacred, the Greeks considered religious and political acts as inextricably linked, not as opposite poles in a dichotomy. Religion was embedded in every aspect of life (Bremmer 1999: 2–4), and the *polis* found itself the trustee of the *nomizomena*, or *patria*, customary duties towards gods and humans. These duties would arguably take the place of revelation, and guaranteed both the cosmic order and day-to-day life. At the risk of oversimplifying, we might say that “piety,” *eusebeia*, was an unconditional respect for these practices (Bruit Zaidman 2001). It is therefore anachronistic to consider

religious organization as secondary or as a tool of “secular” power, just as one would be mistaken to consider the *polis* as being driven solely by religious values and fears. The same principle holds for *poleis*, *ethne*, or kingdoms: all earthly success, whether in domestic or foreign affairs, was founded on a harmonious rapport with the tutelary gods first established in the distant past and manifest in every sphere of life (Parker 2005: 387–451). Indeed, Athenian magistrates began their mandate with an oath which obligated them to the gods, and ended their terms by settling accounts. The trials for bloodshed were held in a sanctuary, and there was a wholesale ritual purification of the city during the civic festival of the Thargelia. Conversely, major impieties such as the mutilation of the Herms in 415 BCE, potentially dangerous to the whole *polis*, were considered serious civic offences.

The Athenian *polis* shared its religious activities with a swathe of very active “private” associations (Arnaoutoglou 1998, 2003; Jones 1999; Lambert 1998), each centered around a common cult, according to the associative model almost universal in Greece. Since these private structures were involved in every level of “public” festivities, they were a significant factor in inculcating Greek and civic values. The *genē* (sing. *genos*) were families who held religious privileges such as priesthoods of public cults (e.g., the Eumolpidai and the Kerykes at the mysteries of Eleusis: Bourriot 1976; Lambert 1997a, 1999). The phratries, which united several families around the worship of Zeus Phratrios and Athena Phratria, were the gatekeepers of citizenship for young Athenians (also at Delphi, *Corpus des inscriptions de Delphes* 1.9), authenticating marriages, and vouching for the legitimacy of children and future citizens, eminently political functions (Parker 2005: 9–78). Again, citizens and other residents joined in various organizations of *thiasotes* or *orgeōnes*, private but endorsed by the *polis* and centered on a divinity, who might be foreign like Bendis. Finally, the cult of the dead remained a private prerogative, though the state often tried to limit its excesses and could hold commemorative ceremonies for the war dead, or organize, as at Athens, the annual festival of the *Genesia* (Georgoudi 1988b).

The state, for its part, managed and maintained the sanctuaries. Sacred funds, both public and private, fell under its control and oversight, and it could lend them and ensure their repayment, a responsibility that could also fall on subsidiary bodies like the Attic demes (Migeotte 2006c, 2009a). The assembly had to vet even minor alterations to the sanctuaries and to the customs of Athens,<sup>1</sup> as it handled the introduction of new gods and accusations of impiety. Religious affairs, in fact, came first on the agenda at two of the four monthly assemblies of Athens (Aischin. 1.23). The state also organized and funded the rituals of its own tutelary gods directly, presided over by the archons, especially the *basileus*, with the assistance of specialists; the Athenian calendar of the Classical period was filled with about 140 festivals, ranging from modest to lavish. Indeed, it was in no small part through these common experiences of the sacred, whether during the rituals, in moments of tense drama, or in feasting and merrymaking, that (future) citizens forged and affirmed a collective civic identity (Parker 2005: 155–383). The festivals displayed the might of the *polis* as a whole and of all its constitutive groups. Some festivals such as the Kronia sanctioned the temporary reversal of traditional values as a guarantee that the established order would soon return (Versnel 1993: 89–135).

As depicted on the Parthenon frieze, the Panathenaic procession brought all of Attika, in all its social complexity, into the assembly of the gods for the presentation of the new *peplos* to Athena (Neils 2001). In the same vein, from the sixth century onwards, the

Dionysiac festivals included the famous theatrical contests of Athens, soon organized under the system of liturgies; tragedies and comedies, with all their freedom of expression and profoundly religious and political messages, would henceforth depend directly on the state (Parker 2005: 136–152; Sourvinou-Inwood 2003). Finally, if it performed large-scale public sacrifices at a festival, the *polis* could also offer open banquets with the promise of a share of meat for each citizen (Schmitt Pantel 1992). By these means, the state placated its notoriously irritable tutelary gods and ensured constructive communication with them, all the while parading its munificence to its citizens. This vital communication with the gods would, to varying degrees, exclude foreigners and metics, along with slaves.

Glossing over the tribes, at the local level the demarchs also performed many religious duties, and the demes carefully regulated their own religious lives through their assemblies, sometimes independently (as at the Panathenaia and the Thesmophoria) and sometimes in collaboration with the *polis* (as at the rural Dionysia, which had no urban counterpart). Real or imagined local history found its way into the sacrificial calendars of the demes, which honored gods and heroes otherwise unknown to us alongside the major civic gods. The demes, then, forged their own religious identities, and the participants evidently considered the local rites just as important as those at the better-known civic level; certainly the state was no less interested in them (R. Osborne 1985, 1992; Georgoudi 2007).

The priests were drawn from aristocratic families, or sometimes elected like magistrates, often for a year, or even chosen by lot (Georgoudi and Pirenne-Delforge 2005: 1–65; Connelly 2007; Stavrianopoulou 2009). There is no denying the prestige of the priesthoods in the *polis*: the *exegetai* of Athens, named in consultation with Delphi, were fed at the Prytaneion (*IG I<sup>3</sup> 78*; Plat. *Leg.* 828a1–7). The priests usually took their roles as official intermediaries with their respective gods seriously, and were accountable for their actions like other magistrates (Aischin. 3.18). As there was no hierarchical “clergy,” each cult had its own priest, and, whether at the deme or *polis* level, priestly powers were limited to performing the customary rites endorsed by the *polis*. In the Hellenistic period there was an increasing tendency to award priesthoods to the highest bidder, with the proceeds going towards the state sacred treasury. The priest, for his part, could expect to recover his investment by exploiting his newly acquired privileges.

This degree of civic involvement in cult worship and in contacting the divine naturally suggests that religion itself was in lockstep with the civic ideal. This ideal was always evolving, along with the myths, iconography, and artistic programmes with which it was undergirded (Calame 1996b; Hölscher 1998a), so religion, though staunchly traditionalist, was never actually static (Jameson 1997). Not that the state monopolized communications with the divine – how else would we account for the private offerings, prayers, oracular consultations, literary elaborations, private sacrifices, and personal beliefs, or indeed the magical practices that we find? Through the assembly, the magistrates and the priests, and in the spirit of the *patria*, it did establish a common framework for religious practice – civic as well as private – and hence a basis for civic solidarity. It would be a mistake, however, to consider the religion of the *polis* as a dogmatic ensemble of rites and beliefs that citizens were required to adopt – after all, political involvement was not obligatory either. Participation in both cases came naturally, since the citizens could not help but act out “political” and “religious” values, and

every citizen and resident knew that communal religiosity could increase the prospects of divine favor. An individual decision to keep aloof from the system would only be problematic when it seemed provocative and might destabilize the fundamental pact with the divine on which the *polis* depended for its security. The Orphic and Pythagorean circles are poorly documented, but are hardly the deviants that they are often made out to be: aside from a single obscure incident involving the Pythagoreans in Magna Graecia, they do not seem to have caused any alarm, and most of their beliefs were actually drawn from mainstream Greek intellectual thought. The dynamic and communal religion of the *polis* certainly did not exclude genuine piety and its manifestations as *individual* religiosity: both used tradition defended by the *polis* as their starting point,<sup>2</sup> and they were, for the most part, inextricably linked (for the debate, see Bremmer 2010).

## Political Decision-Making and Oracles

### *General considerations*

Oracular consultation, a frequent but extraordinary official procedure mainly known from biased sources, is a problem that a companion devoted to forms of government must address. Divination, far from being marginal, was woven into the fabric of everyday life: every assembly meeting began with a mantic sacrifice, and in the second century BCE the very election of certain Athenian magistrates required the intervention of Delphi (Gauthier 1998). Political decisions, and *a fortiori* military action, were always subject to the vagaries of portents, such as earthquakes and thunder (e.g., Xen. *Hell.* 4.7.4; Pritchett 1971–1991: 3. 296–321).

Divination allowed individuals to escape the angst of decision-making in the face of too many unknowns: to put it in fashionable terms, the oracles were an important part of ancient risk management (Eidinow 2007). Did they play this role in the public sphere as well? It would certainly seem so, since the ancient sources constantly mention the two sanctuaries of Delphi and Dodona in terms of their great political influence (Nilsson 1951; Parke and Wormell 1956). The declarations of the *chremologoi* and *manteis*, and omens generally, fill the theater and the historical accounts, and even sceptics like Thucydides and Polybios allude to them. The battle of Leuktra, indeed, is “supposed to have been announced” by over 15 omens (Tuplin 1987: 99–103).

This link between politics and what is, to our way of thinking, religion at its most irrational has always been disquieting, hence the widespread conviction that politics and not religion must always have been the deciding factor. Once accepted, the only way to harmonize this reading with the literary texts is to hold that divination was somehow manipulated by city-states and “rationalist” politicians at the expense of the gullible masses. Whatever form it took, this subordination of the oracles to the powers-that-be allows us to accept most literary oracles as authentic, even those whose fantastical elements seem out of line with the banal prescriptions that we know from epigraphy.

Does this conviction correspond with the texts? In 368 BCE, Agesipolis, regent of Sparta, mounted a campaign against the Argives, who immediately proclaimed a sacred truce for the Dorian festival of the Karneia, which precluded all military action, but at a date not traditionally associated with that holiday (Xen. *Hell.* 4.7.1–3). The oracle

of Zeus at Olympia assured Agesipolis that it was not a sacrilege to break an illegitimate truce, and the oracle of Delphi, consulted immediately afterwards, gave the same response. Modern scholarship follows Parke and Wormell in arguing that Agesipolis “extorted” the confirmation of the Olympian oracle from Apollo, and this extortion is made out to be a mark of the growing sophistic rationalism of the elite and the low regard in which divination was now held. But this reasoning is problematic, not least because it projects our own secularism, or atheism, on the Greek world and ignores the deep attachment to divination of, say, almost all the philosophers. It is certainly not the view presented by Xenophon, for whom Agesipolis is pious and respectful of omens. And it overlooks, finally, the many Greek parallels for using additional oracles and signs to confirm an oracular revelation; a tradition which is both public and private, in both literary and epigraphic sources, and documented from the Archaic to the Roman period. Indeed, the famous “manipulation” is better explained as a pious safeguard, since it would be foolhardy to break even a dubious sacred truce without clear divine sanction (Bonnechere 2010).

Scholars have long criticized an over-dependence on literary sources, but on this subject historians of politics and historians of religion have often talked past each other. Proper methodology demands that we base our argument on contemporary documents, if possible on inscriptions, and not on information written down much later which may have been reworked or even invented. There is no shortage of oracles concocted after the fact (which, as if by chance, always predict the truth), and it is sometimes possible to demonstrate objectively the process by which they were created (Bonnechere 2009: 279–285). Making use of terminology that is unfortunately misleading and often misinterpreted, Fontenrose (1978) spoke of “historical” oracles in the first case, and of “quasi-historical” oracles in the second. The “quasi-historical” category is home to all the features considered most characteristic of Greek oracles: ambiguity, fantasy, versification, and the like. My observations are based on the contemporary oracles connected with Classical and Hellenistic politics, issued at Delphi, Dodona, Didyma, and some other lesser known centers such as the Ptoion in Boiotia. They present a uniform and logical picture which contradicts the literary tradition and which allows for a glimpse of the institutional mechanics that this same tradition never offers.<sup>3</sup> Out of a lack of direct documents, the Archaic period is beyond the scope of this investigation.

The various political approaches to the study of oracles tend to share a common dogmatism and to reduce complex problems to a simplistic outline (Bowden 2005: esp. 1–11). Because scholars deny that there was any genuine religiosity behind the *manteia*, among the most revered sanctuaries of the Greek world, they often treat the prophets as brazen liars in the employ of powerful interests. Or the prophets are made out to be merely rubber-stamping decisions already made by elites elsewhere, who cynically pretend to question their own authority for a time only to have it confirmed. Finally, the institution is sometimes viewed as a “resistance mechanism”: it is claimed that the elite agreed to act in accordance with a response which had no set meaning and whose interpretation it could use to turn debates as it wished.

Before analyzing the individual procedures which the *polis* actually followed in its direct contacts with the gods, we must briefly re-examine two commonly accepted assertions, both interrelated: that the business of the oracles was first and foremost political, and that the *poleis* were the primary customers.

(1) Were *manteia* consulted primarily for civic purposes? Here we must weigh the literary authors who would suggest this against the epigraphic evidence. We now have a recent critical edition of all the extant questions from Dodona published so far (Lhôte 2006, with additions by Eidinow 2007), with approximately 200 authentic and dated texts from this site (4,000 more remain unedited), spanning from 525 to 167 BCE, when the site was destroyed. The evidence is overwhelming: civic questions make up no more than 10 percent of the total, which means that 90 percent of the consultations, starting in the sixth century, were private. The stone inscriptions are too rare and fragmentary to suggest anything (almost all the extant inscriptions are on lead tablets), and the literary tradition would have suggested exactly the opposite, since virtually all the consultations at Dodona that it records are civic. The actual use of the sanctuary, then, did not correspond with the image of Dodona, even in Antiquity.

The opposite would seem to be the case at Delphi, where only 10 percent of the “historical” consultations were private (Fontenrose 1978: 48). Some context is in order, though: it is not so much that Apollo spurned private questions, but rather that no source preserved them. It was, after all, expensive to consult an oracle, and only wealthy individuals and corporate bodies could afford the luxury of inscribing the response on stone as this medium is reserved for civic responses. A response at Dodona on the question of duck rearing (Lhôte 2006: #82) could neither have been inscribed on stone, nor preserved in literature. This is why the corpus from Dodona on lead is so surprising and precious, since it preserves every type of question without distinction. If Plutarch believed that the private affairs treated by the Pythian oracle in his day were a departure from the exclusively royal and civic consultations of “antiquity” (*Mor.* 407–408), then, he was misled by Herodotus, among others – we now have a solid base of evidence against which to assess these sources (Bonnechere 2009: 273–278; cf. Aristoph. *Birds* 618–620, 716–722).

(2) For Dodona, both the accounts of “quasi-historical” consultations and the authors who, like Cicero (*Div.* 1.1.3; 1.43.95), discuss the oracle, suggest that the questions posed relate first and foremost to great politics and military matters, and to a lesser extent, religion. Epigraphy and the few “historical” cases from contemporary literature (Xen. *Ways and Means* 6; Hypereid. *Eux.* 24–25; Dem. 21.51–53), however, lead us to the opposite conclusions. Of the 17 questions available only one, a treaty of *sympoliteia* (Lhôte 2006: #9), concerns foreign policy. Others are related to “small” politics, including religious problems, the danger of civic pollution, and perhaps emigration (see Lhôte 2006: #8B, ll. 11–16, 137; Eidinow 2007: 346).<sup>4</sup> Finally, five questions are obviously public but intentionally quite vague: “to what gods is it necessary to sacrifice in order to govern the city well and securely?,” “to have a good harvest,” or “to have the best possible success.” In sum, there is nothing on war or on great politics, except for the case of *sympoliteia*, to which we will return later.

The Delphic literary tradition is more varied, but is, again, essentially concerned with politics and religion. The “historical” cases,<sup>5</sup> however, present a similar picture to that of Dodona: of the 48 usable public consultations in stone epigraphy more than 30 relate to one-time religious acts. Several others genuinely deal with politics: the treaty between Philip II and the Chalcidians, the safeguarding of the city of Pharos, the appointment of Athenian magistrates with the help of Delphi, and eight recognitions of

*asylia* (Fontenrose 1978: H19, 38, 41–43, 45–46, 52, 56, 71; Rigsby 1996). Out of the 11 “historical” public consultations recorded in the literary sources three are religious (H22, 29, and 74) and eight are political – again we detect an inversion in literature.<sup>6</sup>

In a landmark article, the first to seriously raise the question of the oracular politics of the city-states since Parke and Wormell, Robert Parker argues that “throughout the ancient world, warfare was the sphere of operation *par excellence* for divination” (2000]: 87). He first considers the role of divination in the armies, which we have also noted, then moves on to the oracles received at the sanctuaries. Significantly, of the 11 cases in the fifth and fourth centuries, seven are taken from Herodotus, two from Pausanias, and one from Cicero; the only “reliable” contemporary text is the testimony of Thucydides (1.118.3, 1.123.1, 2.54.4) on the Spartan consultation of Delphi in 432 BCE. But Thucydides noted *hōs legetai*, and, as we are not in a position to judge the reliability of his chain of witnesses,<sup>7</sup> we can be sure only that certain Athenians believed in the incident. And lest anyone charge me with glibly dismissing Thucydides, it should be borne in mind that the historian had not heard the oracular response himself.<sup>8</sup> In any case, except for the example just mentioned, there is no other “historical” oracle anywhere linked to a declaration of war, especially not in epigraphy. Yet *a priori* we might suppose that a city that had oracular sanction for a war would have been eager to inscribe the oracle, both at home and at the relevant *manteion*, as it did for religious oracles. If indeed the role of the oracles was military *par excellence*, it would be surprising that no inscription of this type has survived, given the endemic warfare in Greece.

### *The timetable of civic deliberations around oracles*

After this clarification, we come to the role of the *polis* in the process. Robert Parker gave a new twist to the research (2000: 79–80; C. Morgan 1990: 153–155), arguing that the oracles, whether they really understood a given problem or not, could provoke debate with “a riddling speech” and thus force the state out of its paralysis and towards a consensual solution based on this “true” response. According to Jean-Pierre Vernant (1974), there was an ideological shift in the fifth century after the Athenian consultation of the Pythian oracle in 481, since Athens no longer consulted oracles in the latter part of the century for such important matters. Under the democratic regime new tools, colored by rhetorical and dialectical rationalism, emerged to shape discussion, and divination was unable to compete. Oracular responses, then, lost their place in political discussions, and it was the majority vote of the citizen body, not divine sanction, that counted. Indeed, “to consult an oracle with a view to doing what the god ‘ordered’ could perhaps be seen as a surrender of the right of self-determination” (Parker 2000: 103–105; Parker 2005: 115; R. Osborne 1996: 352–354). With the consolidation of democracy, the state would therefore free itself from oracles, which only duplicated its voted decisions. Having lost their genuine *raison d'être*, oracles would begin their Hellenistic decline, sidelined from politics and reduced to the trivial consultations bemoaned by Plutarch.

This argument is based on the oracle of the “wooden wall” which Themistokles brilliantly disentangled in the course of a democratic debate (Hdt. 7.139–143; Price 2004: 557). But this type of debate is exceptional (cf. Hdt. 5.79–81; Xen. *Hell.* 3.3.3), and in any case the text of Herodotus has long been criticized, chock-full as it is of

*post eventum* allusions. Since there is hardly a consensus on the reliability of Herodotus, however, we must analyze some other points of the argument: were oracles generally ambiguous, hence destabilizing political decision-making, and did they in fact lose their political *raison d'être* after the Persian Wars?

Let us address the question of “ambiguity” first. It is often claimed that the incomprehensible mumblings of the prophets were immediately recorded – perhaps edited to align with the interests of the hegemonic powers – by the officials of the *manteion*. Hence the ambiguity which is the mark of the oracles, whether political or not.<sup>9</sup> It has long been known, however, that the prophets did in fact express themselves intelligibly, as they do in most of the legendary oracles of tragedy (e.g., Amandry 1950; Fontenrose 1978), and it is a pity that it is still necessary to restate this point (Bowden 2005; Rougemont 2005); clearly the fascinating *double entendre* and other literary devices of Herodotus have a continued hold on modern scholarship (Calame 1996b; Bowden 2005: 67–73). While ambiguity permeates the literary image of oracles in antiquity, and hence defines the “quasi-historical” instances, mantic epigraphy is virtually never ambiguous. At Delphi, only a single inscription, from the second century BCE, is ambiguous – and even here the ambiguity relies on a questionable reconstruction (Fontenrose 1978: H56). The situation at Dodona is identical, as we have seen. Finally, the bombastic verse which began to be produced at Didyma and Klaros in the second century CE and which I believe was deliberately archaizing, has none of the subtle ambiguity of Herodotus (discussed by Lane Fox 1997: 179–275). An oracular consultation in Antiquity, therefore, produced a clear response; it was only the collections of oracles that made use of verse, to add a touch of mystery. And indeed, the notion of a political debate around an ambiguous oracle is contradicted by the frequent and time-honored practice, already mentioned, of making a second consultation in case of doubt (Bonnechere 2010).

This being said, at what stage of political decision-making did the state turn to oracles, and how did it obey the prescriptions it received? Here I can cite more than thirty inscriptions and several literary cases, not all of which are connected with Athens or Delphi. Among them, a decree of Eretria of around 300–275 BCE (Fontenrose 1978: H47; Knoepfler 2001: 102, n.470), specifies the consultation procedure in its entirety. The *boulē* sent envoys to the oracle “to ask the god about the things already voted by the [*dēmos* of the] Eretrians.” The case was evidently discussed in the assembly and referred by it to the oracle. It affirmed that the things voted (whose substance is lost) were “good and advantageous for the *polis*,” and the inscription proves that the decisions were implemented after the oracle endorsed them. From the response we can infer the question (now lost), which must have been a simple alternative between yes or no. There is no room for ambiguity or debate.

Most public consultations stem from problems in cult worship, as we have seen. Many decrees on this subject are similar in essence to that of Eretria, the most ancient being that of Praxiergides about the *peplos* of Athena, dated to around 460, soon after the oracle of 481 on the “wooden wall.” The process never varies, whether the object is the establishment of an Athenian priesthood for a new cult, the Acharnian deme’s erection of new altars, the foundation of an Asklepieion, changes to a cult, or the construction of a new temple (Fontenrose 1978: H2, 23–24, 27, 54; Fontenrose 1988: H8). After some preliminary negotiations which we can easily infer, the assembly voted a resolution that the oracle could in theory accept or refuse. The *polis* then engraved the voted decree

and the oracle confirming it on the same *stēlē* (cf. the cult of Sarapis of Chalkedon in the Propontis (third century): *SEG* 24.1091).

What about the overtly political cases? Around 355 when Xenophon proposed his financial reforms he ended on three religious notes:

- 1 “If these propositions seem to you to be worthy of carrying out [a reference back to a decision taken by the assembly but not yet enacted], I would urge you to send messengers both to Dodona and to Delphi to ask the gods whether this arrangement will be better and more advantageous to the State [a question with two fixed alternatives, almost universal at Dodona and common at Delphi] both now and in the future.”
- 2 If the gods assent, the *polis* is to ask which gods it must placate.
- 3 Once the necessary sacrifices have been performed, “acting together with the god, we can ensure that our actions always result in something better and more advantageous for the city.”

If the response was negative, Athens would have revised its proposal or closed the case, but there was no ambiguity that might force the assembly to interpret the oracle.

It is impossible to determine whether the text of Xenophon was ever presented to the gods, but the epigraphic sources follow a similar pattern. An Athenian decree on the sacred *orgas* of 352–351 BCE resolved a question about the boundaries of Eleusis. The assembly set detailed guidelines for the consultation, and precluded subsequent discussion by asking whether the lands in question might be cultivated in the form of questions with fixed alternatives. The Pythia, finally, answered in the negative. Indeed the Athenians, who in their decree had anticipated following the oracular injunction, accepted the decision (Bonnechere, forthcoming).

This procedure was followed from the fifth to the second century, as, for example, the *entente* between Philip II and the Chalcidians in 356, which was endorsed by Delphi, but only after the treaty had already been concluded, and again in the form of an alternative between two set options. Miletos, following exactly the same pattern, consulted Didyma three times between 230 and 220 about the Cretan exiles who had assisted the city (Fontenrose 1988: H5–7), as a result of which it finally offered them *politeia*. With several thousand people concerned, this case presents one of the best examples of the political involvement of an oracle. The unambiguous “yes” delivered by the god remained only to be obeyed – and the inscription of the oracle attests that it was. Finally, around 180 BCE Miletos and Latmian Herakleia concluded an agreement of *isopoliteia* (Fontenrose 1988: H12); after the two *poleis* and their respective archons, *boulai* and assemblies had worked out the treaty, they jointly decided to present it to Didyma. The oracle responded favorably, and the city-states asked the priest to pray that everything be implemented smoothly.

In the third and second centuries, oracles weighed in on declarations of *asylia*, with their political, legal, religious, and economic aspects. *Asylia* could be granted to the participants at certain festivals and their associated commercial fairs, to the host cities proper, or to their whole territory, protecting their residents from piracy. Declaring *asylia* was a lengthy process, and once the decision was taken the oracle was sometimes consulted, with the familiar yes/no question format; an envoy would then be sent to as

many cities as possible to invite them to ratify the declaration. The oracular consultation, here, aimed less at forcing the hands of these cities, perhaps, than at ensuring the goodwill of the gods for the new arrangements. Occasionally the oracle was consulted when the ambassadors were already on the road, so that there would be no possibility of discussion in the assembly (Rigsby 1996: #163 (Alabanda) and p. 283 (Teos)).

Furthermore, epigraphic evidence proves that very precise questions were used: at Dodona neither *poleis* nor individuals left open questions like “what should we do?” though this is the question *par excellence* in the literary tradition. On the contrary, two stereotypical forms constantly recur: “to which gods must we sacrifice to obtain [x]?” and “is it better and advantageous for us to do [x]?” – in both cases a simple alternative between something and its negation. Yet of the 19 literary questions preserved for Dodona, only one fits into the second category, and only the request of Xenophon in the *Poroi* – wholly “historical” even if it was perhaps never sent – makes use of both. Once again, there is a stark contrast between the literary and the epigraphic evidence at Dodona. At Delphi, two-thirds of the known epigraphic questions follow the formula of “is it better and more advantageous to do [x]?”, making the literary image of the “constant political involvement” of that sanctuary difficult to seriously maintain.

### *Oracles, assemblies, and civic piety*

From 460 to 150 BCE, then, the procedure for civic consultations, and for all types of enquiries, was fossilized. The assembly, sometimes at the suggestion of the *boulē*, deliberated and arrived at a given conclusion, which it would then reformulate into a yes/no question to be posed to the oracle. Or, more simply, it might keep its conclusion as a fixed goal and in its question only leave the choice of which divinities to honor in order to accomplish it. With such a vote precluding further discussion, states left the sanctuaries no opportunity to affect the Greek political scene on their own account. We must then reverse the argument of Vernant: public debate occurred before the embassy was sent to the oracle, not after. The Greeks, in other words, were proactive. They did not bother the oracle with a problem, but asked it to approve a solution. Many inscriptions begin simply with “the god gave the oracle,” but the implied spontaneous assertion of sovereignty is a mirage: on close inspection, the oracle inscribed is nothing but one of the alternatives proposed by the *polis* or by an individual (e.g., Fontenrose 1978: H26).<sup>10</sup>

We must therefore change our view of political management since when the inscriptions are sufficiently complete to permit analysis, it is clear that the oracles approved all the political demands submitted to them (Fontenrose 1978: 221), except for that of the *orgas*, which was decided by lot. This fact has sometimes been used as a proof of the subjection of the *manteia* to the powers-that-be, but this is only done by skirting around a key point: the questions known from inscriptions are never underhanded, in clear contrast, again, with the literary image of divination. Why indeed would the oracle turn down the assembly, or the elites that guided it, when faced with an honest question? The *manteion* could hardly help but grant its assent to the proposition which thus acquired a certain divine aura.<sup>11</sup> Often, the *polis* claimed to comply “with the oracle,” when the oracle in question was no more than a decree previously passed by

the assembly. But this pursuit of honesty in political decision-making is still noteworthy. Clearly, the *polis* and its governing classes did not consider, as we often do, the god as a simulacrum to be consulted only as a pure formality, whose pronouncements could be extorted for personal ambition and political ends. The oracles, as the supreme recognized authority, reinforced the *nomizomena*, on which the consultations were based (Suárez de la Torre 2009; see Xen. *Mem.* 1.3.3; 4.3.16; cf. 4.6.2–4). There was, in fact, a two-way manipulation, unconscious and quite innocent,<sup>12</sup> which perfectly illustrates the intertwined relationship of politics, religion, and *patria*. Seen this way, the elites can hardly be claimed to have resorted to the oracle as a resistance mechanism to implement their wishes, or simply to eliminate disorder, since the decisions in question had not only already been arrived at by consensus, but by a pious consensus. Finally, in the unlikely chance that the god refused, as with the sacred *orgas*, it was because he endorsed a possibility that the people themselves had envisaged. The extent to which the Athenian authorities did not impose their own views here is, in fact, remarkable, when it would undoubtedly have been convenient to allow the tainted lands to be farmed. The *polis*, however, left this choice to the god in the form of a yes/no question when it might well have used the other formulation: “to what gods must we sacrifice in order that the cultivation of the lands be profitable?”

### *Continuity from the Archaic period?*

As early as 460 BCE, ambiguity and the resulting debate, the two driving forces in the work of Herodotus and in “quasi-historical” literature, do not apply. Must we then accept the model of Vernant and build on the alleged abandonment of post-oracular debate amidst the political changes of the period around 480 – an abandonment that happens, as if by chance, to coincide with a disappearance of ambiguity in oracles as soon as they are set down in epigraphy? There are three convincing arguments against this, partly suggested by Fontenrose (1978: 233–239), though widely ignored at the time.

One of the first oracles preserved epigraphically, given at Didyma around 550 BCE, includes the traditional formula “it is [better] and more advantageous . . .,” correlating with a (lost) question with set alternatives. At the time of Kroisos, supposedly the age of flowery oracles, then, the god was already responding in the clear style typical of the classical *manteia*. This oracle of Didyma, furthermore, is the answer to a second consultation citing an earlier question, a fact which contradicts the idea of a personal exegesis or of a public post-oracular debate. “It is just to act as your fathers did,” says a second oracle from the sixth century, this time concerning piracy (?), responding to a question that is now lost but also perfectly clear – “is it just for us to act as our fathers did?” – and which suggests a consensus on what the *patria* were prior to the consultation (Fontenrose 1988: H1–2).

Secondly, after the so-called ideological change of the fifth century, why would the literary authors cling to the idea that oracular questions were open-ended, in clear contradiction to the new manner of consulting the gods? Indeed, for the Sicilian expedition it is the Hellenistic sources of Plutarch, prone to re-elaboration and embellishing, who cite ambiguous and misinterpreted omens from Delphi, Dodona, Ammon, and the rest; Thucydides, contemporary to these events, is silent. In any case what Thucydides says

about the chremologists of 415 proves that Athens had not forsaken divination for the benefits of democratic rationalism as is claimed, since from a rationalist standpoint the collectors of oracles would be worse than the sanctuaries hallowed by tradition.

Finally, is it not remarkable that the whole Greek world, and not just Athens, participated in this “evolution” towards rationalism and democratic maturity? That all the oracles, even that of Zeus lost in the Thesprotian mists, were systematically affected by it? That all regimes, and not only democracies, eventually considered as redundant oracles consulted on political decisions? Might not the uniformity of the procedure throughout the Greek world from the fifth century onwards, with definite hints of it as early as 550, simply be a mark of continuity with the Archaic world?

### ***Decline in political influence?***

Oracles, as we often read, saw their political influence evaporate and finally contented themselves with banal private consultations, and it has long been claimed that Delphi, for one, suffered for its pro-Persian stance (Forrest 1982: 305–320). But the wealth of the Pythian oracle in the fifth century has forced scholars to look for signs of flagging only after 338 (cf. Rougemont 2001), and even here it is wholly illusory, as the lead inscriptions of Dodona prove. There the ratio of 10 per cent public questions to 90 percent private (the reverse of what we find in the literary sources) remains stable until the second century. Even if the tendency in the last few years has been to discount more of the political oracles, the literary image of the sanctuaries holds its appeal and historians are still unwittingly influenced by it. To assert that “consultations of oracles on major political issues were less common in the classical period” (Price 1999a: 74–75) implies that they were essential beforehand.

Are we not deceived by the image of the Archaic period as projected into the past by authors of later periods, and thus led to misjudge the testimonies of the fifth century by comparing them to something which never existed?<sup>13</sup> Scholars will concede that the text of the oracles was embellished, partially revised, or even invented wholesale, but the *Leitmotiv* of frequent Archaic political consultations is never questioned, even in cases where neither the question nor the answer seems to be authentic as preserved. By this insidious reasoning, the political role of Archaic oracles remains a dogma.

To demonstrate a decline in public and political oracles in the fourth century, one would need to establish a drop in the number of oracles, after 338, say. Table 24.1 presents the “historical” civic questions (omitting Kroisos and others).

The only valid statistics, from Dodona, suggest no evolution at all; the samples from Delphi and Didyma, albeit smaller, basically confirm this. Change comes only with the unraveling of the Greek world around 150–100 BCE, and there is a renewal in the second century CE. At Didyma, seven wholly political oracles are issued in the 50 years between 230 and 180 BCE, when politics and oracles are supposed to have gone their separate ways – more than the total count of firmly attested political oracles at fifth-century Delphi. The same political activity is evident at the Ptoion, in Boiotia, which gave 12 oracles to the Boiotian *koinon* between 315 and 280, and again between 250 and 200. There seems to be no precedent for this type of inscription at the Ptoion before these dates (*IG VII* 2723, 2724, 2724a–b; *IG VII* 1672–1674, 1735, 2724c, 2427d–e, 3207).

**Table 24.1** The “historical” civic questions (omitting Kroisos and others)

DELPHI			DODONA			DIDYMA		
Dates	Religion	Politics	Dates	Religion	Politics	Dates	Religion	Politics
5th cent. BCE	3	6	525–350	2	6	<i>ante</i> 500	1	1 (?)
400–338	7	5				Interruption		
338–200 2nd cent. BCE	8	9 (inc. 6 asylums)	350–167	4	5	<i>c.</i> 330–100	5	7 (inc. 2 asylums)
1st cent. BCE	8	–	Site destroyed in 167			1st cent. BCE	–	

The literary tradition collected around Delphi, again paints a very different picture: out of 258 “quasi-historical” oracles, 225 concern the period before 300 (there are 132 for the Archaic period specifically), as opposed to only 33 relating to the period afterwards. To rush to the conclusion that the golden age of oracles ended around 300, however, would be to forget that the lead inscriptions of Dodona – against which the literary sources must be weighed – indicate no change. Ultimately, nearly half of these *post eventum* Delphic oracles are drawn from only four authors: Herodotus, then Diodoros, Pausanias, and Plutarch. Rather than primarily mirroring reality, they glorify the distant Greek past and graft divine will onto it.

Religion certainly evolved over the course of the Hellenistic period, but the decline of civic-mindedness is a cliché that we can now dispense with. Most cities were now subject to kings, but maintained their institutions and local army and, at least in theory, always hoped to recover their independence. And for that matter, did most small cities not live under the overwhelming influence of powerful neighbors even in the Archaic and Classical periods?

## Conclusion

The governments of city-states and federations regularly consulted oracles over the course of the Classical and Hellenistic periods, even if the Archaic period remains a mystery for lack of contemporary documents. It is still conceivable that a radical change took place in the fifth century BCE, but the comparative rarity of political consultations in the Classical period suggests, to my mind, less a rationalist change in the institutions than the fact that they were also comparatively rare in the seventh and sixth centuries – despite what the literary tradition might suggest. The notion of oracular collapse in the face of new modes of thought in the fifth century, in any case, is no longer tenable, all the more because it ties the problem exclusively to Athens, to public consultations, and to the democratic form of government. It was a rational act to consult the god, one

that was integrated into political *praxis* and which survived fundamentally unchanged. The frequency with which political consultations occurred is unknown, but it is perhaps higher than the epigraphic record would suggest. In the 30 inscriptions mentioning the *asylia* of Teos, for example, the oracle is inexplicably only mentioned once (Rigsby 1996: 280–323).

We should also clarify the role of the oracle, which was a prisoner, so to speak, of the Greek *Weltanschauung*. On one hand, the *dēmos* agreed to subordinate its own decision-making power to the oracle, and the oracular response thus became a divine order, both beyond the political sphere and authoritative within it. It was an order accepted without discussion, since the political decision to obey the god had already been taken. On the other hand, “obeying the god” did not mean following the oracle blindly, since the proposals that the state submitted to it were already decided in the assembly, and formulated as clear yes/no questions, to which the prophet(ess) gave an unambiguous answer, and was allowed no opportunity to meddle in civic affairs. The divine order, then, was merely one of the two alternatives that the assembly had already proposed; the decree drafted by the state and the oracle, as Vernant realized, were identical. But far from being in opposition to each other or mutually redundant, divination and the rhetorical techniques, some of which had existed since the Archaic period, would appear to be complementary. Besides the fact that the private consultations followed the same patterns, the alternatives proposed to the god were as honest as possible, and concerned problems which were a source of uncertainty for the city. It is a mistake to see a political maneuver that used the god as an intermediary through which to deceive human beings. To respond to the question posed at the beginning, the oracle did indeed allow for risk management in public affairs, but only where the state had already reduced risk to a minimum.

States seldom consulted the gods on issues of internal politics, although there are some examples at Dodona, Delphi, and Didyma. The total absence of certain themes from the (internally coherent) epigraphic record indicates that precise questions on war and justice were avoided (Parker 2000: 90–91),<sup>14</sup> along with legislative problems, except in religious affairs. The point was to ensure the *pax deorum*, the necessary condition for good administration of public affairs, and it is surely significant that the *poleis* and *koina* often contented themselves with general questions about effective management: “are we governing securely?,” “to which gods must we sacrifice to preserve harmony?,” and other questions relating to potential miasma, to the harvest, or to general prosperity, in which every citizen obviously had a stake.

Besides its political implications, we can see that the grant of Milesian citizenship to the Cretans also stemmed from this same principle, since, faced with the risk of unbalancing the ancestral equilibrium of the *polis*, the citizens sought the approval of Apollo. Might this be one of the reasons why external politics and alliances were such an important theme in the political oracles, at least since the Classical period? It appears that the mantic gods always approved grants of citizenship, alliance, *sympoliteia*, *isopoliteia*, and *asylia* when asked. Were the oracles inclined towards dovish politics, then? We can say with more certainty that the mantic gods, themselves emanations of Greek culture, always favored peace processes between states, just as they favored concord in internal affairs. Truces were always divine in origin, and the use of the term *spondai* (libations) to refer to them is enough to demonstrate the automatic link between peace and divine favor.

The picture that we have painted here is admittedly less captivating than that of oracles orchestrating Greek politics, but this is not to deny that the responses did weave their way into the fabric of contemporary politics and influence it. Certain responses were the result of crises or wars, as when the Epidamnians, in *stasis* and spurned by Korkyra, appealed to Delphi. But we must emphasize the distinction between the questions asked, which were extremely limited in scope, and the sometimes wide-ranging consequences of the response: the consultation of Agesipolis, after all, on the possibility of breaking a truce, resulted in the expedition to Argos. Similarly, the consultation on the treaty between the Chalcidians and Philip II (Fontenrose 1978: H19) now strikes us as ominous, since Philip would later annihilate the Chalcidians as oathbreakers and go on to conquer Greece. Our risk assessment is skewed, though, because we know the outcome of the drama, whereas at the time all the parties concerned, not least the Delphic oracle, considered that concluding the alliance was the wisest course of action. Perhaps “the oracles could be transformed from warmongers into peacemakers” (Parker 2000: 88), but had they not always been that?

Though we will not belabor this point, the oracles must therefore be absolved of the charges often brought against them. Given the process of consultation itself, the type of questions asked and the very form of the questions, as well as the firm responses that survive, the hypotheses – all founded on the literary corpus – that would make the oracles the puppets of the great powers seem entirely wrongheaded (Parker 2000: 105–107). This conclusion is significant for the study of international relations as the Greeks conducted them: there were indeed many intrigues to seize control of the city of Delphi, but it does not follow that the master of Delphi *ipso facto* controlled the words of the Pythia. The city of Delphi did have the privilege of granting *promanteia*, and it was also a venue, like Olympia, where all the Greek states outdid each other in prestige, influence, and wealth (Croissant 1996: 127–139; Sánchez 2001: 113, 168), but the rest was left to Apollo.

The questions set before the oracles in epigraphy, unlike the dazzling concoctions of literary fancy, suggest an institution untainted by political influence which kept aloof from the matters in which the *polis* might wish to exert its influence. Arguments based on literary responses composed *post eventum* must be re-examined in light of the now coherent picture offered by the epigraphic responses. The very persistence of the oracles over the centuries proves that it was the genius of the Greeks, and of the Greek states, to approach the oracles with all due religious reverence, and to ask them only those questions to which the god could decently reply.

## ACKNOWLEDGMENT

I would like to thank my former student Christopher Loughheed for his excellent translation. Please note that the bibliography of the chapter ends in 2010.

## NOTES

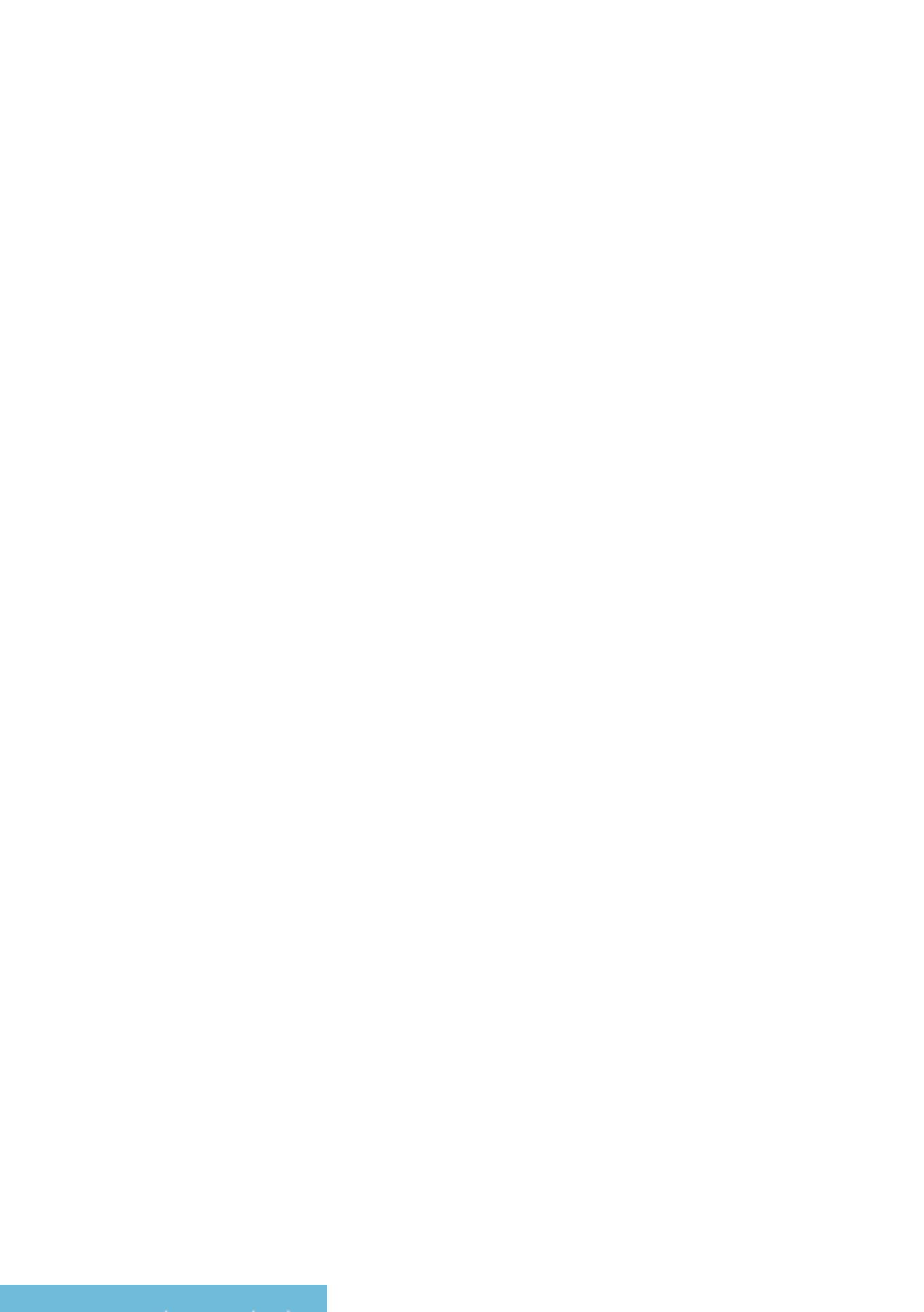
1 For example, *IG I<sup>3</sup>* 78: Athens sets the premises to send to Eleusis; *IG VII*: 3055: Lebadeia sets the fees for entering the Trophonion.

- 2 The adjectives used to refer to this religion (“civic,” “political” in the current sense, “social,” “state,” “official,” “public,” and “patriotic”) all lead to predictable blunders, see Brulé (2004: 420–435).
- 3 Giuliani (2001) makes a very balanced attempt at taking into account both the literary and the epigraphic texts, but we must always be cautious in evaluating the authenticity of the literary oracles. I would prefer to discard a few authentic oracles than to prejudice the interpretation of the epigraphic corpus with a literary mirage.
- 4 Lhôte (2006: #1, 2, 6A); cf. also 5, 7, 17. Add *IG I<sup>3</sup>* 136; *FGrH* 532 F 1, C40.
- 5 With some alterations and additions to the catalogue of Fontenrose (1978).
- 6 Fontenrose (1978: H4–6, 8, 13, 48, 75). H28 seems spurious at first sight.
- 7 An “ancient custom” (*Xen. Hell.* 3.2.22) supposedly prevented consultations on wars between Greeks, which contradicts Thucydides’ account of the Spartan consultation in 432. Xenophon is not necessarily mistaken, though, since we do not know the Spartan question.
- 8 All the more since in 2.54.4 this oracle is paired with a dubious prediction of a famine or plague. Scholars have been in fierce disagreement on which it is.
- 9 Even Sourvinou-Inwood (2000: 20–21). Incidentally, this idea seems to me to be incompatible with another often-defended hypothesis, that the oracles were corrupt: who would pay for an ambiguous oracle?
- 10 Financial endowments make for an excellent point of comparison. Inscriptions praise the generous offer of the donors, but pass over the lengthy canvassing of potential donors (Migeotte 2006a, 2009a).
- 11 Cf. the formulae “the god declared that . . .”, “according to the oracle of the god . . .”, “the god commands . . .”, etc. Parker (2000: 76) adds that this sort of oracle had the force of binding arbitration. Certainly the ancients saw it this way. In its negotiations with Korinth over Epidamnos, Korkyra unsuccessfully proposed mediation either by arbitrators or by the Delphic oracle (*Thuc.* 1.28.2–3).
- 12 Answering the objections of Parker (2000: 78–79) against Fontenrose (1978: 222).
- 13 In line with our general conception of Greek religion, in which later texts are used to establish an Archaic–Classical standard compared to which the Hellenistic period inevitably appears decadent.
- 14 Dodona has yielded several private questions on the guilt of so-and-so, but the responses are lost (Lhôte 2006: #119–123; 124–126).



PART VI

## **Space and Memory**



## CHAPTER 25

# Spaces of Government

## *Civic Architecture and Memory*

*Charles W. Hedrick, Jr.*

In the set of rhetorical exercises known as the Philippic Declamations (*Decl.* 17–23), written in the fourth-century CE, the orator and teacher of Antioch, Libanios, evokes Athens of the fourth century BCE, in the days of the great Demosthenes. These imaginary speeches are rich in atmospheric detail, summoning not just the political circumstance of Demosthenes' time, but also the urban environment of the day (Russell 1996; Cribiore 2007). In one of these the Macedonian king, Philip, has demanded that the Athenians surrender his nemesis, Demosthenes. Libanios makes the orator respond, calling as witnesses the very buildings of Athens, the arenas of his triumphs and sureties of his legacy: “So long as the *bouleutērion* here remains, and this, the Pnyx, and the law courts and the Metroon – and always they shall remain, for so the gods declare – there shall be some memory of my labors” (*Decl.* 21.32).

The memory of Demosthenes' achievements is secured by the endurance of the buildings where he suffered and spoke. Ironically, however, by the time of Libanios these buildings had long been in decline, as had the political institutions that supported them. The Classical Pnyx had been eclipsed as a political meeting place even in the Hellenistic period by the theater of Dionysos. The *bouleutērion* had been severely damaged as a consequence of the Herulian invasion of 267 CE. Only the Sanctuary of the Mother (the Metroon) certainly yet stood; it would be repaired and refurbished as late as the fifth century CE. The Classical *agora* itself had, with the construction of a newer and narrower city wall, piled up from the debris of the Herulian invasion, been abandoned to the countryside and the casual depredations of herds of goats and hordes of Goths (led by Alaric, 396 CE). More ominous than the nonchalant devastation of marauders was the malicious and calculated vandalism that accompanied the rise of the Christianity. In Libanios' time the political, economic, and social systems of Antiquity were giving way, and the physical fabric of the Classical urban order was changing in response (e.g., Camp 2001: 223–232, 239–240).

Libanios cannot have been ignorant of the dilapidation of Demosthenes' city. As a student he had spent an unforgettably unpleasant time in Athens (*Or.* 1.16–27). He was also sensitive to the looming implications for the old order of the emergence of Christianity: his most famous speech is a letter addressed to the emperor decrying Christian vandalism of the great temples of the old gods (*Or.* 30). Athens was slipping out of memory. For Libanios the traditional relationship between word and monument was now reversed. The buildings of Athens no longer provided a living and lasting habitat for the experience of tradition, to nourish the minds of Demosthenes' heirs; the Classical past survived only in the writings and the ruins. Libanios can recall Demosthenes' achievements only vicariously, from a distance, through dismembered, half-remembered buildings and by the flickering golden lamplight of the study. He knows Athens by report rather than participation; it is becoming for him more a city of the scholar's imagination than one of stone and blood (Wenzel 2010).

The association of memory and spatial reckoning – the orientation of one's self in the world – may be universal, which is to say, natural: founded not in culture but in human physiology and psychology.<sup>1</sup> In the case of ancient Greek culture the connection between memory and the apprehension of space is manifest in the earliest texts and monumental practices (Hedrick 2002; Grethlein 2008; Hartmann 2010).<sup>2</sup> The relationship is founded on the complementary contrast, implicit in any act of perception, between material object and subjective consciousness. Consciousness appears to itself to exist in an ever-renewed present: the “here” and “now” have meaning only with reference to the moment of consciousness. By contrast, repeated exposure to the constancy of the world suggests a permanence independent of the present instant of awareness, and leads inexorably to the overwhelming thought of the world beyond the “now” of consciousness: to the past and to the future. The human experience of time springs to a great degree from the encounter of the ephemeral moment of consciousness with the brute permanence of the world.

The fundamental tension between consciousness and material world supports the use of objects as aids to memory, that is, as monuments. The Greek idea of the monument is predicated on the mutually reinforcing relationship of “mind and matter” (Bergson 1896). Objects may be lasting, but they are inanimate; of themselves they mean nothing. Thought, on the other hand, is fleeting, but sentient. In this encounter thought lends meaning to dumb objects and enduring externalities are enlisted in support of subjective memory.<sup>3</sup> Monuments, then, may be considered a kind of cognitive prosthesis, an artificial extension of the mind, which help people to think. Humans have always and everywhere been “functional cyborgs”: that is, they use material objects as artificial limbs, to enhance innate capacities (cf. Gazzaniga 2009: 325).

Prosthetics inevitably also work as orthotics: use of external enhancements modifies the behavior and even the biological nature of the organism. Tools shape both the world and those who use them. With respect to memory, reliance on monuments serves to externalize and objectify thought's self-perception, and so to bridge the gap between the individual and the community. People experience consciousness as interior, personal, and private: the essence of what we imagine makes us individual. By assimilating our thoughts to external objects we come to view our memories objectively, as if they were another's. Furthermore, the physical world is, and is understood to be, external to consciousness: public and communal, accessible to every inhabitant. Through monuments people enter into an unknowingly intimate concord of mind with neighbors (e.g., Halbwachs 1992).

Shared space, then, is socialized, memorious space (Bachelard 1958; Casey 1993; Ricoeur 2006: 147–151; Nora 1996); and space that is centrally located is, by virtue of its greater accessibility, more effectively and intensively socialized. The expansion of communal memory and social solidarity are tied to the concentration of population and inhabited space – urbanization. One of the many impulses that lead to the settlement of cities is the cultivation of social consensus through shared memory. From this perspective, cities may be understood as information-processing devices; but like any artificial bodily extension, they function only when they have been strapped to stump and clamped to ragged ends of muscle and tendon; without people they are inert, piles of brick and metal. Cities “live by remembering” (Mumford 1961: 124).

In their settlements people distinguish certain places and structures by their regular and formal elaboration: spaces reserved for congregation, buildings remarkable by their monumental extravagance. In what follows I will consider the civic spaces and buildings of ancient Greece and their connection with memory. I emphasize two ways in which places and buildings engage the memory of people, one participatory, the other spectacular. In the first case, by providing a stable context for activity, formal places channel and routinize behavior, perpetuating tradition through the pre-conscious and pre-critical habitude of practice.<sup>4</sup> By creating stable places associated with particular political activities the Athenians fostered institutional identity and perpetuated political procedure. In the second case, places and structures, by presenting themselves as objects for contemplation, encourage their apprehension as monuments: reminders and confirmations of general practices and particular events.

## Civic Architecture

Visiting a decaying Greek city, the traveler Pausanias, writing in the second century CE, wondered whether one might rightly call a place a *polis* when it lacks “magistrates’ offices (*archeia*), gymnasium, theater, *agora*, or working fountain” (Paus. 10.4.1). Certain civic spaces and structures are characteristic of almost every ancient Greek city-state, or *polis*: an open space for citizens to assemble, an *agora*; buildings to house the activities of governmental committees, a *prytaneion* (“town hall”) and *bouleutērion* (“council chamber”). These spaces and structures are material manifestations of common Greek political institutions, and their presence may be understood as a prerequisite for any Greek city-state: a settlement without them would have been regarded as something other than a *polis*. Of the buildings, the *prytaneion* and *bouleutērion* seem to have had a special significance: their importance is emphasized in early sources (e.g., Hdt. 1.170.3, 3.57.3–4; Thuc. 2.15), and there is ample epigraphic and archaeological evidence for them throughout the Greek world (Hansen and Fischer-Hansen 1994; cf. generally Hansen 2006c).

Because these buildings were typical among the Greek city-states, it is generally supposed that their origins must be coeval with the beginnings of the *polis* in Greece, that is, their earliest traces should date to perhaps the eighth century, and much energy and ingenuity has been spent in verifying this likely presumption against the archaeological evidence. The *agora* is attested already in Homer (e.g., Od. 10.114); and has been traced by archaeologists to the origins of the *polis*. At present, however,

the very earliest uncontroversial material evidence for monumental civic architecture dates only to the sixth century BCE – and such buildings do not become common until somewhat later, in the fourth century. The difference between expectation and excavation has traditionally been explained by imagining that civic architecture existed earlier, but in humble, impermanent materials, undetected by magnetometer and trowel. It is also possible that groups and magistrates in early times had no formal, permanent meeting places but migrated from one open place to another depending on the time of year or the action contemplated; or that they met in a regular place, but one without architectural elaboration.

Whatever the early history of civic architecture, it is clear that in the fourth century BCE many Greek cities felt the need to establish more formal and monumental meeting places for their political institutions. The reasons for this development are debatable. It is possible, for example, that monumental public architecture is simply a manifestation of prosperity. Such an explanation would be unpersuasive: Greek city-states erected grand, monumental religious architecture from their beginnings in the eighth century, and even earlier (R. Osborne 2007: 255–257). The absence of early monumental civic architecture is not a reflection of poverty; it is the consequence of priorities.

The most considered explanation so far offered appeals to the analogy of the development of private houses (Hansen and Hansen-Fischer 1994: 81–85). Early Greek domestic architecture was reputedly unpretentious and homogeneous: orators of the fourth century compare the frugality of the older generation with the elite profligacy of their own day, when wealthy individuals “erect private houses more impressive than public buildings” (Dem. 3.25–29). Archaeology seems to confirm the patriotic nostalgia. It is not that the wealthy did not strive to distinguish themselves before the fourth century: they might, for example, like Alkibiades, send a team of horses and chariot to compete at Olympia. Splendid display at the great athletic competitions was a time-honored outlet for the ostentation of the wealthy (Papakonstantinou 2003). The rich do not, however, appear to have tried to set themselves apart from their neighbors by the conspicuousness of their houses. Dwellings evidently had not traditionally been understood as symbols of power: no one gained the esteem of their neighbors because of the size and luxury of their home. In the fourth century, however, the situation changes and houses become status symbols. Perhaps the elaboration of more imposing public architecture at this time should be explained with reference to the shift in attitudes toward housing? Perceiving the association of monumental domestic architecture with power and status, citizens may have felt that officials and institutions of the state should not be more humbly housed than wealthy private individuals. So the construction of monumental civic architecture may be seen as motivated by an emulative and egalitarian desire (well attested in many societies, including our own) to appropriate elite status symbols on behalf of the general public (cf. Ps.-Xen. *Ath. Pol.* 2.10; Loraux 2006: 229–278).

Whatever the strengths and weaknesses of this attempt to couple connotations of civic and domestic architecture, it must be understood that the main purpose of monumental architecture is symbolic. When used of urban spaces and architecture, the word “monumental” is commonly understood to refer to remarkable material qualities: the relative size, permanence, expense, and ornament of the structure (e.g., Hansen and Fischer-Hansen 1994: 23 n. 2). What makes a structure “monumental” is precisely its elaboration beyond the necessary. The material connotations of the word

have paradoxically encouraged neglect of other aspects of the monumental. The word “monument” derives from the Latin stem *menn-*, denoting memory, via the verb *moneo*, “to warn,” in the sense of “to remind.” In other words, by etymology a “monumental” structure is associated with the recollection of the past (Hedrick 2006: 17–19). Any and all of the conventional material qualities of a monument may contribute to this association: whatever makes a thing remarkable also provokes thought; for the specific association with memory, however, the most important of these is permanence.

Places exist not only to be seen, but also to be inhabited; for those who know them, places have, so to speak, both an outside and an inside. Both of these aspects of the place serve the interests of the preservation and dissemination of general and commonly held knowledge, of the “collective memory.” The monumental elaboration of a place emphasizes the place’s symbolic value, and at the same time focuses and channels and perpetuates the behaviors associated with it. The erection of grand civic architecture by Greek states from the fourth century on is in part a manifestation of the institutionalization of tradition and the routinization of government procedure. The significance of the various kinds of civic buildings of the ancient Greeks can be generalized: these structures and places are common types, and their functions and symbolic values would have been intelligible to any Greek observer, as they are decipherable by modern historians and archaeologists.

## Assembly Places

The empty heart of the ancient Greek city was the *agora*, or assembly place (R. Martin 1951). The *polis*, for the Greeks, was unimaginable without an open area for the congregation of the city’s population. Participation, more or less inclusive, of adult, male citizens was characteristic of every Greek city. The existence of a defined space of assembly reinforced the sense of the political and social centrality of the *polis* within its territory and contributed to the understanding of collective activity as customary and obligatory. Attested uses of such spaces are many: political discussion and decision-making, commercial markets, religious processions, military musters, athletic contests, dramatic presentations, social interaction – almost any event that required room for a gathering of people might take place in the *agora*.

By the standards of the Classical period, the area of the earlier *agora* was amorphous. Its edges were not sharply delineated, and so on the periphery the square melted into uncoordinated districts and byways. Boundaries were nevertheless recognized in principle, as is shown by restrictions on entry into the square. Best attested are religious prohibitions: so in Athens purificatory lustral basins stood near the main entrances to the *agora* and those who had incurred religious guilt were banned from the area loosely enclosed by them (Aischin. 3.176, with Wycherley 1957: #714). The cost of exclusion was not only political and social, but economic. A famous example, which also illustrates how punishing such a restriction might be, is provided by the so-called Megarian Decree, passed by Athens at the beginning of the Peloponnesian War, in answer to a trumped-up religious transgression by the people of the neighboring state of Megara. The Athenians banned them from the ports and markets of Athens, as well as those of the states belonging to their empire (Ste. Croix 1972: 225–290).

Since the *agora* was in essence nothing except an open area, the spectacle that it presented to onlookers was the pageant of the people in assembly. This interpresence and intervisibility, the reciprocal view of members of the community in their physical association, is productive of social solidarity by encouraging shared knowledge – that is, more precisely, by meeting in assembly to listen and talk, members of the community become aware that fellow members of the community also know what they know.<sup>5</sup> Furthermore individuals presented themselves to one another not only as co-citizens, fellows of the same state, but also as members of various civic and religious subdivisions. Formal assembly promoted the identity of smaller groups as well. Certain political activities in the *agora* presumed the regimentation of the citizen body: in Athens, for example, the citizen army mustered by tribe at the monument of the eponymous heroes.

In time the identity and integrity of the *agora* became more sharply defined. The open space of the square itself became increasingly crowded with monuments and buildings. The old haphazard boundaries of the squares were articulated, the square made an object of contemplation above all through the definition and monumental elaboration of the limits of the *agora* (Hölscher 2007). Civic buildings located along its edges were oriented to face the square and given uniform facades. Edges that had previously been open and amorphous were lined with *stoas*, or colonnades. These *stoas* served as sheltered extensions of the open assembly area of the *agora* itself: as headquarters for magistrates, meeting places for special interest groups, or sheltered places to stroll and converse. At the same time, they sealed off access, defined boundaries, and presented an impressive appearance to those within the square. The development is exemplified by the history of the Athenian *agora*.<sup>6</sup> By the end of the sixth century boundary stones marked the place where major streets debouched into the square (Wycherley 1957: 713; Camp 1992: 48–52). On the west side of the square a rag-tag series of civic buildings had sprung up: gradually their façades were regularized to offer a (more or less) integrated appearance. Over the course of the Classical and Hellenistic period, *stoas* came to line the square to the north, east, and south.

The imposition of order on a venerable space requires some disdain for memory and tradition. The association of place with past is tied to particularities, to irregularities and eccentricities, and the chaos of the old town squares reflects the specificity of their pasts. Regularization dissolves what is remarkable and hence what is memorable: the point applies as much to statistical interpretation as to urban planning. Tradition however resists the pristine sterility of renovation, and planners have always had to make concessions to the present attachment to the past. The least ambiguous examples in Athens come from the Akropolis: the Nike buttress, with its niche exposing the older Mycenaean wall, and the temple of Athena Nike, in which an opening was designed in the floor to reveal earlier remains beneath (Mark 1993); the crazy-quilt floor plan and details of the Erechtheion (Palagia 1984). Such features are acquiescences to the insistent requirements of ancestral practice.

In the Hellenistic period Greek *agorai* increasingly ceased to be simply places for gathering and were elaborated as spectacular, monumental spaces (Hölscher 2007; Alcock 2002: 51–73; J. Shear 2007). The ruthless regularity of Hellenistic cities reflects the replacement of the particularities and chaos of an evolving communitarian tradition by the idealized, timeless spectacle of a centralized authority. The gathering place was

made visible by the architectural elaboration of its edges – much as Renaissance painters adumbrated light and volume by painting shadows. To those in the square its boundaries presented methodical vistas and uniform panoramas, a containing façade presented in the formal and material eternities of mathematics and marble.

At the same time, group activities became increasingly distinguished or specialized. This specialization of function was manifested in the creation of discrete, formal venues for them (Hölscher 2007). So athletic events were removed from the *agora* to the stadium; dramatic presentations were provided with theaters; and in many cities, special places were created for political assembly. In some cities the assembly, or *ekklēsia*, met in the city's theater; in others it met in dedicated structures called *ekklēsiastēria*. These typically took the form of small theaters or amphitheaters with a central space for speakers, and might be located in the *agora* or elsewhere.

As usual, the pre-Classical history of the meeting place of the *ekklēsia* is ill-attested and contentious. It is clear from Homer that the assembly met in the *agora* in early times. There is little archaeological evidence for formal meeting places in town squares in earliest times, though it may obviously be the case that the assembly met in a customary place which was marked by no enduring architectural features. By the Classical period permanent facilities for meetings of the assembly were constructed in many Greek cities. These arrangements might be located in a sector of the *agora*, or established in some new part of the city. In the most famous case, Athens, a devoted space, the Pnyx, was created for political meetings of the citizen assembly in the first part of the fifth century on the slope of a hill some 15 minutes' walk southwest from the *agora*. Regular meetings of the assembly were henceforth held here (Camp 2001: 153–154; Forsén and Stanton 1996; Rotroff and Camp 1999).

In Greek states assembly places normally provided seating for the audience and a rostrum of some kind for speakers (McDonald 1943; Kolb 1981). About 15 such meeting places have so far been plausibly identified in the Greek cities (more, of course, if controversial cases are included in the tally), ranging in date from the Early Classical to the Hellenistic period. They are typically arranged in the manner of the plan of a semicircular Greek theater, or a round Roman amphitheater; as a rule they are open to the sky. Size varies, as did the populations and political inclusiveness of the cities that constructed them.

In the case of the Pnyx, literary sources and archaeology combine uniquely to give a more elaborate picture of use. A peculiar space, in its earliest period of use, perhaps at the end of the sixth century BCE, the Pnyx seems, like a Greek theater, to have been arranged to make use of the hillside: the audience sat on the slope looking downhill on a speaker's area. According to tradition, however, at the end of the fifth century this orientation was reversed: the fourth century Pnyx faced into the hill, requiring the construction of enormous retaining walls to bring the field of the audience level with the speaker. The only source for this peculiar development is late but usually well informed (Plut. *Them.* 19). Supposedly the orientation was reversed for ideological reasons at the time of the struggles between oligarchs and democrats at the end of the fifth century. Whereas before the speakers' platform had looked off to the sea, an oligarchic junta, the Thirty, reversed the orientation so that it henceforth looked inland, claiming that farmers tended to support oligarchy while seamen favored democracy. The story is peculiar, and uncorroborated and there are many reasons to doubt it (Moysey 1981). Nevertheless, it

at least illustrates the general point that assembly spaces were defined by managing their boundaries, and that attention was given to prospects seen by the people congregating in them. The symbolic importance of the Pnyx itself is perhaps best seen by its treatment in various plays of Aristophanes: in the *Knights*, he names one character, the embodiment of the citizenry, “Mr Demos from Pnyx” (cf. Hansen 1991: 129).

Beyond the retaining walls of the fourth century and the speaker’s platform, little of the structure of the Pnyx has survived. In Athens as in other cities, it was customary for those attending the assembly to sit while hearing the arguments of speakers. The nature of the seating is a matter for continuing speculation (Hansen 1991: 128, 136–138). The size of the Pnyx also poses problems. The available area of the space is clearly defined, and it is calculated that it could have accommodated an assembly of only about six to eight thousand. Athens in the Classical period, however, was the largest Greek city in the Eastern Mediterranean, and its citizen body numbered in the order of 30,000. The reasons for the restricted size of the assembly space are much discussed, and inevitably the problem leads to questions of the degree of voluntary participation in the decision-making process, and the practical considerations that may have discouraged some from exercising their prerogatives as citizens. It is useful to recall in this context that in the fifth and fourth centuries other group activities seem to have had a quorum requirement of 6,000 (cf. Hansen 1991: 130–132; see further Hansen 1987).

At the end of the fourth century meetings of the citizen assembly in Athens regularly came to be held in the theater of Dionysos on the south slope of the Akropolis. The theater was substantially larger than the Pnyx, and may on optimistic reconstructions have been able to accommodate the entire citizen body. The movement may initially have been motivated in part by a desire to accommodate more citizens than the Pnyx could hold when particularly important items of business were in prospect. Whatever the cause, the Athenian movement of the meetings from Pnyx to the theater is part of a general trend. By the Hellenistic period, meetings of the citizen assembly in many Greek cities were held in the city theater (Kolb 1981). In Athens the area of the Pnyx was abandoned until the second century CE, when some renovations seem to have taken place; we do not know that it was used for political meetings at this late date, though there is evidence of religious activity on the site (e.g., Forsén 1993).

## Civic Buildings

The assembly of an even moderately sized city was too large to convene under a single roof. Other agencies of government – committees and magistrates – though sometimes large, required rather less space. From their beginnings these likely kept their headquarters in places appropriate to their duties: market supervisors (*agoranomoi*) for example would evidently need to maintain a base somewhere in or near the market. Such headquarters doubtless quickly became customary, though even then they need not have been defined by formal markers: a known intersection, shrine, or even a business such as a barber-shop, might have served. It is likely that some dedicated buildings existed from early times, but in humble materials that have left no trace. The existence of such buildings in the sixth century is well attested in the literary sources (Hdt. 3.57: a marble *prytaneion* at Siphnos). The earliest indisputable archaeological examples of

formal, permanent buildings devoted to the purposes of political administration date as late as the end of the sixth century, but they are rare: they include the *bouleutērion* at Olympia and the Royal Stoa (Stoa Basileios) in Athens.

As Libanios has Demosthenes say, memory will survive as long as its places endure. Architecture gives focus to a place and regularizes an association with the institution that inhabits it. Furthermore, by its permanence civic architecture reinforces political practice and the memory necessary to perpetuate governmental agencies in the absence of a prescriptive constitution. For such reasons, the widespread elaboration of places with monumental civic architecture in the fourth century should be understood as a reflection and mechanism of political institutionalization. At the same time, monumental civic architecture, through its association with particular political groups, was understood as a symbol of the state and of these groups. This symbolism was buttressed by the more general urban context and the more specific accretions to the building over time: by the association of buildings, whether through proximity, similarity, or tradition, with related and significant areas and structures, and by the practice of erecting relevant inscriptions, monuments, and dedications inside and around the building.

The *prytaneion*, meaning “the building of the *prytaneis*,” was, with the council house (*bouleutērion*), one of the most important civic structures in any Greek state. Although archaeological confirmation is so far lacking, the building likely existed in some form from the earliest times of the *polis*. The word *prytaneis* means something like “chief”: its etymology is mysterious, and it is used in Homer to describe gods. A variety of officials with this name are to be found in the Greek states (Chantraine 1974, s.v.). In the best-attested case (as always, in Classical Athens) the *prytaneis* were the steering committee of the Athenian *boule*: a rotating tenth of the council’s membership, the *prytaneis* were members of tribal contingents who were expected to be constantly on call during the tenth of year that they held office. Among their functions, they presided at meetings of the council and assembly and called meetings as needed.

A *prytaneion* seems to have been regarded by the ancient Greeks as an essential feature of the *polis*, and almost all of the approximately one thousand known city-states doubtless had such a building (S.G. Miller 1978). About ninety are attested in literary and epigraphical texts, but few have been identified by archaeologists: only three certain examples are known (from Delos, Lato, and Olympia), though archaeologists have identified another six likely candidates. The Athenian *prytaneion* is best known from the written sources, but it has yet to be discovered and excavated. Comparison of these examples suggests no features of plan or adornment that might be common to all Greek *prytaneia*; there is no diagnostic typology of the *prytaneion*.

The *prytaneion* housed the city’s hearth, and so may be regarded as a symbolic center of the *polis* (conceived as house). In the Classical period it was most famously used as an official banqueting hall, where magistrates dined and entertained visiting foreign dignitaries; citizens of notable renown or merit, patriots, and athletes, were sometimes given the privilege of eating here at public expense. So, for example, in Athens the descendants of the tyrant-slayers, Harmodios and Aristogeiton, were allowed to eat; similar privileges were granted in principle to other patriots and to certain of their descendants.

As a rule *prytaneia* were located in the *agora*, near the seats of other political institutions. The Athenian *prytaneion* appears to be an exception to this rule, but only at first glance. The Classical *agora* of Athens was laid out in the mid-sixth century, probably

by the tyrant family of the Peisistratids. This *agora* replaced an older civic center, located somewhere to the east of it: probably on the northern slope of the Akropolis hill (Schmalz 2006). While other political centers came to be situated in the Classical *agora*, the *prytaneion* did not – perhaps because of the traditional prestige of the place where it stood. Even so, a kind of branch office of the *prytaneion*, an unparalleled round building known as the Tholos or Skias, was established next to the *bouleutērion*, in the new *agora*, to allow the *prytaneis* of the *boulē* to live and dine together in the convenient proximity of the council house. The area around this building was called the *prytanikon*.

In the Greek city-states the citizen assembly made final decisions about many kinds of public business. A council, called by various names in various states, but most generically the *boulē*, had the responsibility of determining in advance what measures might be submitted to the plenum for approval or denial. The council also had autonomous control of certain kinds of state business, often, for instance, of finances. Although this institution was almost universal among the Greek city-states, its constitution varied. In some places council might be large: the *boulē* of the Athenian democracy for example had 500 members. In earliest times these councils may have met in a fixed place, but out of doors. By the Classical period, however, a roofed building, a *bouleutērion*, had become so common as to be regarded as essential for any proper *polis*. Typically the *bouleutērion* was located in or near the *agora*.

Around seventy *bouleutēria* are attested in ancient Greece, most of the Hellenistic period (cf. Gneisz 1990). The remains of many have been recovered by archaeologists. The best attested of these in the ancient written sources is unsurprisingly that of Athens. The site of the *bouleutērion* in the Athenian *agora*, too, has been meticulously investigated, and it is a singular misfortune that it has been so poorly preserved. Almost nothing of the superstructure has survived, and little can be said with confidence about the internal arrangements of the building. Nevertheless, from the comparative evidence a generally accepted typology of the building has emerged. The council buildings are in essence sheltered spaces for group deliberation, and as a rule they are arranged with theatrical seating surrounding an orchestra or podium, from which speakers could address the group. The buildings are square with banks of rectilinear benches lining three sides of the room, leaving one side open for rostrum; or the benches may curve around the room in the shape of a horseshoe. Most (but not all) *bouleutēria* were roofed, and in some cases interior columns obstruct the audience's sightlines.

The implication of the *bouleutērion* with its surroundings is illustrated by the complicated, controversial and speculative history of the Athenian council building (see the opposed accounts of Miller 1995 and T.L. Shear 1995). By the end of the fifth century BCE a loosely coordinated line of buildings and monuments had come to be erected along the west side of the Athenian *agora*. The *bouleutērion* and a complex of buildings associated with it stood at the southern end of the west side. The council chamber itself was square, 30 meters to a side. Facing it was the Tholos, the building in which the *prytaneis* of the council lodged and took their meals during their turn on the steering committee. Between it and the *agora* square stood the Sanctuary of the Mother Goddess, a building adopted by the *boulē* (perhaps simply because of its proximity) as a place in which to lodge texts of notable actions of the council. Close by stood the Monument of the Eponymous Heroes, on which announcements emanating from the council were posted for the public, according to their affiliation in tribe. In and around

the complex decrees of the council and decrees honoring the council were erected in stone and other materials (Woodhead 1997; Sickinger 1999).

In the Greek city-states institutions of government regularly achieved a monumental expression only in the cases of the *boulē* and *prytaneis*. Certainly other governmental institutions and officials existed, and were in their daily duties necessarily bound to particular places and buildings. Such places, however, were frequently not specialized or restricted with respect to use, nor, as a rule, were they distinguished by conventional architectural features. In some cases the meeting places of committees and the headquarters of officials were irregular, moving in accordance with the nature of their business or the time of year. The informality of such political spaces doubtless reflects and confirms Greek attitudes about the institutions associated with them. No political structure in the *polis* develops the iconic status of the *bouleuterion* and *prytaneion*. For example, citizens of modern national states are accustomed to the monumental expressions of the administration of justice: the grandeur of the façades and the homogenous formality of the courtrooms reflects the authoritarian majesty and procedural impartiality of the law. Surprisingly, perhaps, the courts of the ancient Greek states manifest no such qualities. To the contrary, they are all but invisible to archaeology.

Outside of Athens there is almost no evidence of any kind for courthouses. Even in Athens information is almost entirely restricted to the literary and epigraphic sources: it has proved difficult to identify courtrooms on the ground (cf. Boegehold 1995; Stroud 1998). Athenian trials had more in common with a political assembly meeting than with an Anglo-Saxon judge and jury. Juries were large: depending on the nature of the case, a minimum of 301 or 501 jurors were always required; and we hear of one trial with as many as 6,000 jurors. Litigants represented themselves, and no presiding judge regulated their arguments or instructed the jury. The Athenians were famously litigious, and a bewildering number and variety of courts and venues are attested for various kinds of trials. At least two buildings in Athens, so far unidentified, the Heliaia and the Parabuston, were constructed to serve the needs of the administration of justice. Other courts might hold session in shrines, *stoas*, or auditoria – or even in the open air.

Every city-state had magistrates of various kinds. According to Aristotle, Athens at the height of its empire employed as many as 700, including the bouleutic Council of Five Hundred. These will each have had to carry out their assignments in particular and appropriate places. So some structures were associated with particular officials: market supervisors (*agoranomoi*), for instance, would have had an office called an *agoranomion* (Wycherley 1957: # 622). Magistrates also commonly kept their headquarters in the rooms commonly found at the back of those multi-purpose structures, *stoas* – covered colonnades that surrounded most of the market squares of the city-states (Coulton 1976: 8–13; Hansen and Fischer-Hansen 1994: 79–80; cf. Rotroff and Oakley 1992: 35–50).

Among the archaeological earliest examples of monumental civic architecture so far known in the Greek world is the Stoa Basileos, or Royal Stoa, in Athens. This *stoā* was erected toward the end of the sixth century, perhaps even before the establishment of the institutions of the Classical Athenian democracy by the reforms of Kleisthenes (508/507 BCE). It stood in the northwest corner of the Athenian *agora*. Here the Royal Archon (*archōn basileus*) maintained his headquarters. This magistrate is generally and correctly regarded as a relic of a prehistoric Athenian monarchy. In the Classical period he was charged with certain religious functions; notably he had adjudication of court

cases dealing with religious matters: so when Sokrates was prosecuted for impiety it was to the Royal Stoa that he reported for indictment.

The Royal Stoa also provides one of the most striking examples of the accumulation of meaningful contextual elaborations over time – that is, of the association of memory and civic architecture. Before, the building was a large stone on which the archons and other magistrates of Athens took an oath of office. The rock is likely the focal point of the place: the *stoa* doubtless was built to provide a backdrop and shelter near it. The ancient laws of Drako and Solon, written on revolving wooden posts, were lodged in it. Later and at different times projecting wings were added to the *stoa*. Because the ground level in the section of the *agora* had been rising quickly, these wings were at different levels in relation to the old original *stoa*, and in relation to one another. In fact, as time went on, the great oath rock was raised in response to the rising ground level, and it became necessary to step down (rather than up, as originally) when entering the *stoa*. Because of the association of the *stoa* with the *archōn basileus*, dedicatory inscriptions were placed by office-holders in front of the building. These dedications continued to be erected well into the Roman period, for more than 800 years after the creation of the building (T.L. Shear 1971; 1975).

## Conclusion: Thucydides on Memory and Civic Architecture

At the beginning of the Peloponnesian War, in anticipation of a Spartan invasion the Athenians withdrew into their fortified city. Thucydides says that “the move was proving difficult for them because most had always been accustomed to make their lives in the country” (Thuc. 2.14). In early times, Attika had not been unified, but consisted of independent villages (2.15.1). Theseus set the state in order: he dissolved the council chambers and magistracies of the rural villages and merged them into the single council chamber and the town hall (the *bouleutērion* and *prytaneion*) of Athens. Athenians might continue to live scattered on their rural estates, but henceforth they would have only one political center (2.15.2). Thucydides then continues:

The Athenians long participated in independent settlements through the countryside. Even after their political unification, on account of their custom most of the early inhabitants and of those later down to the time of the present war still lived in the country with their families and households, and consequently did not easily tolerate relocations, particularly since they had only just restored their properties after the Persian wars. (2.16.1–2)

“The people were distressed,” according to Thucydides. They abandoned houses and sanctuaries and prepared to change their way of life, leaving everything behind. The rural folk were uprooted from the familiar places that their families had occupied for generations. Adequate accommodations were not available in the city, and in the absence of orderly dispositions routine and custom dissolved. A blessed few owned townhouses, some fortunate others had friends or relatives to lodge them. The wretched majority, however, squatted in undeveloped parts of the city; in unguarded shrines, in the shadow of the city walls, or in the passage between the Long Walls that guaranteed the city’s access to its harbor of the Piraeus (Thuc. 2.17).

The passage has long been noted for its clarification of the topography of pre-Classical Athens and its early witness for the tradition of the Thesean unification of Attika (see Miller 1978: 38–41).<sup>7</sup> Thucydides, however, provides this information only incidentally, in support of his argument about the cultural and social costs of the evacuation of Attika. What is remarkable here, and what has attracted little comment, is the unparalleled reflection on the relationship between place, community, and tradition in Classical Athens. The dislocation of the rural populace threatened their very sense of themselves: self-consciousness was rooted in native places, in the municipal buildings and the hallowed shrines of the ancestors. The earliest Athenian leaders had tried in vain to overcome the rural identification with particular neighborhoods. The evacuation of the Persian Wars had left its scars, but had not severed the aboriginal association of people with their homes. Down to the time of the Peloponnesian war country folk continued to identify more strongly with their parochial neighborhoods than with the central state.

According to Thucydides the abandonment of ancestral homes and shrines triggered a crisis for the rural folk that was simultaneously collective and personal: “They were distressed and they took it hard, abandoning both their houses and the ancestral sanctuaries which had always been theirs since the time of the ancient order, and preparing to change their way of life, each leaving behind nothing other than his own city” (2.16.2). The grammatical transition from the general plural (“their”) to the particular singular (“each, his”) is not uncommon in Greek any more than it is remarkable in English (e.g., Smythe 1956: 950–953 s.v.; Fowler 1926 s.v.). Here, however, the transition from the group to the individual anticipates the development of the crisis: villages are abandoned; the community disperses. The demesmen are isolated from the support of their fellows; in the big city each will be alone, with the consequences Thucydides describes in his account of the plague.

References in the passage to ancient habit and familiarity, as to ancestral custom, make it clear that the knowledge binding the demesmen to their places is temporally inflected: memory. More specifically, for Thucydides the association of people with place emerges not so much from conscious allegiance as from long familiarity and reflexive habit: custom (*ethos*) and way of life (*diaita*). The link between habit and place is so old as to be outside of critical reflection or temporal reckoning. The rural population “had always [*aiei*] been accustomed to live” in their places; they had inhabited them “from deepest antiquity” (2.15.1); they were chagrined to leave homes and “ancestral shrines that had always been theirs from the time of the ancient civic order.” The word commonly translated “ancestral” here (*patria*) summons a constellation of associations that converge in the Athenian sense of place. The English word “ancestral” is likewise rich in connotation, but does not quite convey the significance of the Greek. In its root the Greek word evokes the father, the paternal line of the family, and earlier generations of that imagined family of men, the *polis*. The word is much used in Greek literature and documents of Classical period, and indicates not only the informal habits of the ancestors, but also binding custom and law. For example, inscriptions may mandate behavior and law “in accordance with ancestral custom,” *kata ta patria*. By the end of the fifth century, under the influence of the sophistic assault on the authority of tradition, Athenian politics had come to be consumed by fierce debates about the antecedents and justification for political practice, that is, the nature of the exemplary *patrios politeia* (cf. Strauss 1993). The *patria*, the ancestral, refers to a morally binding past. For the Greeks,

as typically for premodern peoples, the search for the ancestral past was not a quest for what modern historians call facts; ancestral practice carried with it the obligation to remember and imitate (Hedrick 2009); and these duties are thoroughly assimilated to the places individuals regarded as their homes.

Memory relies on place as the vine on the arbor. Early Athenian attempts to undermine the local allegiances of the rural population shrewdly began by removing the physical centers that supported parochial memory. Theseus abolished local council chambers and magistracies and replaced them with monumental buildings in Athens. In Thucydides' discussion, the houses and shrines and buildings are clearly not to be understood merely as effective shelters or functional administrative centers, though doubtless they kept out the sun and wet and helped secure the continuity of certain bureaucratic operations. Their importance is symbolic: they embody the communities that use them, they evoke foundational moments, glorious events, and admirable figures. Thucydides' remark about Theseus' creation of the new central *bouleutérion* and *prytaneion* in Athens is emphatic: these buildings were constructed precisely to dismantle local identities. The old council chambers stood for parochial autonomy and neighborhood traditions. The new Athenian buildings symbolized at once the new tradition of the *polis* as a whole, the authority of a political order at once unitary and distant, and the eradication of the time-honored local orders.

Athens too had once been a country village, and the political centralization of the disaggregated countryside, or synoikism, as Thucydides perhaps perversely calls it,<sup>8</sup> affected it as well. That is the point of the famous digression on the early topography and shrines of the city. Before Theseus, Athens was one village among many. This early settlement was small: its center was located on the Akropolis and in the quarter to the south of it, a point demonstrated to Thucydides' satisfaction by the many venerable shrines that he lists there (2.15.3–6). Thucydides does not elaborate on the nature of the city after the synoikism, but he did not need to. The consequence of unification was obvious: a newer political center of the city relocated to the north. The Thesean establishment of central *bouleutérion* and *prytaneion* did not only replace the ancestral political buildings of the rural demes, it also dislocated the old urban center and traditional shrines of Athens itself.

For Thucydides the association between identity, tradition, and place, the burdening of place and past with the freight of personal obligation, can be understood in terms of the vague but saturating familiarity engendered by the habits of daily life (*daiita*). This word is picked out for special emphasis in the passage. In the sentence introducing the discussion of the history of rural autonomy, he says that the evacuation was difficult for them because they had “always been accustomed to make their lives (*daiasthai*) in the country” (2.14.2). Characteristically, when he draws an end to the digression he rephrases the same thought: the population of Attika took it hard, leaving their homes and sanctuaries and planning to change their way of life (*daiita*) (2.16.2). The memorious suffusion of place, like the topical support of memory, emerges not so much from thought as it is enforced, secured, and spread by routine.

The significance of the point for Thucydides becomes clear in the account of the aftermath of the evacuation. As he says, the evacuation from the countryside to the city threw the order of everyday life into chaos: instead of cultivating the temples and shrines of the gods, the folk of Attika took shelter in them; instead of residing within the

city, they infest its walls. The crisis contributed directly to the physical depredation and moral degradation of the plague (2.48–54). “An aggravation of the existing calamity [the plague] was the influx from the country into the city” (2.52.1). Most modern readers cannot resist the temptation to understand the passage as a straightforward comment on the communication of germs: crowding in the city hastened the spread of infection. Thucydides, however, introduces the point not in connection with the description of the physical symptoms of the plague (that is to be found in the preceding paragraph, at 2.51); but at the beginning of his account of the moral and social costs of the plague. And the problems caused by uprooting the rural population to the city (2.17) answer closely, in some cases explicitly, to the situations that contributed to moral breakdown: because many had no houses or friends to shelter them, they were forced to live in stifling shacks, and the plague spread more easily (2.52.1); because they occupied unlocked religious sanctuaries, and they have no respect for religious sites (2.52.3); customary burial rites that had earlier been observed were abandoned (2.52.4); and all religious or legal standards of behavior, all sense of shame or honor, perished (2.53.1–4). All of which is to say that in their fear of imminent death, they lost their sense of themselves as participants in something large and lasting, connected to the memory of the past and regard for the future, and “regarded their lives and fortunes alike as things of the moment” (2.53.2; a sentiment reiterated at the end of the section, 2.53.4). The moral and cultural collapse that accompanies the plague springs from the estrangement of people from their homes and states, of the individual from the group, of self-consciousness from the communal sense of the past that defines it.

## NOTES

- 1 The problem of the relationship between the two has long attracted the attention of psychologists, and more recently of neuroscientists: Luria (1968); Norman (1976); Gazzaniga (2009).
- 2 The idea is expressed as a principle in the Simonidean mnemonic technique: Yates (2001); Blum (1969); F. Müller (1996).
- 3 For the Greek idea of the monument, Hedrick (1994) referencing particularly Plato’s *Phaedrus*.
- 4 Cf. Bourdieu’s idea of the *habitus* (an inhabited space that structures social interactions and thus articulates and enshrines an embodied knowledge): for an application Bourdieu (2003), with the summary accounts of Margolis (1999); cf. Douglas (1986).
- 5 Chwe (2001), with Ober’s pioneering application of the idea to Greek theatrical spaces (2008b: 199–210).
- 6 On the Athenian *agora*, Wycherley (1957); Thompson and Wycherley (1972). More recently Camp (1992) with Camp and Mauzy (2010a, 2010b).
- 7 The account of Theseus and his reforms here transparently derives from Athenian popular memory, and uncritical attempts to reconcile it with history and archaeology are bound to be frustrating.
- 8 In later Greek, the political unification of a territory was called a *sympoliteia*; a synoikism was the physical consolidation of a population in one place: Moggi (1976); Hedrick (1988); Hansen (1995a: 55–61).

## CHAPTER 26

# Keeping Record, Making Public

## *The Epigraphy of Government*

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*Adele C. Scafuro*

Greek cities in different times and places, whether democratic or oligarchic, whether subordinated to Hellenistic kings or autonomous and free, whether members of leagues or their capital cities, kept records. These might have included treaties, laws, decrees, letters of kings, and their officials, inventories of treasures, accounts of building projects, accounts of revenues and money-lending activities, lists of magistrates, or lists of particular sets of citizens – such as ephebes, of men fit for cavalry service, and of debtors to the state. These records may have been deposited inside a building that would function in part or solely as an archive and possibly the building, often a temple, would be accessible to the public; or records may also have been publicly displayed, temporarily or permanently.

Of course there was a time in Greece when official records were not kept in writing, but rather in the memories of specially assigned members of the community, sometimes called *mnēmōnes* or “reminders.” The scant early evidence for these officials, from the Great Code at Gortyn and inscriptions from Halikarnassos (*Syll.*<sup>3</sup>: 45) and Iasos (*Syll.*<sup>3</sup>: 169), suggests they were participants in legal proceedings, called upon, for example, to remind others of earlier decisions or charges stated before a judge without the aid of writing (Gagarin 2008: 118–119; Lambrinudakis-Wörrle 1983: 330–344). The name of a scribe (*poinikastas*) is engraved on a late sixth-century bronze *mitra* (a metal guard for the abdomen) from Arkades in Crete (*SEG* 27.631): privileges are accorded Spensithios and his descendants “so they may record and thereby bring to mind public business, both divine and human.” Centuries later, officials bearing the title *mnēmōnes* appear in Paros, performing a notarizing function (*SEG* 33.679). While the Parian *mnēmōnes* and their documents are grist for this essay’s mill, the earlier “reminders” and Spensithios the scribe can be left behind. Nonetheless, their cameo appearance here can serve as a reminder that record-keeping, orality, and literacy are interrelated and often synchronic phenomena.

## Epigraphic Habit(s)

Texts permanently displayed in public were most often inscribed on stone. There is no scientific count of extant inscriptions from the Greek world, and even if one were available, that number would provide only a proportion of the total, for it would exclude inscriptions that have not survived or that remain unknown. Nonetheless, some figures, rough and imprecise, may be helpful and for these, one may turn to Charles Hedrick's (1999) study of the Athenian epigraphic habit. Hedrick estimated that the total number of published Greek inscriptions was "somewhere in the vicinity of 100,000" and that the number of Attic inscriptions was probably "in the region of 20,000" (390–391). For comparison with some of the Greek cities that have large corpora, he offered the *Fouilles de Delphes* with 2,000 texts, *Inscriptions de Délos* with less than 3,000, and Ephesos with fewer than 4,000. These figures cannot be taken as anything more than an educated shot in the dark based on some data that is now at least two decades old; the full number of published inscriptions may be much higher.<sup>1</sup> Of the Attic texts, half are gravestones (*c.*10,000); thousands more are dedications. The habit of inscribing decrees and financial accounts is thus significantly counterbalanced by habits of engraving stones for the honor of the gods and commemoration of the dead. The bulkiness of the last category especially is not only characteristic of Athens; many cities present a similar pattern, but not all: Classical Korinth, Argos, and Sparta have preserved very few (E.A. Meyer 1993: 119–121).

Among decrees, honorific ones (including conferrals of citizenship and *proxenia*) outnumber all other kinds throughout the Greek world. Their content is often formulaic and in Delphi, for example, the number of such decrees became so numerous that the Delphians sometimes inscribed only the announcement "the Delphians made *x* a Delphian" (R&L: 134) and once inscribed a mere chronological list of *proxenoi* (SGDI, II: 2581). Boiotia appears exceptional because awards of citizenship are rare. Nonetheless, the multiplicity of honorary decrees, their monotony, and their recipients (sometimes children) have led some scholars to dispute the value of such awards (e.g., regarding proxeny decrees, Klaffenbach 1957: 81–83). While many were no doubt superficial, a great number played an important role in international politics. In the Hellenistic world, in maintaining that delicate balance between king and subordinate (or subordinate but autonomous) city, honorary decrees carried weight, brought rewards (Ma 1999: 201–218; Ma 2007), and sent their own messages (Bielfeldt 2010: 141–162).

For three decades now, scholars have tried to identify the epigraphic habit of different ancient and Late Antique cultures by estimating and graphing their production of inscriptions and then by offering explanations for apogees and nadirs over lengthy periods of time.<sup>2</sup> Instead of identifying universal patterns of evolution and decline, however, it now seems more desirable to discern "variations in publication practice from city to city in the ancient world, with . . . attention to the fact that we get different sorts of things written up in durable form in different places" (Osborne 2009a: 103). Moreover, a heterogeneous perspective is important here, since this chapter is not concerned with the origin of the epigraphic impulse, but with the epigraphic habits of government in Greek cities, with habits of preserving, archiving, and displaying public documents. Those interested in such documents of the Greek world can now be especially grateful

for the monumental work of Rhodes and Lewis, *The Decrees of the Greek States* (R&L). Fifty catalogues from as many regions, presented in the order (or intended order) of *Inscriptiones Graecae* (*IG*), form its bulk; these supply rich data, a selection of decrees and other public documents such as honorific inscriptions that omit the text of the decree ordering honors, as often happens on statue bases. Here there is plenty of material from which one may see the evolutions of decree formulae over the Greek world from the seventh century BCE to the third and fourth century CE; one can also track evolving epigraphic habits in states with different kinds of governing bodies.

## Document Materials

Perishable documents have for the most part disappeared but have left traces. These can suggest record-keeping habits both before and after stone publication became a regular feature in many Greek cities. Papyri documents are preeminently perishable. While rich quantities have been preserved by the dry climate of Egypt, the use of papyri in the rainier Greek world is primarily known from casual allusions in inscribed and literary texts. For example, the inscribed building accounts from the Athenian Erechtheion in the last decade of the fifth century BCE and the first decade of the fourth record the purchase of papyrus rolls (*khartai*). On these, the *epistatai* in charge of the temple's construction made "copies [of accounts]" (*IG I<sup>3</sup>* 476, ll. 289–291; *IG I<sup>3</sup>* 477, ll. 1–2; *IG II<sup>2</sup>* 1655, ll. 1–2). The attestation of copies implies that the *epistatai* kept records. An honorary decree of 403 BCE orders the secretary of the Athenian *boulē* to hand over to Poses, the Samian honorand, a papyrus (*byblion*) copy of the decree (*IG II<sup>2</sup>* 1, ll. 61–62). In the early second-century law that reformed the Parian archive (*SEG* 33.679), the *mnēmones* are to make "second copies" on papyrus rolls of all the "mnēmonic documents." Themelis (2008: 211) notes in a partial publication of a new lengthy text (190 lines, 182 BCE) from Messene that its arrangement in four parallel columns resembles that of a papyrus document; possibly the exemplar was papyrus. In three decrees from Priene (*I Priene*: 112–114, first century BCE), Zosimos, elected to replace the secretary of the *boulē* and *dēmos*, is honored, *inter alia*, for making double copies, on papyrus and parchment, of decrees, letters, and *khrēmatismoi* (legal instruments). Papyrus seems to have been an important fabric on which documents were copied and then preserved in archives.

The terms *pinakes*, *pinakia*, *sanides*, *deltoi*, and *grammateia* frequently designate tablets or boards. Often these are made of wood, but they might also be of bronze: two bronze *grammateia*, one sealed and one opened, are recorded in an inventory of the Hekatomedon in the late fourth century (*IG II<sup>2</sup>* 1469, ll. 100–102), and an early fifth-century decree of Elis that honors two foreigners identifies itself as a *pinax* (*SEG* 23.478, l. 4). Wood, on the other hand, is guaranteed by context when the tablets or boards are specifically said to be "whitened" (*leleukōmenoi/ai/a*) and thus made suitable for writing with charcoal or paint. Texts were also inscribed on bronze tablets or *stēlai*. Bronze was more expensive than stone and in times of fiscal crisis might be melted down: while not exactly a perishable fabric, its perpetuity could be uncertain. Pollux, in an Athenian context (8.128), comments that bronze tablets (*deltoi*) were engraved with laws about sacred and ancestral matters. Indeed, a fragment of a bronze *stēlē*, possibly of

the mid-fifth century, appears to carry an Athenian sacred law (Stroud 1963); the *stēlē* may have been rectangular, made hollow, and set inside narrow channels incised into a stone base.

Bronze was by no means reserved for religious texts. Laws, proxeny decrees, and legal decisions have all been found on bronze tablets. Moreover, bronze seems to have been a favored material for treaties. Against the background of this scattered sampling of bronze texts, the recent excavation by the Greek Archaeological Service of an archive of public financial records from Argos, inscribed on around 134 bronze tablets (and two on lead) of the early fourth century, is remarkable. Preliminary publications by Kritzas are summed up in exemplary fashion in the *Supplementum Epigraphicum Graecum* (*SEG* 54.427) and a sample text published as *SEG* 54.429. The tablets record financial transactions of political or religious organizations regarding sacred funds of Hera and Athena. Some of the tablets bear small perforations that were used to tie them together with bronze wire in batches for storage; some tablets have been erased, others have been written over as palimpsests; some were stored in a terracotta vase referred to as *to lekos*; stone receptacles called *petroi* were numbered. The final publication of the tablets will make a significant contribution to our knowledge of record-keeping, its organization, and accounting practices both in Argos and in general; their recent discovery is a reminder that new finds can change our picture of ancient record-keeping in extraordinary ways.

More common than bronze, lead tablets were frequently used for private letters, curses, and public documents. Two hoards of lead tablets preserving records of Athenian cavalrymen have been found, about 680 pieces in total (Braun 1970; Kroll 1977). Each tablet is rolled up. The outside bears a single name and the inside the same man's name, a description of his horse, and its price. Kroll has offered a reasonable explanation (1977: 97–100). Each year, the value of a cavalryman's horse would be assessed – its value would decline year after year and mounts might need to be replaced. That record would be needed if a horse was lost in battle: since the cavalryman upon retirement would have to repay the loan (*katastasis*) made to him by the state to buy the horse in the first instance, he could subtract the value of the dead horse according to the assessment given in the year of its unfortunate demise. The extant tablets were rolled up tightly, suggesting that "no one expected them to be referred to on a regular basis" (Kroll 1977: 95). Nonetheless, year after year, tablets were prepared in the (unlikely) event of consultation (R. Thomas 1989: 83; Davies 1994a: 212; Pébarthe 2006: 238).

Other perishable materials were also used for writing: for example, the tin sheets on which the Athenian secretary of the *boulē* wrote questions for the oracle at Delphi (*IG II<sup>2</sup>* 204, ll. 22–30). Or the broken ceramic pieces (*ostraka*) on which the names of putatively offensive Athenian citizens were written in the annual fifth-century effort to rid Athens of too powerful politicians. A clay lid with text indicating that it may have listed the documents used in an official arbitration (?) preceding a trial in late fourth-century Athens is itself a contemporary document for that trial (Boegehold 1982).

Texts for permanent public display, however, were most often inscribed on stone, either on walls or independent standing *stēlai*. Paint was added to the incised letters, aiding legibility; traces are often visible today. Sometimes *stēlai* had decorative features, such as the relief depicting Demokratia crowning Demos atop the fourth-century Athenian law against tyranny (*SEG* 12.87). More simple and fairly commonly all over the Greek world, on *stēlai* or walls bearing honorary decrees, crowns were etched with

the name of bestowers and honorands inscribed in their centers. Texts were regularly inscribed on the walls or architectural features of buildings. The sanctuaries and *agorai* of cities were the most common sites for these inscriptions. Indeed, the earliest inscribed laws probably appeared on the temple walls of Apollo Delphinios in Dreros (seventh century) and on the temple walls of Apollo Pythios in Gortyn (sixth century). The so-called War Debt Relief-Law from Ephesos appeared on the wall of the Artemision, along with many other inscriptions, including a series of citizenship and proxeny awards.

## Documents and Records

The survey of perishable materials in the preceding section has provided a wide range of public documents that were once recorded by Greek cities; many of these will have become records and will have been preserved in temples or other buildings used for archival purposes. Before considering the relationship between documents and records, it will be useful to describe some extant inscribed financial accounts and decrees from Athens that offer evidence for their coexistence with perishable documentation. The monumental *Athenian Tribute Lists* (*IG I<sup>3</sup>* 259–290, covering 454/453–415/414 BCE, with texts lacking for some years), originally set up on the Akropolis, are a spectacular instance: they record the names of cities and the amounts paid of one-sixtieth of their tribute to Athens, the tithe given to Athena and entrusted to the *hellenotamiae*. The full amount of tribute for any given year was not published on stone but the annual records of payments would have been recorded on wooden boards. Indeed, an inscribed decree of 426 (*IG I<sup>3</sup>* 68), requires the *hellenotamiae* to copy on a *sanis* (wooden board) the names of cities in default and of those bringing tribute in (ll. 18–21, partially but almost certainly restored); another decree (*IG I<sup>3</sup>* 34, dated c.425/424 by Mattingly 1961: 153) requires the same treasurers to copy the names of cities that were *in default of payment* on a whitened *pinakion* (ll. 43–46, italics: partially restored by Matthaiou 2009). The treasurers were certainly keeping records of tribute as it poured into Athens. Similar to the publication of the one-sixtieth owed to Athena (rather than full payment), is the publication on extant *stēlai* from the later fourth century of the one-hundredth – the 1 percent sales tax paid on proceeds of land sales in Attika, probably paid to Athena (Lambert 1997b: 269–276). The full record of these transactions, just as the yearly records of tribute, would have been preserved on perishable materials (*leukōmata* or papyri). Published texts with their select data seem to combine a civic aim, display of the rendering of accounts by officials, with a religious one; as Lambert (1997b: 275) puts it, the *stēlai* demonstrated “to gods as well as men, that responsibilities had been duly fulfilled.” Both cases (tribute lists and land sales tax) show how important it is to identify why particular documents are inscribed. If read solely as financial accounts, they would be found wanting indeed, but they are not primarily or only that: they are payments to Athena and do not exist in a vacuum.<sup>3</sup>

During the greater part of the fifth century, perishable records of such financial transactions (including sacred accounts and inventories) in Athens were kept in the offices and temples of relevant officials (Harris 1994: 214–220). The same holds true for decrees. A *stēlē* inscribed in 424/423 with a series of decrees dealing with relations between Athens and Methone (*IG I<sup>3</sup>* 61) is illustrative. The stone preserves two decrees

and the prescript of a third. In its two-line heading, Phainippos is named as secretary and presumably was also named in an unpreserved fourth decree. The first decree was probably enacted in 430 or 427/426; the second in 426/425 (see M&L 65); Phainippos was secretary in 423/422 (Thuc. 4.118.11). Accordingly, the *stèle* was inscribed several years after the first decree was enacted; the earlier decrees on the *stèle* must have been preserved after enactment, and the most likely place of preservation was the *bouleutérion* itself. Copies of some decrees, then, were preserved by the early 420s. Three poorly preserved Attic fifth-century proxeny decrees (*IG I<sup>3</sup>* 56, ll. 4–8; 155, ll. 4–9; 165, ll. 6–11; 420s or earlier) appear to order both a copy on stone to be set up on the Akropolis, and a wooden board in the *bouleutérion*.<sup>4</sup>

While any written text that was integral to the functioning of *polis* institutions might be considered a document, only those preserved with a view to future use became records. If we focus on Athenian documents that have been mentioned already as well as others culled from the *Constitution of the Athenians*, it is clear that some never became records at all, while those that did were envisaged for different life-spans. Consider the judge's *pinakion*, a small wooden plaque “inscribed with his name, his father's name and his deme” ([Arist.] *Ath. Pol.* 63.4).<sup>5</sup> Presumably, the *dikastēs* obtained his *pinakion* as soon as he was allotted to his year-long term of service. It allowed further allotment to a particular court and then subsequent entrance to that court; it was his judge's identity card. Dikastic *pinakia* belong to the first group of documents, “non-records.” They were probably never collected after the expiry of the year of service but instead remained the personal property of their owners since many have been discovered in Athenian graves (see Kroll 1972: 9–11 for *pinakia* found in graves). The rolled lead tablets mentioned earlier that carried the names of cavalrymen were a “living archive”: they were discarded after a year, replaced with new data, and often reused as palimpsests. The author of *Constitution of the Athenians* ([Arist.] *Ath. Pol.* 47.4) mentions *grammateia leleukōmata*: on these, the *basileus* recorded leases of sacred lands. They ran for ten years and payments were due in the ninth prytany. These *grammateia*, as well as others intended to convey similar public texts (sales of confiscated properties, contracts for mines and taxes), “are written out according to times of payment, brought into the *boulē* and kept by a public slave” (47.5). When payments were made, the public slave handed the same *grammateia* over to the *apodektai*, and the debts (now paid) were erased. The *grammateia* will have been kept until final payments were made, stored on *epistulia* (racks or shelves) probably in the *bouleutérion*; the records would disappear as payments were made.<sup>6</sup> The *pinakion leleukōmenon* that carried an individual's complaint and assessment of a penalty against a retiring magistrate (48.4) was an important document of an impending lawsuit. If, after the verdict was given, it was preserved by the Forty or *thesmoothetai* (Rhodes 2001a: 35; Faraguna 2006b), it might have become a record for future consultation. The Methone *stèle* (*IG I<sup>3</sup>* 61) attests preservation (presumably on wooden boards or papyri) of its first three (previously unpublished) decrees beyond their term of service. The first decree also suggests that records of earlier tribute assessment – not simply the tithe commemorated on the monumental tribute lists on the Akropolis, were available to the drafters of that decree: records were indeed consulted. Solon's wooden *axones* may have themselves been intended to last forever – these were ancestral laws for Athenians of Solon's day and thereafter to heed and protect. Plutarch remarks they were still to be seen in the Prytaneion at Athens in his day (Plut. *Sol.* 25.1).

The different life-span of these various documents suggests that habits regarding preservation in Athens evolved idiosyncratically (by category of document, by magisterial oversight).<sup>7</sup> The “non-records” (the dikastic *pinakia*) were useless after a year; “living” (cavalrymen/horses tablets) and “disappearing” (leases and contracts for a set number of years) records were used for short-term consultation, necessary for the yearly operation of military service and financial accounting. When that service ended, the records were discarded, erased, or reused and brought up to date. Decrees on stone may regularly have had long lives, but these, too, will have been to some extent service-oriented: decrees that were repealed in the fourth century were removed and destroyed by assigned officials (Bolmarcich 2007: 484–487; Sickinger 1999: 219); more regularly, a new law superseding an earlier one may order the destruction of any decree that contravenes it (e.g., *SEG* 26.72, ll. 55–56; see Bolmarcich 2007 on the longevity of *stēlai* with time-lapsed treaties). That fragments of Solon’s wooden *axones*, on the other hand, were preserved as late as the second century CE bespeaks a different impulse: the desire for historical preservation of an ancient document/artifact; that impulse for “museum conservation,” however, was not there from the start.

## Archives

### *Central archives*

Archives are often referred to by the name of the temple in which records are preserved (e.g., the temple of Apollo Delphinios in Miletos, the temple of Hestia in Paros), or they can also be designated by such terms as *archeion* (which can also refer to an official’s office), *koinon grammateion*, *dēmosion* (which can also refer to a treasury or public building), and *grammatophylakion*. Most historians believe that in the last decade of the fifth century the Metroon became the central record-keeping office in Athens (Boegehold 1972), a repository for laws and decrees, treaties and alliances – for documents primarily associated with the *boulē* and *ekklēsia* but probably also including other documents such as accounts of officials undergoing review after their term expired (for laws in the Metroon, see Sickinger 1999: 116–118). The Metroon is identifiable with the old *bouleutērion* (or part of it) and became solely archival in function once the new *bouleutērion* was built (Sickinger 1999: 105–108). As its new name suggests (which begins to appear in the mid-fourth century), it had close associations with the Mother of the Gods. A public slave guarded the documents (*Dem.* 19.129), locating them when called upon and making copies (*IG II<sup>2</sup>* 120, l. 12; 583, l. 5). The secretary of the *boulē*, however, was the official responsible for keeping copies of decrees, regardless of whether copies on stone were ordered ([Arist.] *Ath. Pol.* 54.3; Rhodes 1981: 600). Evidence for the Metroon as an archive to be consulted grows steadily; it was certainly exploited by Aischines in the mid-fourth century (R. Thomas 1989: 69–71).

Use of the term “central archive” is contentious in modern scholarship since it implies the centralization of all documents in one building. It is hardly likely that any ancient Greek city achieved such a feat. It may be more accurate to speak of the creation of recognized public archives and to think of Greek cities as hosting multiple archives within their perimeters (Faraguna 2006a: 61). And while the Metroon in Athens may

have been more centralized than most, many documents will still have been preserved in different buildings used by officials; such a scatter of records is not an acclamation of rudimentary archiving capacities, but rather of the physical space of the Athenian *agora*: it will have been no long walk from the *bouleutērion* to the *pōlētērion* or *stratēgeion* or *parabyston* and other law-court sites.

It is often difficult to determine when public archives elsewhere in the Greek world were established. Miletos, with a well-known archive, can serve as example. The oldest remains of the Delphinion date to the sixth century. The structure was destroyed along with the rest of the city in 494, then rebuilt after reoccupation in the first half of the fifth century, and finally replaced during Alexander's lifetime and enclosed by a three-sided hall whose superstructure was covered by inscribed state documents (Gorman 2001: 168–169). The priests of Apollo Delphinios, patron god of the city, provided the eponymous official of the city after about 540 BCE; city and temple were intimately connected. The major contents of the Delphinion archive include “an Archaic sacrifice calendar, lists of eponymous officials, and hundreds of inscriptions spanning centuries, including treaties, *anagraphai* conferring citizenship or proxeny, and other state decrees” (Gorman 2001: 170). Some inscribed documents, however, were put in the *bouleutērion*, such as a text announcing the arbitration (arranged by the Persian satrap) of a boundary dispute between Miletos and Myos (*I. Milet* I.2.9, 391–388 BCE) and a dossier consisting of a decree of the Ionian *koinon* honoring Hippostratos and two Milesian decrees of implementation (*I. Milet* I.2.10, c.287/281). A letter of Eumenes II to the Ionian *koinon* was inscribed on a statue base standing in the precinct near the stadium he had funded (*I. Milet* VI.1.306); a Milesian decree for Eumenes II was inscribed on an *anta* block of the stadium’s propylon (*I. Milet* VI.1.307); some honorary decrees are found at other locations (stadium, gymnasium, theater). Nonetheless, it is safe to say that by the middle or late fourth century, decrees (treaties, conferrals of citizenship) were regularly published in the Delphinion and that the temple served as a public archive.

The decree of the Ionian *koinon* (*I. Milet* I.2.10) honoring Hippostratos ordered each of its representatives to report its decisions to his own city, which were then to be entered into the public archives (*en tois dēmosiois*). There were 13 cities in the *koinon* at this time. Accordingly, at least 13 cities in Ionia in the early third century were thought to have public archives. Some of those archives are attested abundantly (Miletos, Priene, Ephesos) and some, as at Miletos, as early as the fourth century. In mainland Greece, the picture is less clear during this period as only sporadic references to archives appear in the late third and early second centuries. A decree from Gonnos accepting *asylia* for the sanctuary of Artemis Leukophryene in Magnesia ends with an order for the decree to be entered into the public records and deposited in the *nomophylakion* (*I. Gonnos* 2.111; *I. Magnesia* 33; 208/207 BCE). Early in the next century, in Megalopolis (*IG V.2* 433), the synedrion is responsible for keeping laws and decrees in the *grammatophylakion* and no *nomographos* or *grammatophylax* is to permit changes in the records. Around 160 BCE, in an Ambrakiote treaty with Charadros (*SEG* 35.665) discovered in the main temple at Arta (ancient Ambrakia), envoys are ordered to set up bronze *stēlai*, written up identically, in the sanctuary of Olympian Zeus and of Apollo Keroios in Larissa, and additional copies are to be provided for the *grammatophylakia* in the two cities. Sometime after 163 BCE, a decision in a dispute between Sparta and the Achaian

League is to be entered into *ta grammata ta damosia*; the inscribed text was found in Olympia (*IvO* 47). The Pheneatai in the late second century kept papyrus copies of decrees in an *archeion* (*IG* V.1 30). A *grammatophylakion* in Sparta is attested in Trajan's era (*IG* V.1 20). Presumably, there were many other city archives in mainland Greece by the second century if not earlier (for Sparta, see Millender 2001: 127–141); temples and sanctuaries will surely have served that purpose; but details of archival practice are scarce.<sup>8</sup> The Parian archive appears to have been functioning for some time before a law reforming it was enacted in the early part of the second century (*SEG* 33.679). The archive preserved both public and private documents. References to private documents preserved in temples increase throughout the second century and will be considered below.

The sanctuary of Olympia itself served as a site for publishing international treaties and arbitrations. Bronze tablets recording treaties between Sybaris and the Serdaioi (*IvO* 10) and between the Eleans and Heraians (*IvO* 9) are dated to the sixth century, and texts continue to be published into Roman times. A remarkable inscription of approximately 138 BCE, engraved on the base of the Nike of Paionios (*IvO* 52), consists of three texts bearing upon a dispute between Messene and Sparta that had been arbitrated by Miletos at the request of Rome (cf. Tac. *Ann.* 4.43.3). The first is a decree of Elis permitting the Messenians to publish the decision at Olympia, the second is the letter of the Milesians to Elis that accompanied a sealed copy of the decision, the third is the decision. A copy of that award can be presumed to have been preserved at least in Messene. The protocol outlined here for exhibiting treaties or arbitrations in Olympia (the sending of a letter from the arbitral state assuring authenticity of the award, the sending of the sealed award, permission from the Eleians) was probably regularly followed, at least in the Hellenistic age.

### *Multiple copies and authoritative texts?*

Scholars have disputed whether copies of all documents published on stone were automatically preserved in a central archive or whether special directions had to be given for preservation. There is no certain answer. Instructions for dual publication, one inscribed on stone in one place and another written on a wooden board and displayed elsewhere, can be interpreted in two ways: the perishable copy was for temporary display and an archival copy is to be assumed – no need for specific directions (cf. Wilhelm 1909: 229–238); or, the perishable copy was the archival copy (Klaffenbach 1960: 21–28, with greater discrimination). In a Milesian decree that combines praise for Eudemos for funding a school with a detailed set of directives for bringing that school to life, officials were to publish the decree on two stone *stēlai* and also on a *leukōma* (*I. Milet* I.3.145). Presumably the stone copy in the Delphinion was archival and the other, near the boys' palaistra, commemorative of the place funded by Eudemos; the wooden copy may have been for temporary display, to advertise, *inter alia*, new positions in the school, salaries for gymnastic trainers and teachers, and instructions for application for election. The neglect of making multiple copies could sometimes pose serious problems: when the temple of Apollo burned down in Knossos after 260 BCE, Milesian envoys had had to receive assurances from the Knossians that their earlier agreement remained

in force before a new treaty with Knossos and other Cretan cities was ratified.<sup>9</sup> The Milesians, for their part, seem to have been quite careful. This is shown not only in the decree for Eudemus, but also, for example, in their resolution to confer *isopoliteia* on the Mylasians. This decree is inscribed together with the Mylasians' reciprocal resolution (*I. Milet I.3.146*, 209/208 BCE). Toward the end of the Milesians' decree, the *teichopoioi* and *arkhitektōn* are ordered to make copies of both decrees on one stone *stēlē* and to set it in the temple of Apollo Delphinios "so that matters resolved by the people for the *philanthrōpia* of the Mylasians may be remembered for all time" (ll. 43–46). At the end of the decree, a separate vote appears to have been taken for the decree to be copied on a *lenukōma* (l. 58), and in the decree that follows, the Mylasians order their own decree to be copied in two temples of Zeus "so that the resolutions of the people be remembered worthily for all time" (ll. 71–73).

Multiple publication raises another question. Which was primary, or authoritative: the archival copy or inscribed text? Answers may vary in different periods and places. For Athens, scholars have made two opposing proposals: the archival copy was authoritative – but here the argument is based on inference (Robert 1961: 459); or, the inscribed stone was authoritative – and here the argument is based on the frequency with which ancient texts mention *stēlai* rather than archived texts when referring to laws and decrees (e.g., R. Thomas 1989: 46). Copies of one and the same decree, where more than one inscribed text is extant (or where a literary text and an inscribed one are extant, e.g., the treaty between Athens, Elis, Argos, and Mantinea: *IG I<sup>3</sup> 83*; Thuc. 5.47), are usually not verbatim, which confounds the question of an authoritative text. This is not necessarily problematic: the ancients had a different notion of copy that did not encompass precise replication (see Rhodes 2001a: 37–40 for discussion of abbreviated inscribed decrees).

It seems, however, that fragmentary copies, even imprecise ones, of allegedly identical decrees have sometimes been identified too quickly. Modern editors often produce composite texts, on the assumption that all are copies of one and the same decree. In the past this assumption has been made of the so-called Athenian Standards Decree (*IG I<sup>3</sup> 1453*), of which stone fragments survive from Smyrna, Olbia, Aphytis in Macedonia, the islands of Kos, Siphnos, and Syme, and Hamaxitos in the Troad. A second fragment of the Aphytis *stēlē*, however, was published by Hatzopoulos in 2003. The new fragment shows that at least two texts of the decree were of different lengths: for the Aphytis fragment provides the end-point of its text; no other fragment had done so before. And now it has become clear that the Smyrna fragment, while containing the same words that had concluded the Aphytis text, continues for another nine or more lines. There is thus a major discrepancy between at least one putative copy and another. These, however, may be no copies at all but rather two different decrees, possibly enacted at different times (Stroud 2006: 20–26; Matthaiou 2009: 187).

Alterations in copies may also be the consequence of a recipient city's ingenuity. For example, in a decree mentioned earlier, the Ionian *koinon* honored Hippostratos, the Milesian general who had been appointed by Lysimachos, and ordered the erection of a bronze equestrian statue at Panionion and the selection of two cities to carry out arrangements speedily. Each of the *koinon*'s representatives was to report to his own city the decisions of the Ionians so as to be entered into the public archives. Additionally, each was to inscribe the decree on a stone *stēlē* in his own city; Miletos and Arsinöia were

selected for statue duty. One copy of the decree is extant from Miletos and another from Smyrna. Whereas the Milesian text begins, “Resolved by the *koinon* of the Ionians,” the Smyrnaian begins, “Resolved by the *koinon* of 13 Ionian cities,” and thereby calls attention to its own (proud?) admittance into the *koinon* after the city’s refounding by Lysimachos. The Milesian copy, on the other hand, adds two further decrees of Miletos to the *stèle* inscribed with the *koinon* decree: the first, passed in the fourth month of the Milesian year, orders the copying of the now ratified Ionian decree into its archive and announces the selection of two men to arrange for the statue; the second decree, passed six months later, orders the *teichopoioi* to supervise and contract for the manufacture of the statue and the copying of the decisions. The Milesian decision to copy all three decrees on the same *stèle* could hardly have been flattering to the honorand (H. Müller 1976: 73); dilatoriness, at the very least, is self-evident – possibly, even, subversive sluggishness.

### *Public archives and private documents*

Later practice in the Greek world suggests that the archival copy was at least sometimes viewed as the primary text. This was certainly the case in Paros in the early third century: identical copies of documents, both private and public, were to be deposited in the temples of Pythian Apollo and Hestia. Discrepancies were to be checked against the documents stored in the temple of Hestia under strict rules: no one was ever to bring them outside the temple (*SEG* 33.679).<sup>10</sup> Aristotle reports that copies of private contracts and courtroom decisions must be made before a certain magistracy. Before its officials, indictments are to be made and also “registrations” (presumably of documents); those in charge, he says, have such titles as *hieromnēmones*, *epistatai*, and *mnēmōnes* (*Pol.* 1321b34–40). Broadly speaking, three types of private document can be discerned in late Hellenistic archives: legal instruments of a private nature (e.g., wills, contracts, leases, sales), manumissions, and epitaphs.

As for the first type, while evidence from Egypt is ample (Lambrinudakis and Wörrle 1983: 360–365), that from Greek cities is sporadic (Harris 1989: 120); presumably, the greater part of this material had been written on perishable materials. Extant examples include a third-century register inscribed before the *astynomoi* of Tenos for dowries and sales of land and houses (*IG XII.5* 872–873), and another for dowries from Mykonos (*Syll.<sup>3</sup>* 1215). A decree from Andros of the first century BCE (*IG XII.5* 721) praises a citizen, *inter alia*, for serving as the elected *grammateus* for the *boulē* and *dēmos*, for supervising the public records (*dēmosia grammata*), and for undertaking at his own expense the copying of business contracts for the *dēmosion*. These bits and pieces can only suggest the evolution of archival practice over time, that *polis* institutions gradually became the safeguard for private transactions, and that often the archival copy was authoritative – to a degree. That such registrations with officials with a notarizing function provided the documents a dispositive legitimacy is debatable (E.A. Meyer 2004: 16–20).

It is usually thought that Athens developed similar archival practice late. Such conjectures fail to take into account that Attika was a large territory, that many of its demes were as extensive as small *poleis*, and that deme and other institutions had long developed their own record-keeping habits. The Aixonians, for example, order their

*tamiai* to make copies of a land lease on two stone *stēlai*, one for the shrine of Hebe and the other for the *leskhē* (*IG II<sup>2</sup>* 2492, ll. 20–23). A group of *orgeōnes*, perhaps in the later fourth century, lease out the sanctuary of Egretes for ten years and also order the new lessee to copy the agreement on a *stēlē* and to set it in the sanctuary (*IG II<sup>2</sup>* 2499, ll. 39–42 cf. *IG II<sup>2</sup>* 2501, ll. 20–22); of interest is that the stone appears to have been reused: do we have an example of a “living” or “disappearing” document – is it emended after every ten years or for every new lease offered by the group? Insofar as any regular practice is discernible, in the Greek cities mentioned earlier a more centralized public archive may have become the safe place for private documents whereas in Athens, a tradition of more local preservation may have survived longer. Local preservation may be more of a matter of the size of Attika than a sign of the lesser sophistication of its archival practices.

Manumissions were a special kind of sale. While these are documented in a host of Greek cities, Delphi became the site *par excellence* for records of the sacral manumissions of slaves whose former masters were from Delphi and elsewhere: more than a thousand such inscriptions have survived, dating from 200 BCE to 74 CE, engraved, for the most part, on the polygonal wall of the theater leading to the temple of Apollo.<sup>11</sup> The texts are formulaic: date provided by the name of the eponymous *archōn* of Delphi and month; name of the slave whom the former master has given up to Pythian Apollo for *x* sum of money, statement that he has received the full sum, description of the ex-slave’s new status, names of guarantors of the purchase and their duty to protect the former slave, penalties for violation, witnesses, publication clause. Usually one copy is to be inscribed in Apollo’s sanctuary (on the wall) in accordance with the law, and another in the city archive (e.g., *en ta dāmosia tās polios grammata* or *en to dāmosion grammatophylakion*: *FdD III* 611, ll. 15, 19, 20). Sanctuary and city archive in this instance are two distinct locations. The inscriptions provided visible proof of the status of the manumitted slave.

Public archives in many cities of Thrace, Macedonia, and Asia Minor became the protective receptacles for epitaphs that included threats of prosecution and fines against the unlawful use of tombs (especially for someone else’s burial). One Smyrnaian text specifies the archive as *[to ar]kheion khreophylakion* (*I. Smyrna* 238b), which editors have interpreted as an archive for documents relating to debts. Usually only one copy is mentioned; some mention two: one for the archive and the other for the testator or his family (*Tituli Asiae minoris* V.1.758, V.2.1142, Ioulia Gordos and Thyateira in Lydia).

## Archives and micro-archives

Many of the archives mentioned thus far preserved a variety of documents: the Metroon in Athens, the *dēmosia* in Miletos and the 12 other cities of the Ionian *koinon*, the *basilikai graphai* in Sardes, the *nomophylakion* in Gonnos, the *grammatophylakia* in Arta, Megalopolis, and Sparta, the Hestia in Paros, and possibly the many later attested *archeia* that guarded epitaphs. Modern scholars, however, sometimes refer idiosyncratically to smaller collections of a particular type of document as an archive – for example, “archives of the Athenian cavalrymen” or “the archive of bronze tablets from Argos.” With a slight difference, some have designated the *zygastra* that are mentioned in Delphic inventories as “mobile archives”: these were wooden boxes in which the Amphiktyonic *naopoioi* in

charge of the temple's reconstruction put their dossiers (contracts, offers, payments) as they traveled back and forth to the building site in the process of verifying accounts and contracts (Georgoudi 1988a: 235–236).

Sherwin-White, in her well-known (1985) study of the so-called Edict of Alexander to Priene identified a specialized dossier as another type of Hellenistic archive: these are

selections of public documents, picked out by the community (or responsible authority) to create and broadcast a particular theme and message. Decisions adverse to the *polis* naturally have no place among the texts. . . . The creation of an archive or dossier of this sort can legitimately be regarded as a public act in that it required authorization by the civic assembly of the *polis* and to this extent therefore represented the policy of the civic community. (1985: 74)

She introduced this category to distinguish state record offices from the archive of documents inscribed on the walls and architectural features of the temple of Athena Polias in Priene. The latter contained Alexander's dedication of the temple at the top of the temple's *anta*, the edict beneath it, and then fragments from at least three separate texts (*I. Priene* 14–16): a Prienian decree for King Lysimachos, a royal letter of Lysimachos, and a royal edict, possibly Lysimachos'. At the top of the left-hand side of the sidewall, the Rhodian adjudication of a dispute between Samos and Priene was inscribed (*I. Priene* 37, c.196–192 BCE). More documents follow, all concerning disputes in which Priene was involved and several that confirmed the Rhodian decision in favor of Priene, (all c.155–135 BCE). On the basis of letter forms, Sherwin-White persuasively argued that Alexander's edict was published at least 40 years after the dedication was inscribed and at the same time as *I. Priene* 14–15. She further argued that it is an extract from an edict, and that the Prienians' purpose in publishing it in so prominent a position, together with the other select texts, was to create an archive or dossier that would document and provide proof of their contemporary rights as a *polis* (1985: 78, 81–82). Among other such archives, Sherwin-White adduced that inscribed on the perimeter walls of the *agora* of Magnesia-on-Maiander. This is the largest archive of responses from cities, leagues, and kings to another city's request for *asylia*; it was sought for a crowned competition in the sanctuary of Artemis Leukophryene. While more than sixty decrees and letters survive, Rigsby suggests this may represent "little more than two-thirds of what was once inscribed" and notes that "subscriptions appended to fifteen of the decrees . . . name more than 100 other cities whose decrees were not inscribed at all" (1996: 180). The display of the archive was important to Magnesia: it provided not only enormously visible proof of the city's inviolability, but also exalted the status of the city and its inhabitants.

One last micro-archive will be mentioned here: the collection of citizenship and proxeny decrees on the walls of the Artemision in Ephesos. Some 135 Hellenistic honorary decrees are known from this city. Most confer citizenship rights, a few confer proxeny, either with or without citizenship. That the inscribed marble blocks on which the texts are found belonged to the walls of the Artemision is discernible through archaeological criteria and through a detail of the provision ordering publication in a third of the decrees: "the *neōpoioi* are to publish this decree in the temple of Artemis, where they also publish the rest of the citizenship decrees" (or similar). Walser (2008: 321–322) points out that the close connection between city and sanctuary is not only

manifested by publication of the citizenship decrees in the Artemision, but also in the central role played by cult personnel who allotted new citizens to *phylai* and *chiliastyen*. The decrees were enacted between 322/321 and 275 BCE, breaking off at that time perhaps in connection with the city's refoundation and transfer to a new site. Perhaps a new practice, publication on *stēlai*, evolved, since there was now a greater distance between city center and temple.<sup>12</sup> Of interest is the appearance of two decrees in which the *gerousia* and *epiklētoi* take the initiative (*I. Ephesus* 1449, 1470): some have argued on their basis that an oligarchy ruled Ephesos for a short period, others that these bodies administered only the Artemision (Walser 2008: 66–70 for references). The initiative introduced by the *gerousia* and *epiklētoi* (*I. Ephesus* 1449) was to honor Euphronios for successfully carrying out their request, to make arrangements with the general Prepelaos for quartering troops with *ateleia* in the Artemision. While the temple may have prospered under such circumstances, the people of Ephesos will not have. The decree has not been erased; there is no evidence of a *damnatio memoriae*: this may attest acquiescence or indifference – or possibly, a city imbued with the impulse to preserve its history.

## Epigraphic Habits and the Presentation of Political Culture

An increase in the number of preserved Athenian inscriptions in the last quarter of the sixth century BCE has been associated with the reforms of Kleisthenes and birth of democracy (Merritt 1940; Davies 1994a). Another, even grander spurt in the 450s is associated with the aftermath of Ephialtes' democratic reforms (Davies 1994a; Rhodes 2001b: 140).<sup>13</sup> Few doubt a connection between a democratic impulse to communicate information and surges in epigraphic publication not only in Athens, but also elsewhere – in Argos, Miletos, Thebes, the larger Aegean states, the Achaian and Aitolian leagues – and few hesitate to correlate the paucity of published texts in Sparta, Korinth, and Rhodes with oligarchic regimes (Davies 2003: 338). Publication spurts, however, once an impulse to publish (whether democratic or not) is in place, may have more particular motives: in Delphi (not quite a democracy), the rebuilding of the collapsed temple of Apollo in 373/372 called forth an immense amount of financial documentation (Davies 1998). The “Peisistratid building program” might be responsible for the increased documentation in the last quarter of the sixth century in Athens (Hedrick 1999: 398).

Economic drive and democratic impulse, over time, do seem entwined. Some scholars have criticized the inscribed accounts, inventories, and other financial documents of the Athenians, especially of the fifth century: they are incomplete and so misleading. Why did they publish them – why misinform the people? Some have responded by heeding more closely the physical aspect of the inscribed texts and have focused on the size of, for example (and most often), *lapis primus*, on its monumentality, its placement on the Akropolis, its symbolic significance. Other scholars have found answers in the civic arena of accountability: financial documents and inventories publicized the fact that moneys and treasures had passed through the hands of *polis* officials. Enticing and baiting the public may have been as entrenched an Athenian political characteristic as informing it was a democratic value: if you are curious, if you are skeptical, inquire and learn

more, seek out retiring officials, prosecute – or let yourself be allotted or appointed to supervisory positions – Athens is your oyster!<sup>14</sup> Let foreigners stand in awe! And may the gods protect us!

A great amount of publication throughout the Greek world looked both at the native city and the outside. This is true of texts announcing or preparing for festivals. Host cities must be attractive and well ordered; bridges and roads must be repaired in advance (*SEG* 28.100, Amphiktyonic text before the Pythian festival; *IG II<sup>2</sup>* 1191, Eleusinian festival). Published archives of theoric texts recognized the inviolability of cities and sanctuaries, and advertised their celebrations. Festivals brought revenues. Early Thasian publication may even have aimed primarily at foreign readership and advertisement, good for promoting trade and orderly conduct between native and foreigner, good for maintaining an attractive city (Osborne 2009a). Honorific decrees in the Hellenistic world of Asia Minor show a dynamic relationship between king and subordinate/autonomous city. Interdependent with one king or another in need of secure neighbors, the democratic assemblies vote honorific statues and sanctuaries, and win rewards and recognition (see a letter of Eumenes II to the Ionian *koinon*, with Miletos as prime winner: *I. Didyma* I.9).

Inscribed texts make visible the cultural values of the *polis* – this is true not only of inscribed laws and honorary decrees with their blatant trumpeting of *polis* values, but of treaties of alliance or *sympoliteia* that secured legal protections guaranteed by oath, of international arbitrations presided over by foreign judges that secured boundaries and protected property and revenues. Broad-scale publication (and proclamation) of manumissions made visible changes of civic status, so important to individual recipients. The publication of multiple citizenship awards to multiple worthy (and less worthy) recipients, even if activation was never really anticipated by the bestower nor effected by the recipient, proclaimed the former's assessment and made visible the city's attractiveness – above all, to its own inhabitants: our city is a prize! Publication of building contracts provided descriptions of materials, their costs as well as instructions for builders and penalties for failure of execution; by showing city inhabitants how revenues were used, they created an opportunity not only for holding officials accountable but also for imagining a beautiful new building or reinforced security afforded by the repair of a decrepit old wall.

Archaeologists, architectural historians, and epigraphists, by crossing disciplines (e.g., Boegehold 1995; Miles 1998; Ma 1999; Bielfeldt 2011), have been leading the way in showing how inscribed texts on *stēlai*, on walls, on architectural features of buildings, on statue bases and altars, visibly fit into the urban topography and political cultures of different cities. We can now envision many sanctuaries and *agorai*: we can look at reconstructions on paper and computer screens and see where buildings, statues, and *stēlai* were located, how they interacted, how public space worked. But we need to see the people too, milling around the streets in throngs, entering shops, offices, lawcourts, and temples, surrounded by texts with painted letters on *stēlai* and walls and statue bases. We should keep in mind that the publication of texts was part of a continuum of civic decision-making and bureaucracy that often included assigning secretaries and public slaves to take notes and fetch documents. It could also include assigning heralds to send abroad to announce festivals or proclaim honorary awards at dramatic, choral, and gymnastic contests (Ceccarelli 2010); or assigning *theoroi* who,

in making requests of foreign cities for *asylia*, might bring along texts illustrating the antiquity and honor of their own city, texts that would have to be readied in advance (Rigsby 1996: 181); it could include selecting men to go abroad to tender and receive oaths from new allies or to barter with kings for grain in return for proffered crowns and citizenship. The continuum included the votes of civic bodies; the disbursement of funds for inscribing and sculpting marble *stēlai* or wall blocks; the designation and securing of place for installing texts. The civic decision-making and bureaucracy that lies behind the epigraphic habits of Greek cities was variegated and changed over time. The inanimate *stēlai* and wall blocks we see in museums and ancient sites are relicts of complicated and colorful social machinery.

## NOTES

- 1 Davies (2003: 126) offers, as a wild guess: “The total number of epigraphic documents written in Greek and surviving from the eighth century BC until the early seventh century AD must be well over 200,000.”
- 2 The phrase “epigraphic habit” comes from MacMullen (1982); cf. E.A. Meyer (1990, 1993).
- 3 Discussion of the *lapis primus*, the first and most monumental of the tribute lists, often leads to discussion of the symbolic value of inscriptions, sometimes, even, to the exclusion of the value of their written texts. For a fair presentation of both sides of the question and brief but eloquent defense of “inscriptions published to be read,” see Rhodes (2001b: 139–142).
- 4 For evidence of the preservation of other non-inscribed decrees and documents before the creation of the Metroon, see Sickinger (1999: 36–61, 74–82).
- 5 No boxwood *pinakia* are preserved, but about 200 bronze ones from Athens survive (Kroll 1972; Boegehold 1995: 61–76) from the first half of the fourth century BCE. Presumably, the material was altered to wood around 350. Similar bronze *pinakia* have been discovered in Rhodes, Thasos, and Sinope (Fraser 1972).
- 6 Cf. the decree enacted by the Delphinians that regulated Attalos II’s education fund (*Syll.*<sup>3</sup> 672). The names of borrowers and their sureties were to be copied on two whitened *pinakes*, one in the temple (surely a display copy) and the other in the public archive (*damosion grammateion*). Since the loans were to be repaid in the fifth year, the debt was probably annotated or else deleted; whether the archival copy was preserved is not known; presumably the display copy, at least, had served its purpose.
- 7 R. Thomas (1989: 37) cites Clanchy’s (1979) study of medieval documents as a model for the gradual evolution from collecting documents to creating archives: “Making documents for administrative use, keeping them as records, and using them again for reference were three distinct stages of development which did not automatically and immediately follow from one another.” It may be that in Athens and elsewhere certain kinds of documents passed through these stages more quickly than other kinds. Consider *IG I<sup>3</sup> 6*, a *polis* decree c.470–460. It is a sophisticated and rather comprehensive document suggesting consultation of earlier regulations and compendia having to do with the celebration of the Mysteries at Eleusis; record-keeping in sanctuaries may have had a longer history than that in the *polis* center; see Scafuro (2010).
- 8 References in publication clauses for the copying of decrees on *stēlai* and statues bases in temples and sanctuaries are abundant all over the Greek world; it is difficult to know whether these publications signify that the temple was an archive.
- 9 *I. Milet I.3.140*; cf. *Syll.*<sup>3</sup> 684 for the aftermath of the criminal burning of a public archive in Dyme around 138 BCE.

- 10 Lambrinudakis and Wörrle (1983: 358) adduce parallels of this kind of double archiving from Egyptian Philadelphia at approximately the same period and also from Magnesia on the Maiander at the beginning of the third century CE.
- 11 McLean (2002: 294–297); Klaffenbach (1957: 83–88), with additional observations on similar documents from Beroia during the reign of Demetrios II; Klaffenbach (1960: 37–40), with concern over the whereabouts of the original.
- 12 Walser (2008: 322) also redates these decrees (321–356), offering a relative chronology with a few firm dates, basing his study not only on formal dating criteria, but also on stylistic patterns and syntactic and dialect usage.
- 13 While the Athenian tribute lists begin in the 450s, the growing tendency to down-date so many early decrees to the 420s calls for new assessments of the democratic impulse to publish documents in the 450s; see Ma *et al.* 2009; Matthaïou 2009.
- 14 Also known as “the school of Hellas;” Thuc. 2.41.

## CHAPTER 27

# Monumental Representations of Government

*Jenifer Neils*

Although the relationship of art and politics has been an ongoing focus of classical scholarship, the intersection and interaction of art and government are seldom addressed. This, in spite of the fact that governing bodies in ancient Greece regularly commissioned works of art, constructed buildings, minted coins, erected war memorials, and set up public inscriptions. For example, much of what we would consider religious art and architecture, namely the Greek temple and its sculptural embellishment, was in fact authorized and funded by the state. While in different city-states authority could be vested in various persons (kings, tyrants, oligarchs, aristocrats, or the adult male citizenry at large), as we shall seek to demonstrate in this chapter many of the actions authorized by their constitutions and laws directly involved visual culture.

Unlike other ancient cultures, the Greeks went so far as to embody key concepts of their system of governance in visual form. A case in point is the personification of Dēmokratia (“democracy”). According to inscriptional evidence she was an object of cult because sacrifices were performed on her behalf and she had her own priest (Raubitschek 1962). A statue of Dēmokratia was erected in the *agora* in 333/332 BCE by the *boulē*; part of its base is extant but what was once thought to be the draped torso of the statue itself has since been re-identified as Tyche (Agora S 2370; Palagia 1982, 1994). Dēmokratia also appears together with Dēmos (“the people”) on an inscribed marble decree against tyranny proposed by the democratic orator Eukrates in 337/336 BCE immediately after the Macedonian defeat of Athens in the battle of Chaironeia. The relief at the top of the *stèle* depicts an elderly bearded male figure seated on a throne and probably holding a scepter, and a standing female figure who is in the act of crowning him (figure 27.1; Lawton 1995: #38). Though they are not explicitly identified, because the decree pairs “the *dēmos* of the Athenians” and “the *dēmokratia* of Athens” three times in the text, it is generally assumed that he represents the personification of Dēmos and the woman is Dēmokratia. This pair also appeared



**Figure 27.1** Democracy crowning *dēmos* (the people of Athens). Plaster cast of an Athenian marble relief, dated 337/336 BCE. Athens, Agora I 6524. American School of Classical Studies at Athens: Agora excavations.

along with the Athenian hero Theseus in a lost painting by the artist Ephranoi who was active in the 360s (Palagia 1980: 57–63). It was housed in the *agora* inside the Stoa of Zeus Eleutherios whose cult was founded after the Persian wars. These representations exemplify the close connection between the people of Athens and their particular form of government.

Personifications of abstract concepts like Dēmokratia are a product of the later fifth and fourth centuries but the body politic may have been represented as well in the sixth century. It has been proposed that the famous limestone architectural sculpture from an Archaic temple pediment on the Akropolis, a triple-bodied but seemingly benign monster nicknamed “Bluebeard,” may represent the political parties of Attika. This hybrid consists of three entwined snakes with bearded male busts and wings. Because each holds a different attribute (water-symbol, grain, and a bird) they have been taken to represent the Shore, Plain, and Hill factions of sixth-century Athens (Boardman 1972: 71–72). Peisistratos’ success as tyrant in Attika depended on the reconciliation of these three parties, a feat which may be here depicted symbolically.

This chapter also seeks to determine any modalities of artistic expression that may be the result of the various ancient Greek systems of governance. In other words it attempts to ascertain whether distinctions exist between the artistic commissions of, for instance, a monarchy and a democracy, or an aristocracy versus a tyranny. Do public monuments – that is, government-financed constructions or works of art – in ancient Greece reflect the constitutions governing the state at any particular point in its history? Can one in fact “read” a specific political, as opposed to religious or social, agenda in

ancient Greek visual culture? To what extent are public works, large and small, dictated by the political structure of a given state?

As with nearly every other subject, Aristotle has something to say on this very topic. In his discussion of politics, he states: “In the planning of strongholds, there is no uniform standard of fortification that suits every constitution alike. An oligarchy or monarchy prefers a citadel; a democracy prefers a fortified plain; an aristocracy prefers neither of these, but rather a profusion of strongholds” (*Pol.* 1330b17–21). The archaeological record has, in fact, corroborated Aristotle’s contention. One finds strongly fortified *akropoleis* both in the Bronze Age when the *wanax* reigned throughout Greece (e.g., Mycenae, Athens) and in the Hellenistic period when *basileis* ruled vast empires (e.g., Pergamon). The tyrant Dionysios I of Syracuse transformed Ortygia into a personal fortress, forcing his mercenaries to build a palace with a ditch and a drawbridge. In the Classical era democratic Athens built its lower city walls as well as its long walls across the plain to the port of Piraeus. Small fortresses and freestanding towers are found on the properties of wealthy, mostly Hellenistic landowners who sought to protect their fields, mines, and quarries and control their slaves (S. P. Morris and Papadopoulos 2005). And military states, like Bronze Age Knossos with its powerful navy or Archaic Sparta with its invincible army, needed no fortifications at all. Thus, the type of governing authority does seem to have dictated the mode of protection adopted in individual *poleis*.

In the following we will examine in turn the public works of aristocracies, tyrannies, democracies, and monarchies, the principal forms of Greek government. Naturally the study is limited to publicly financed monuments, as opposed to individual commissions, except in the case of aristocrats. It will include what we would term religious monuments, such as temples and their sculptural programs, as these were usually state funded and often reflect the ideologies of the *polis* rather than the cult of the deity worshipped therein. While no attempt is made here to give a complete inventory of all such monuments, a sampling of the major categories and trends will be presented.

## Aristocracy

There is little evidence of monumental art and architecture in Iron Age Greece (c.1000–700 BCE) when city-states began to emerge and local chieftains came to power. According to the extant remains, funerary art played an important role in society, and the burials of warrior-chieftains, like that found at Lefkandi in 1981, take on the appearance of heroic state funerals in the Homeric tradition (*Il.* 23). At the end of this period large figured vases served as the funerary monuments marking the graves of wealthy aristocrats and celebrating their military endeavors on land and sea.

On the island of Euboea the hill known locally as Toumba near the town of Lefkandi produced traces of a remarkable building dated by pottery to 1000 BCE. Unprecedented in scale for this early period, the stone foundations of the structure measure 10 by 45 meters, and the apsidal building was apparently surrounded by a wooden colonnade and thus bore an uncanny resemblance to later Greek temple architecture. In the center of the building were two burial shafts, one containing the remains of a cremated male and an inhumed woman, and the other the skeletons of four horses. The man’s burial was in a bronze amphora that also contained the typical warrior’s kit (sword, spear, and

razor), while the woman's body was bedecked in gold jewelry and ornamentation, some of it of foreign origin. This complex grave site takes on the connotation of a state burial, because soon after it took place the building was razed and covered with a huge earthen mound, as if in homage to the town's illustrious leader. The elaborate burial resembles, but of course predates, Homer's description of the funeral arranged by Achilles for his comrade Patroklos. Together they both demonstrate the importance of aristocratic display and memorialization.

Horses continued to be a symbol of high status among the Greek aristocracy of the Iron Age, and regularly appear as clay statuettes on the lids of Geometric pyxides found in eighth-century burials in Athens. These horses could reference the second wealthiest class of citizenry known as the *hippies*, or knights. As their name implies, members of the *hippies* class were those well enough off to own and maintain horses. Because these round chests appear mostly in the graves of women, they might represent a form of dowry as well as their aristocratic status.

A unique Geometric chest which has been identified as a granary appeared in the mid-eighth-century cremation burial of a wealthy Athenian woman (figure 27.2). It consists of a rectangular openwork base with five cone-shaped objects with small openings lined up along the top. The richest class of the landed aristocracy in sixth-century Athens as designated by the lawgiver Solon was the *pentakosiomedimnoi* (i.e., those whose land produced 500 *medimnoi* or measures of grain). Thus if each of the five model granaries represented 100 *medimnoi*, this unusual object could indicate the level of wealth of the individual buried with it. The owner of the chest was a member of Athens' highest elite, a status confirmed by the gold jewelry also found in her grave.

In the case of male burials of this period eupatrid material culture is suggested by large funerary vases with tiers of figural decoration. Immense kraters marking the graves of the warrior elite depict them fighting on land and sea, driving their chariots in procession, being mourned at the bier by rows of family members and possibly professional mourners (*prothesis*), and being escorted to the grave (*ekphora*). The graves of these male aristocrats often contained their personal weapons, like large bronze swords which are ceremoniously bent to make them unusable. In the sixth century, elite families



**Figure 27.2** Terracotta chest with five model granaries on its lid. Attic Geometric, c.850 BCE. Athens, Agora Museum P 27646. American School of Classical Studies at Athens: Agora excavations.

often commissioned sculptors to carve life-size marble youths (*kouroi*) and maidens (*kourai*) to stand atop and mark the graves of their deceased sons and daughters.

One other prestige object that figures prominently in this period is the bronze tripod which transcended its Bronze Age utilitarian function and became an object of dedication in the sanctuaries of Olympia and Delphi. Recent study of dedicatory tripods has demonstrated that they were not just objects of monetary value and thus references to the status and athletic prowess of the dedicator, but carried symbolic associations with truth-telling and divine revelation. They were not just personal votives, but collective purveyors of power and leadership during the late Geometric and early Archaic periods (Papalexandrou 2005).

In the past scholars sought evidence for more specific self-identification on the part of eupatrid families in the minor arts. Because Attic vase-painters of the sixth century depicted a variety of shield devices on their pottery, it has been suggested that certain ones might pertain to specific families: the *triskeles* as a badge of the Alkmaeonidai, or the bull's head as an emblem of the Eteoboutadai (Seltman 1924; Giuman 2000). Similar devices appear on Athens' earliest coinage known as the "Wappenmünzen" or heraldic coins (Kraay 1976: 56–60). These didrachms circulated locally and only lasted a few decades in mid-sixth-century Athens. Given that there are 11 different types (three of which are a horse or horse parts) these coins were probably minted by authorized individuals rather than by the state, which would have used a consistent and recognizable image. Thus the change to the famous "owls" consisting of a helmeted head of Athena on one side and the owl on the other may reflect the transition from an aristocracy to a tyranny in sixth-century Athens (Kroll 1981).

## Tyranny

In Classical texts Greek tyrants were notorious for their monumental undertakings on behalf of the populace from whom they gained and maintained their powerbase. Public works programs constituted a major activity and investment of sixth-century tyrants from Polykrates of Samos to the Peisistratidai of Athens. The anti-tyrannical Aristotle (*Pol.* 1313b) suggests that it was in the interests of tyrants to keep their subjects poor and preoccupied, hence their large-scale programs of public works. However these often served not only to provide benefactions to the people, but also to offer mass employment for the non-landholding population. Provisions for fresh water were one of the most popular undertakings, and the building of huge temples demonstrated the rulers' piety – or more likely egotism. Thus public works were one of many key instruments of policy serving to ensure the success of tyranny.

According to Herodotus (3.60), the Samians, under Polykrates, achieved the three greatest engineering feats of all the Greeks. The first, an aqueduct, aided the general public; the second, a harbor mole, served military and commercial ends; and the third, a temple to Hera, was religious (Rihll and Tucker 1995). The famous tunnel of Eupalinos was excavated through the 237-meter-high Mt Kastro to a distance of over 1 kilometer. It measures about 1.8 meters in height and width and was begun simultaneously from both sides of the mountain, with the meeting point amazingly offset by only a few feet. The mole around Samos' harbor was 400 meters long. Finally the temple of

Hera, originally designed by the local architects Rhoikos and Theodoros and rebuilt by Polykrates in the 530s, was colossal, measuring 55 by 109 meters. It had two rows of columns on the sides and three on the ends, in total 155 columns, which stood ten deep in the front. Like many other massive undertakings of this scale, it was never finished.

The Peisistratids' colossal temple to Zeus at Athens known as the Olympieion, was only slightly smaller than the Polykratean temple and endured the same fate, being finally completed under the Roman emperor Hadrian. In addition to the temple, at least two altars were established by the grandson of the tyrant, also named Peisistratos, when he served as *archōn* in 522/521 BCE. The text inscribed on that to Pythian Apollo, recorded by Thucydides (6.54.7), survives as follows: "This memorial of his office Peisistratos the son of Hippias set up in the sanctuary of Apollo Pythios." The Altar of the Twelve Gods is still partially preserved in the *agora*. These dedications confirm Thucydides' assessment of the tyrants' mode of governing:

Generally their government was not grievous to the multitude, or in any way odious in practice; and these tyrants cultivated wisdom and virtue as much as any, and without extracting from the Athenians more than a twentieth of their income, splendidly adorned their city, and carried on their wars, and provided sacrifices for the temples. For the rest the city was left in full enjoyment of its laws, except that care was always taken to have some one of the family in office. (6.54.5–6)

A particularly lavish building erected by the tyrants was a fountain house near the Ilissos river. Known as the Enneakrounos or "nine-spouted," it is frequently mentioned in ancient literature and was certainly a popular attraction in the expanding city. Dozens of late sixth-century black-figure hydrias feature representations of fountain houses with lively scenes of women filling their water jars, often from elaborate spouts (figure 27.3). Because architecture is not unusually depicted on Athenian vases, it is thought that these paintings were inspired by Peisistratid buildings in the city. Fountain houses were built by tyrants in other cities as well, namely Megara with its 40 octagonal columns, and Korinth.

Tyranny lasted considerably longer in the west and resulted in massive temple-building. After his victory over the Carthaginians at the battle of Himera in 480 BCE, Gelon of Syracuse commissioned a number of buildings including the Doric temple of Athena Polias on Ortygia. A statue of Athena holding a golden shield stood atop the pediment and served as a beacon for ships. Inside were portraits of 27 Syracusan tyrants and kings, thus reinforcing their claim, along with that of the goddess, to be protectors of the city. Gelon also built a victory temple at Himera, erected a treasury at Olympia, and dedicated a golden tripod at Delphi. Funding came from the large war indemnity paid by Carthage. Upon his death in 478 BCE Gelon was buried in a nine-storied tomb near the Temple of Zeus Olympios.

His counterpart at Agrigento was Theron who came to power in 488 BCE and was married to the daughter of Gelon. He took part in the battle of Himera and thereafter constructed the colossal temple of Zeus Olympios (112 by 56 meters), "in plan and size second to no other in Hellas" (Polybios). A unique feature of this temple are the huge nude male telamons that are engaged to the upper walls and look as if they are supporting the entablature. Because Diodoros records that the Olympieion was allegedly built by Carthaginians taken captive after the battle of Himera, these telamons are said to represent



**Figure 27.3** Women at the Fountain House. Attic black-figure hydria attributed to the AD Painter, c.520 BCE. London, British Museum B 329. © The Trustees of the British Museum.

them in their servile role. Theron also was responsible for a system of underground aqueducts at Agrigento that discharged into a pool containing fish and swans.

In addition to architecture the Sicilian tyrants were major commissioners of sculpture. Phalaris, the infamous tyrant of Agrigento, must have expended a considerable sum on his infamous bronze bull if it was capable of roasting humans. Later tyrants commissioned prominent Greek sculptors to produce lavish victory monuments commemorating their prestigious victories in the chariot races at Olympia and Delphi. Two of these are partially preserved: the bronze charioteer of Delphi dedicated by Polyzalos and the Parian marble charioteer found at Mozia but clearly looted by the Carthaginians from Selinus or Agrigento. The latter is a particularly impressive statue showing the proud victor/tyrant with one hand on his hip and the other either holding a staff or possibly in the act of crowning himself. Such self-promoting victory monuments demonstrate the wealth, egotism, and civic pride of the Greek tyrants in Sicily.

Coinage was also used by the Sicilian tyrants to promote themselves and their rule. The early didrachms of Gela feature a nude horseman brandishing a spear. It may represent a “type parlant” because at this time Gela was ruled by a tyrant named Hippokrates (“horse strong”). After his victories in the mule chariot race at the Olympic Games of 484 and 480, Anaxilas, the tyrant of Rhegion and Messina, minted coins showing a biga drawn by mules (Holloway 1991: 125–127). The mint of Syracuse began late in the sixth century and had an impact on coinage throughout Sicily. Before the tyranny, the obverse type consisted of a male charioteer in a quadriga, a subject that reflected the equestrian pursuits of the aristocrats. When Gelon came to power he added a winged

victory over the horses, perhaps to commemorate his Olympic victory of 488. Although the change is subtle, it converted a collective image into a personal one, celebrating the tyrant rather than the city at large.

## Democracy

“A great light shone upon the Athenians when Aristogeiton and Harmodios slew Hipparchos” (Simonides) at the Panathenaic festival of 514 BCE. Most tyrannies in Greece came to an end within a few generations, but only Athens, as far as we know, celebrated the fall of the tyranny in various visual forms. Representations of the tyrannicides Harmodios and Aristogeiton exist in both vase painting (*stamnos* by the Copenhagen Painter, Würzburg University L 515) and sculpture (figure 27.4). In fact two sets of bronze sculptures of these heroized assassins had to be commissioned because the Persians looted the first, made by the sculptor Antenor, when they invaded the city in 480/479 BCE. It was returned in the late fourth century after Alexander the Great conquered Persia, and was re-erected beside the second version, created by the sculptors Kritios and Nesiotes in 477. It is this version that is reprised in numerous vase paintings of the late fifth century (presumably in the aftermath of the oligarchic revolutions of 411 BCE); they indicate how the statues were positioned in their original location along



**Figure 27.4** Tyrannicides of Kritios and Nesiotes. Roman marble copies of Greek originals of 477 BCE. Naples, Museo nazionale archeologico 6009 and 6010. © Photoservice Electa / SuperStock.



**Figure 27.5** Model of the Eponymous Heroes Monuments. Athens, *agora*, fourth century BCE. Model by Petros Demetriadis and Kostas Papoulis. Agora Museum. American School of Classical Studies at Athens: Agora Excavations.

the Panathenaic way in the centre of the *agora*. An inscribed marble fragment (Agora I 3872; Buitron-Oliver 1993: 55, fig. 4.1) with the name of Harmodios survives from the base of this second group. In time this group came to symbolize the essence of Athenian democracy, and as such occasionally appeared as the shield device of Athena on Panathenaic amphorae awarded as prizes to athletes and equestrians at her quadrennial festival (Bentz 1998: #5.239 and #4.244–245).

The dramatic slaying of Peisistratos' son Hipparchos at the Panathenaic festival was not the end of tyranny in Athens even if it was celebrated as such in art and song. The end came later in 508 with the expulsion of the last tyrant Hippias and the establishment of Kleisthenes' democratic reforms. The most influential of these was the establishment of ten new tribal divisions for the Athenian population. These tribal units pervaded all aspects of civic life from the army to the *boulē*, and even death as war fatalities were listed by tribe. In addition to their military and political obligations, the new tribesmen were bound together by communal cult. Each of the ten tribes was assigned an ancestral hero or king as a namesake, sanctioned by the oracle at Delphi: Hippothoon, Antiochos, Ajax, Leos, Erechtheus, Aigeus, Oineus, Akamas, Kekrops, and Pandion (Kearns 1989).

A monument with ten bronze statues of these *eponymoi* was erected somewhere in the *agora* before the end of the fifth century, as the comic poet Aristophanes makes reference to it. However, the remains of the 16-meter-long stone fence surrounding the monument and found in the southwest quarter of the site belong to the years around 330 BCE (figure 27.5). The base of this edifice served as a public bulletin board to which notices concerning members of the tribes or the *dēmos* in general were posted. A few days before the meeting of the *ekklēsia* proposed legislation coming to a vote was announced so that it could be discussed beforehand by the citizens of Athens. Tribal obligations such as jury duty or military service were listed in front of the relevant statue of each tribal hero.

Tribal associations were also important outside the walls of the city in the Kerameikos, the cemetery of Athens. In an as yet undetermined burial ground known as the Demosion

Sema those who died in battle were given the distinctive honor of burial at state expense. Thucydides (2.34) describes the process as follows:

In the funeral procession cypress coffins are borne in carts, one for each tribe; the bones of the deceased being placed in the coffin of their tribe. Among these is carried one empty bier decked for the missing, that is, for those whose bodies could not be recovered. Any citizen or stranger who pleases joins in the procession; and the female relatives are there to wail at the burial. The dead are laid in the public sepulcher in the most beautiful suburb of the city, in which those who fall in war are always buried; with the exception of those slain at Marathon, who for their singular and extraordinary valor were interred on the spot where they fell. After the bodies have been laid in the earth, a man chosen by the state, of approved wisdom and eminent reputation, pronounces over them an appropriate eulogy; after which all retire.

Annual casualty lists, dozens of which survive, were set up over the communal graves of the fallen with their names inscribed under the heading of their respective tribes (*phylai*). This practice may have been part of the Kleisthenic reforms because at the same time (c.500 BCE) sumptuary laws were passed prohibiting private grave monuments in Athens. Many of the Archaic grave *stelai* of wealthy elites were subsequently used as building material in the Themistoklean walls. The casualty lists often bear a figured relief of a battle scene at the top, commonly a mounted knight slaying a fallen enemy (Stupperich 1994). Thus the public, democratic monument takes the place of the private, aristocratic memorial.

Although the tribal heroes are occasionally represented individually in mythological contexts on Athenian vases, they first appear as a group of ten on the east frieze of the Parthenon dated 447–432 BCE. Appropriately for heroes, they are positioned as intermediaries between the citizenry of Athens participating in the Panathenaic procession and the seated Olympian gods who look on as spectators. They are not labeled but it is possible to identify the four kings on the north side, and the remaining six on the south standing in pairs (Neils 2001: 158–161; E.B. Harrison 1979). In placement and number these figures find female counterparts among the older women of the east frieze. These ten women are shown with their hair tied up and their bodies enveloped in mantles, unlike the younger girls with their long hair and their mantles pinned at the shoulders revealing their arms. These matronly women could be seen as the female counterparts of the male heroes, as so often seen in hero reliefs (Neils 2005: 208–209).

In many other ways the Parthenon frieze references the ten tribal units of the Athenian democracy. On the south side the sixty equestrians are clearly divided into ten groups of six each and the riders in each group wear distinctive attire. Ahead of the knights, ten racing chariots with armed warriors are shown and no doubt represent the tribal competition of the *apobates* race which took place in the *agora* at the Panathenaic festival. At the head of the procession on this side ten heifers are being led to sacrifice. One scholar has attempted to identify the individual Greeks fighting the Amazons on the shield of the chryselephantine Athena Parthenos inside the temple as the eponymous heroes (E.B. Harrison 1981).

The fifth-century temples on the Akropolis are often erroneously called the Periklean Building Program. In his *Life of Perikles* the biographer Plutarch probably gave more credit to Perikles for the buildings on the Akropolis than was his due, accustomed as

he was to the lavish benefactions and public works of the Roman emperors. In Classical Athens the model of ascribing great buildings to great leaders was not fitting because such actions would have been the prerogative of the *boule* with ratification by the *dēmos*. Neither of Perikles' fellow Athenians, Thucydides and Plato, mentions the general's role in the refurbishing of the Akropolis fifty years after the Persian sack. After approving the expenditures the *dēmos* then appointed a board of financial overseers (*epistatai*) to supervise building projects and publish their accounts in the form of publicly accessible inscriptions on stone. The board and the architects followed written descriptions of the building known as *syngraphai*, which had prior approval by the *dēmos*. The entire process seems to be committee and team work rather than the policy of a single individual. The building of a lavish marble temple was in effect business as usual for any well-off Greek *polis*.

Nonetheless one can perhaps detect subtle homage to the great statesman Perikles in some of the new and unprecedented sculptural themes of the Parthenon. Mention has already been made of the large number of equestrians on the frieze; these may well relate to the substantial increase in the size of the Athenian cavalry which occurred under Perikles' military leadership (Jenkins 2005). The inclusion of married women among the unusually large number (29) of Athenian women on the east frieze could allude to Perikles' citizenship law of 451/450 in which an Athenian mother as well as father was now required. The contest between Athena and Poseidon for the hegemony of Athens featured in the temple's west pediment is flanked by the earliest royal family members of the city who served as judges of the contest. One scholar has suggested that this scene – an entirely new subject in Athenian art – references the institution of jury pay in Athens credited to Perikles (Pollitt 1997).

Athenian art rarely depicts specific acts of the state, but some governmental actions may appear or be alluded to on Attic vases. A case in point is the *dokimasia* or state cavalry inspection described in the *Constitution of the Athenians* ([Arist.] *Ath. Pol.* 49.1–2). Several Athenian red-figure vases of around 500–470 show officials with writing tablets (possibly *katalogeis*) who seem to be inspecting horses led forth by young men draped in Thracian cloaks and wearing boots; on one vase the horses are actually identified by names painted in the background (Cahn 1973). While these scenes could represent an inspection before a festival, like that on the west frieze of the Parthenon, it is not impossible that they depict the official inspection of the state cavalry (Bugh 1988: 14–20; Neils 1992: 127–130).

What must have been a common democratic exercise, voting, is shown only in a mythological context. At least eight Attic red-figure cups of the early fifth century (c.500–480 BCE) depict the companions of Achilles at Troy casting their votes for the recipient of the hero's famous armor (Williams 1980). Because literary texts indicate other methods of choosing the greatest Greek warrior after Achilles, these vases might be deliberately referencing the democratic practice. The prominent presence of Athena behind the table holding the pebbles perhaps corroborates this interpretation.

Another Athenian democratic innovation was ostracism, and the material evidence for this practice is the over 11,000 shards (*ostraka*) incised with the names of prominent politicians that have turned up in excavations in Athens. One unique painted vase of around 470 BCE (figure 27.6) has been identified as the counting of *ostraka*. It shows half-draped, and thus servile, youths holding small red objects, some in the hand, many



**Figure 27.6** Recording the votes for ostracism (?). Exterior of Athenian red-figure kylix attributed to the Pan Painter, c.470 BCE. Oxford, Ashmolean Museum AN1911.617. Ashmolean Museum, University of Oxford.

more in a broad basket (*skaphē*). They are depositing these irregular objects in a bowl set upon a make-shift table while two bearded men look on, holding writing cases. In the tondo another youth holds a full basket while a man with a writing case gestures behind him. These older men could be officials charged with tabulating the votes for ostracism, ensuring that the minimum of 6,000 *ostraka* were cast. While some have interpreted the objects as fruit or olives, their irregular shape and their careful handling would support their identification as *ostraka*. Also the red color is more appropriate to Attic shards (many of which were plain coarse ware) than to olives.

It should be noted that such possible representations of or references to specific administrative actions associated with Athenian democracy (*dokimasia*, voting, ostracism) are extremely rare. With the exception of religious sacrifices, official acts of the Athenian state are not normally depicted in Greek art. However it is clear that the Athenians often made reference, notably on the Parthenon frieze, to the tribal divisions that constituted the basis of their democracy. Therefore it is not inconceivable that they also occasionally portrayed scenes from daily life in the *agora* that referenced their activities as citizens.

## Monarchy

One of the longest-lived monarchies in ancient Greece was that of Sparta which lasted from the tenth century until 217 BCE when it was officially abolished. It was a unique hereditary dual kingship wherein two kings ruled and commanded the military. The identification of the one extant over-life-size marble image of a hoplite (Sparta 3365; Kaltsas 2006: #117) as Leonidas, the king and commander who fell at Thermopylai (480 BCE), is probably wishful thinking. It is dated to about 480 BCE, and was found close to the sanctuary of Athena Chalkioikos in Sparta where Pausanias (3.17.7) indicates that there were two bronze statues of Pausanias, the Spartan general who commanded

the Greek army at Plataia. Both commanders have hero shrines near the theatre in Sparta, and Pausanias (3.14.1) states that “each year they make speeches about them, and hold games in which only Spartans can enter. There is a stone tablet here with the names of all the men who fought out that battle, and their father’s names.”

The custom of erecting posthumous portrait statues of rulers and generals was widespread in Greece but with the ascent of the Macedonian kings the tradition of lifetime portraits began. Alexander the Great supposedly gave the finest artists in Greece a monopoly on his likeness: the bronze sculptor Lysippos, the painter Apelles, and the gem engraver Pyrgoteles. None of their works is extant but a host of portraits of Alexander records both his general appearance and his constructed identity as an absolute monarch (Stewart 1993). Unlike his bearded father, he was portrayed as young with voluminous hair, dynamic, heroic, and god-like. The most lavish dynastic monument to the Macedonian kings was the Philippeion, a special marble *tholos* constructed at Olympia that contained chryselephantine statues of Philip II, his father Amyntas, his wife Olympias, his son Alexander, as well as others, all by the noted sculptor Leochares (Paus. 5.20.10). Specific objects now become important insignia of kingship: the royal diadem, elaborate armor, a ceremonial shield. It has recently been argued that the special equipment found in the so-called Tomb of Philip in Vergina is that of Alexander himself, buried in the tomb of his successor and half-brother Philip III Arrhidaios (Borza and Palagia 2007).

Hellenistic monarchs were mega-builders, outstripping even their tyrant predecessors. An example from the reign of Hieron II of Syracuse (275–216 BCE) is a grandiose rock-cut altar, 200 meters in length, that could accommodate the sacrifice of 450 bulls to Zeus. He expanded the theater in Syracuse, the largest in Sicily, to a capacity of 15,000, naming the sections after the gods and members of his own family. He also built a super-freighter which he stocked with 60,000 measures of grain, 10,000 jars of salted fish, 20,000 talents of wool, and 30,000 talents of other goods, and sent to Ptolemy IV of Egypt as a present (Athen. 5.206–209). In the tradition of Hellenistic rulers he put his and his wife’s portrait on Syracusan coinage.

Pergamon was an aspiring Hellenistic kingdom that could claim no descent from the Macedonians but nonetheless imitated their practices. The kings of Pergamon were noted for their extensive building programs, both in their capital city and Athens, and their lavish monuments celebrating their victories over the Gauls. Attalos I (241–197 BCE) was the first to take the royal title and his revamped portrait (figure 27.7; Berlin P. 130) illustrates how a Hellenistic ruler transformed himself into a king by the addition of luxurious locks and a diadem in the tradition of Alexander. He set up an inscribed victory monument consisting of life-size Gauls in defeat in the center of Athena’s temenos in Pergamon, and a smaller version on the Akropolis in Athens which served to portray Pergamon as the new defender of the civilized world. During the reigns of his successors Eumenes II (197–159 BCE) and Attalos II (159–139 BCE), Pergamon was decked out with a famous library in imitation of Alexandria, statues copying those of Classical Athens, and a colossal altar with baroque sculptures depicting the gods battling the giants. These kings also donated large *stoas* to the city of Athens, one on the south slope of the Akropolis, and the other along the east side of the *agora*. Hellenistic monarchs also built grand palaces (Pella, Vergina, Pergamon, Alexandria) which no doubt served both private and administrative functions.



**Figure 27.7** Portrait of Attalos I as un-diademed dynast c.240 BCE. Berlin, PergamonMuseum P 130. bpk /Antikensammlung, Staatliche Museen zu Berlin/Johannes Laurentius.

## Changing Modes of Self-Presentation

Because city-states changed their mode of rule, one can often detect changes and adaptation in works of art and architecture commissioned by the state. In other words, traditional forms were made suitable to the new regime by subtle alterations or wholesale replacement. Just as Attalos I adapted his hairstyle to his new role, so one can see changes in the buildings at the Panhellenic sanctuary of Apollo at Delphi where *poleis* vied to show off their wealth and power. Kypselos, the tyrant of Korinth, dedicated the oldest treasury at Delphi and inscribed it with his own name; his name was effaced after the fall of the tyranny. Two small Sikyonian shrines at Delphi set up during the tyranny were dismantled and interred in the later treasury of the Sikyonians built after the fall of the tyrants in the later sixth century (Neer 2007).

Another state commission was the prize amphora filled with Athenian olive oil and presented to the victors in the athletic and equestrian contest at the quadrennial Panathenaia. From 566 BCE to the late sixth century the imagery is not consistent, although Athena appears on one side and a contest on the other. By 520 or so a rigid scheme is imposed with the two cock columns flanking the goddess and the prize inscription “from the games at Athens” running alongside the lefthand column. This could suggest that regularly appointed state officials now oversaw the manufacture of the vases. In the fourth century the *archōn*’s name is added at the right, again around the time of the reinstitution of democratic rule. Thereafter other officials’ names replace

those of the archons, suggesting another change in administration of the state festival. While we cannot always associate a specific administrative change with the variations in the iconography, the prize Panathenaic amphorae are a clear instance of the state regularly commissioning decorated objects from local artisans. These vases may not be as impressive or as long lived as marble temples, but with their label heralding the games at Athens, they speak equally loudly on behalf of the state.

Coinage is an obvious arena for political propaganda of the state and changing ideologies. An interesting case is that of conservative Sparta which came belatedly to the minting of coins. In order to finance her mercenary armies Sparta began minting coins during the Chremonidean War. Both in imitation of Alexander's famous coinage and in recognition of the fact that the two royal houses claimed descent from Herakles, his head was featured on the obverse of their coins. The diarchy had in the past been symbolized by the twin gods, the Dioskouroi, but when Sparta switched to a Hellenistic type of monarchy, Herakles, a warrior hero and king, became the preeminent image adopted for the coinage (Palagia 2006).

While the monumental expressions of ancient Greek states do in some way reflect their various constitutions, they do not necessarily indicate the extent of their power as Thucydides so presciently noted (1.10.2):

For I suppose that if Sparta were to become desolate, and only the temples and the foundations of the public buildings were left, that as time went on there would be a strong disposition with posterity to refuse to accept her fame as a true exponent of her power.... Whereas, if Athens were to suffer the same misfortune, I suppose that any inference from the appearance presented to the eye would make her power to have been twice as great as it is.

## CHAPTER 28

# State Festivals and Celebrations

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*Pauline Schmitt Pantel*

A dynamic revival of the study of memory within the social sciences has been underway and gaining momentum over the past half century. The manifestations of memory, that is, the different material and immaterial forms which memory can take, form a central topic within this field. Memory is first and foremost a biological process and thus of interest to both psychologists and cognitive scientists. However, it also has a collective dimension studied by social scientists. Maurice Halbwachs (1925, 1950) and Paul Ricoeur (2000) have both illustrated that individual memory cannot exist without collective memory. The latter is defined by the set of social or political functions that a group attributes to its past. It both promotes group cohesion and assures the continued existence of the past in the present.

Collective memory does not refer to the recollection of the entire past experienced by an individual or group; in fact, forgetting is a crucial element of memory. Rather, it is selective, focusing on certain acts or events. It alters the past in light of the present, and often amplifies it to serve contemporary goals. Collective memory is thus characterized by its use of symbolism and its role in creating communal myths. Jan Assmann (2002) proposed that a distinction be made between cultural memory and collective memory. Cultural memory applies to groups and cultures over the long term and is conveyed by myths or foundation stories which are continually reinterpreted within changing historical contexts. It relies on the determination of an active political power and is specific to a particular group which it serves to unite. These two types of memory are very often inextricably linked, at least within the context of the ancient Greek world.

Historians of the modern and contemporary periods have studied the various ways in which societies established places, symbols, and rituals to foster and support collective memory (Nora 1984–1993–1993; François and Schulze 2001–2002–2002).

Historians of the ancient world have been interested in such manifestations of memory for at least two decades (Loraux 1981, 1997; Gnoli and Vernant 1982; Vernant 1989; Chaniotis 1991). The most recent studies have examined the methodological issues surrounding this topic. They have drawn up inventories of themes relating to cultural and collective memory and assembled extensive bibliographies (Hartog 2003, 2007; Benoist *et al.* 2007; Stein-Hölkeskamp and Hölkeskamp 2006, 2010; Beck and Wiemer 2009). For example, an important feature of the Greek world was the link between *lieux de mémoire* and sacred spaces. The polytheistic religion of the Greeks had its own foundation stories and myths; its rituals were incorporated into an annual calendar which was entirely commemorative.

Separating the many forms of memory of a certain event often proves to be very difficult. The memories recalled by festivals, for example, were inseparable from those which delineated the monumental landscape or which were evoked by inscriptions. An important political event in Athenian history was the murder of the tyrant Hipparchos in 514 BCE during the Panathenaic festival. Hipparchos was murdered by two citizens, Harmodios and Aristogeiton, who were themselves killed and subsequently became the heroes of Athenian liberation from tyranny. A memory of their act was very quickly established; two bronze statues were erected in their honor in 510. These were stolen by the Persians as spoils of war in 480 during the sacking of Athens and were replaced in 477/476 by another commemorative monument in bronze placed in the *agora*. This second set of statues, known as the “tyrannicides,” has been identified on vases, coins, and marble bas-reliefs as well as a group of two Roman-era statues.<sup>1</sup> This was the first monument erected at Athens which had an overtly political significance. The death of the tyrant, the founding event of Athenian democracy, was nonetheless the subject of many other forms of memory.

Following the assassination of Hipparchos, a *scholion* (“song”) circulated at banquets which claimed that the Athenians owed the establishment of *isonomia* (“equality before the law”) to Harmodios and Aristogeiton. The creation of a collective memory was thus initially undertaken by the citizens who attended these banquets, at which both socializing and political debate occurred, before being diffused into other public places within the *polis*. Aristophanes alluded to this process in his comedies. In addition to the *scholion*, the “tyrannicides” were granted the right to a public burial in the cemetery of the Keramaikos district. Each year the *polemarch* performed a sacrifice of the same kind as those rendered to heroes at their tomb. Further, their descendants were honored by the *polis* in several ways. The eldest was granted the lifetime privilege of *sitesis*, that is, of eating daily at the Prytaneion, the communal hall of the *polis*. He was also granted the privilege of *proedria*, to be seated in the first rows of the theater during dramatic performances, as well as that of *atelia*, which exempted him from taxation. These honors were bestowed over several generations.

This example illustrates that collective memory was expressed in different ways, for example through a monument, a song and therefore an oral tradition, a tomb, a ritual and the bestowal of honors. This diversity of places and processes of memory suggest that a multitude of functions were attributed to memory. The state festivals and celebrations which will be discussed in this chapter were part and parcel of these various expressions or manifestations of collective memory.

## Memory of the Dead

### *The aristoi*

The construction of Greek identity was inseparable from the creation of collective memory. These processes occurred well before the birth of the *polis*. The epics of Homer provide the first example of the creation of collective memory to be retained in writing; archaeological evidence also attests to this process. Amongst the various memorial practices of the Greeks, those attached to the dead were particularly important. The creation of these memories was achieved primarily through the recitation of poems by an *aoidos*, particularly at banquets.

During the Homeric banquets, the *aoidos* sang of the exploits of those who had been killed in combat, those who alone had the right to eternal glory. The poet could bestow either praise or blame; he could choose to conceal the name of a man or to draw him out of the anonymous multitude. Through his song, the poet allowed the participants of the banquet to become familiar with the great deeds of the *aristoi*. Epic poetry was one of the first manifestations of memory which we know of in the Greek world. It was important not only in its original historical context, but also in later centuries as part of the Greek *paideia*, a main element of which was the study of these poems. The *paideia* contributed to the construction of a communal memory among the Greeks in the centuries to come.

The famous episode of Odysseus' arrival among the Phaiakians (*Od.* 8.73–92) speaks to the importance for the hero of being recognized and celebrated, pulled from oblivion and etched into the memory of his social group. At the end of the banquet given in his honor by Alkinoos, Odysseus listens to the *aoidos* Demodokos sing of his own exploits and begins to cry. The song of the *aoidos* allows Odysseus to recover his identity as war hero of the Trojan War. It is the memory of his name and renown which enables his continued existence in the world of the living even after his death (Nagy 1979; Vernant 1989, 1991).

The place and time at which this memory was given voice is important. The meal was the last stage of the blood sacrifice (*thysia*), an offering made to the gods. The period of speech-giving following the communal meal was one of debate and political decision-making amongst the companions of the Homeric king (*basileus*). The setting in which such a memory emerged was thus simultaneously ritualistic, political, and cultural.

These examples expose the fine line which existed between individual and collective memory. While funerary rituals and epics recalled the deeds of individuals such as Patroklos and Odysseus, these men existed only within the community of *aristoi*. Their memory was constructed in accordance with the values of this group. These examples also reveal a characteristic feature of Greek manifestations of memory, that is, the close link between gods and men. This bond was a central aspect of the various forms of material and symbolic expressions of memory; in other words, forms of memory always included a religious dimension of some kind. This link is vital to understanding the history of Greek societies.

### The citizens

With the birth of the *polis*, the societal framework of the Greeks changed, as did, in part, their system of values. The gradual establishment of a more egalitarian distribution of power was accompanied by new subjects of memory and memorial practices. Death in combat remained the most honorable death and that which granted the highest praise and honors (Gnoli and Vernant 1982). However, it was no longer the soldier's individual value which was recognized by the community. The hoplite fighting in the phalanx was required to hold his line, remain at his post, and never turn his back. He participated in a collective action and no longer fought for his own reputation but for that of his *polis*. According to Herodotus, soldiers "must never flee from the battle before any multitude of men, but must abide at their post and there conquer or die" (Hdt. 7.104.5). The eulogy given to all fallen soldiers was the same, as were the honors, the funeral, and the tomb. Funerary practices could vary from one *polis* to another, but the spirit always remained the same. The memory attached to the dead now conformed to a collective ideal of the defense of the *polis*. Whoever deviated from this collective attitude, for example by manifesting excessive individual bravery, was censured. This was the case with the Spartan Aristodamos at the battle of Plataia in 479 BCE. This new form of civic memory was incarnated in many ceremonies, all of which left a lasting mark on the spirit of the citizen body. The foremost of these were the public funerals organized each campaign year for the citizens who had fallen in battle (Pouilloux 1954; Loraux 1981).

Take for example the ceremony for the dead organized at Athens after the first year of the Peloponnesian War, as described by Thucydides (2.34.1–7):

In the same winter the Athenians gave a funeral at the public cost to those who had first fallen in this war. It was a custom of their ancestors, and the manner of it is as follows. Three days before the ceremony, the bones of the dead are laid out in a tent which has been erected; and their friends bring to their relatives such offerings as they please. In the funeral procession cypress coffins are borne in cars, one for each tribe; the bones of the deceased being placed in the coffin of their tribe. Among these is carried one empty bier decked for the missing, that is, for those whose bodies could not be recovered. Any citizen or stranger who pleases, joins in the procession: and the female relatives are there to wail at the burial. The dead are laid in the public sepulcher in the most beautiful suburb of the city, in which those who fall in war are always buried; with the exception of those slain at Marathon, who for their singular and extraordinary valor were interred on the spot where they fell. After the bodies have been laid in the earth, a man chosen by the state, of approved wisdom and eminent reputation, pronounces over them an appropriate panegyric; after which all retire. Such is the manner of the burying; and throughout the whole of the war, whenever the occasion arose, the established custom was observed.

Many details can be extracted from this passage concerning the practice of public funerals, however those regarding memory formation are most important for the study of the ritual and funeral oration (*epitaphios*), given that year by Perikles and reconstructed by Thucydides.

### *The ritual*

Thucydides' history is not the only extant source regarding these funerary rituals. Inscriptions and archaeological finds from the *agora* and Keramaikos district as well as the texts of Pausanias and others are also relevant. The location of the *prothesis* ("lying in state") is not mentioned by any source. This ritual allowed the familial memory to be expressed through the deposit of offerings by kinsmen in front of the remains. This was the only moment when the deceased was recognized as an individual and family member. Following the *prothesis*, the remains of the dead were placed in coffins organized by tribe for the *ekphora* ("procession"). As of this moment, emphasis was placed on the deceased's status as citizen and not family member. The procession which accompanied the 11 coffins (one per tribe plus one for the unidentified dead) was composed of citizens, including the hoplites still in service and foreigners; thus it gave rise to a collective memory which transcended the civic sphere owing to the presence of outsiders. As with all ancient processions, it was viewed by spectators who did not actively take part in the event, thus strengthening the public nature of the ritual. From the *agora*, the procession passed through the Dipylon gate into the Keramaikos district, following the route of the gymnasium of the academy which was lined by public tombs, and ending finally in the *dēmosion sēma* ("public cemetery"). The registers of the dead, inscribed by tribe on stone tablets (*stēlai*), were located here. These *stēlai*, as well as the public tombs constructed by the *polis*, were an important aspect of the construction of the memory of the war dead. They created a visual memory which could be transmitted from generation to generation and were more durable than the *prothesis* and the *ekphora*, which occurred only once. The monuments dedicated to the war dead erected in European villages illustrate the importance of such registers within the memorial landscape of a community.

Another important feature of these funerary rituals was that the women related to the deceased were permitted to attend. In fact, a characteristic expression of mourning, the lamentations, was traditionally undertaken by women (Sourvinou-Inwood 1995). This was not a simple concession to the emotional condition of those related to the deceased, but rather a collective and civic expression of the pain of the whole *polis* in an extremely well-codified ritual. The lamentations, like the registers of the dead and the funeral oration, were modes of expression of a collective memory.

Although Thucydides does not mention them in the above passage, games (*agōn epitaphios*) followed the funeral. The program of public funerals in the Hellenistic period included funeral games, sacrifices, lampadodromies, and races of armed ephebes. These games underlined the religious dimension of the ceremony. From the point of view of memory formation, they placed both war dead and heroes on the same plane, along with the divinities in whose honor the games were organized.

### *The epitaphios*

The funeral oration for the war dead was a literary genre in the Classical period. These speeches, presented in public within the framework of civic ceremonies, played an important role in the construction of memory. The *epitaphios* of Perikles began thus:

“I shall begin with our ancestors: it is both just and proper that they should have the honor of the first mention on an occasion like the present. They dwelt in the country without break in the succession from generation to generation, and handed it down free to the present time by their valor” (Thuc. 2.36.1). The very first theme addressed in the speech is the memory of the *polis*’ ancestors. Throughout the speech, dying for the *polis* is presented as the paradigm of the memorable act; as Thucydides writes,

for this offering of their lives made in common by them all they each of them individually received that renown which never grows old, and for a sepulchre, not so much that in which their bones have been deposited, but that noblest of shrines wherein their glory is laid up to be eternally remembered upon every occasion on which deed or story shall fall for its commemoration. (Thuc. 2.43.2)

Memory of the dead was constructed by the orator’s speech; the funeral oration, like the Homeric epic, was a true *parole-mémoire* as well as a political speech. In fact, the *epitaphios*, by addressing the many facets of life of Athenian citizens, constructed a collective memory whose recurrent feature was the excellence of Athenians and their democratic lifestyle. The *polis* was the ultimate authority of all memory; it was the *polis* alone which could guarantee “eternal memory” (*athanatos mnēmē*).

The war dead received a double honor (*timē*). They were honored during the public funeral as well as at an annual festival. The funeral ceremony assured their immortality in memory while the annual sacrifices and games periodically reaffirmed the initial honor. In addition to these honors, the orphans of the war dead were taken in charge by the *polis* until they entered the *ephēbeia* if they were boys, or until they married if they were girls. This constituted another means of recognizing the debt owed by the *polis* towards its citizens who had died in battle and of remembering the identity of the dead.

A subject greatly debated by historians is whether these war dead were “heroicized,” that is, whether they became cultural heroes after their death. The *epitaphios* does not give a clear answer to this question. The speeches underline only the posthumous glory and the memory of the name of the dead; this memory was collective, not individual, as the registers of the dead did not give the patronymic of the deceased and listed their names by tribe. The speeches do not make allusion to the immortality of these men. Such immortality existed only in excellence (*arētē*) and in the creation of a collective memory which would never age.

## Memory and State Festivals

Many types of festivals existed in the Greek world, however only a selection of these will be discussed within the context of Greek government and collective memory. For example, festivals undertaken within the framework of the family, even though they often concerned the whole community, will not be addressed. Similarly, festivals undertaken by specific cult organizations celebrating a divine or hero cult will not be considered as they were not regulated by the acting political authority.

The question of whether a distinction can be made between “religious” festivals and “historical” festivals has been greatly debated. Such a distinction however does not make sense in an ancient Greek context (Chaniotis 1991: 123).<sup>2</sup> Generally, all festivals

included cultic elements. And from the point of view of memory, they all upheld a connection to the past, whether mythical or historical. Indeed, one of the functions of festivals was to make the past comprehensible and usable in the present (Beck 2009).

Recent studies have rehabilitated the theoretical framework employed in the interpretation of festivals (Beck and Wiemer 2009). In the 1970s, sociologists and anthropologists considerably enriched our understanding of the program and function of Greek festivals (Duvignaud 1973; Fabre 1977; La Fête . . . 1981). Historians became attentive to their role in promoting group cohesion through, for example, the temporary contestation of rules, and structures and their temporality, as well as the little-understood practices of masquerade, derision, and inversion of genres. The whole experience of the festival and the break with daily life contributed to this process. More recently, some scholars have interpreted festivals as rituals in light of theories of behavior (Burkert 1987). Others have integrated them within the widespread networks of communication of various historical periods (Stavrianopoulou 2006; Dowden 2007). The theme of emotions has also entered into the modern interpretation of festivals (Chaniotis 2006). In brief, the study of festivals approached through the lens of memory has only added to an already rich and diverse methodological background; in fact, even this approach is not new, as Jan Assmann pioneered research on the function of memory in the festival context two decades ago (Assmann 1991).

Any typology of festivals has its limitations. Here only a simple distinction will be made between festivals unique to one political community and those communal to the entire Greek world, as this distinction is pertinent from the point of view of the construction of collective memory.

### *The memory of a community*

#### Organization: a state responsibility

One of the responsibilities of the political authorities was to organize the cult of the gods. The succession of festivals throughout the year was set by sacred calendars, lists of festivals grouped by month and day. Each *polis* had its own calendar which mirrored its history. The calendar could be revised when certain festivals fell into obsolescence. In the late fifth century BCE, for example, Nikomachos was assigned the task of reorganizing the Athenian calendar of sacrifices; the new calendar was then engraved on a *stèle* and displayed in the Stoa Basileia. Such amendments were linked to the individual importance of a certain festival within the collective memory of the community. In the Classical era, for example, the Bouphonia, a festival in honor of Zeus Polieus, was no longer celebrated by the Athenians even though it commemorated a crucial episode in the mythical history of the *polis*, the first sacrifice of a cow, a ritual around which the civic community had crystallized (Durand 1986).

The financing of festivals and cultural life was undertaken by the political community. Each sanctuary had its own treasury, land, herds, buildings, and priests and priestesses. The latter were either selected by lot or elected by the assembly and managed the sanctuary's property. They were magistrates just like any other, and presented their accounts before the assembly at the end of their term of office. The community thus had a diverse source of wealth at its disposal with which it met the considerable expenses

of the various cults. This public wealth was not always sufficient, however, and citizens were often asked to pay festival expenses. In Classical Athens, for example, the system of liturgies consisted in the annual appointment of a citizen from each of the ten tribes who became responsible for organizing a festival. The Panathenaic festival and the Dionysia both had liturgists who were put in charge of the sacrificial banquet (*hestiasis*). Similarly, ten *chorēgoi* were appointed and made responsible for the presentation of theater pieces at the Dionysia (Wilson 2000).

Paying homage to the gods was the mark of a prosperous, dynamic *polis* and was an important aspect of their political identity. The suspension of cult practice was *a contrario* the indication of a serious political crisis. Larger festivals did not take place during periods of war or penury. Thus in the first century CE the Boiotian *polis* of Akraiphia gave thanks to their benefactor Epameinondas for having re-established the Ptoian games following a thirty-year suspension and having offered to finance several sacrifices followed by banquets (*IG VII 2712*; Schmitt Pantel 1992). Similarly, in the second century BCE the *polis* of Sestos gave thanks to a certain Menas for having organized the distribution of meat during a famine caused mainly by the ongoing war against the Thracians (*I Sestos 1*). These individuals benefited greatly from the recognition they received from the community through the voting of honorific decrees and the bestowal of honors. They were inserted into collective memory as benefactors of the community. In the Hellenistic period, their names were engraved on the walls of the *polis* and publicly announced during civic festivals, and attention was drawn to their kinsmen and descendants. To the immediate memory of their benefaction was added eternal commemoration within the collective memory of the community (Schmitt Pantel 1982; Gauthier 1985).

Greek festivals included a number of constant features. First was the procession (*pompē*), in which the sacrificial animals were accompanied by the participants of the festival along a route of varying length. This was followed by a moment of prayer to the gods. The animals were then consecrated, the reason for the sacrifice was specified, and libations were made. Then the animal was sacrificed (*thysia*) according to certain fixed rules. First it was stunned, then its throat slit on the altar, after which it was drained of blood and skinned. The bones and some of the fat were burned on the altar for the gods. The flesh was then carved and cooked; it was then distributed between the participants according to the sacred laws of the sanctuary and eaten communally. The singing of hymns, games, and dances often followed the sacrifice and banquet. These features all added to the creation of a specific ritual environment.

Festivals most often took place at a sanctuary. The sacrifice was conducted on the altar located outside, while the banquet was held in the sanctuary or nearby. Certain sanctuaries included dining areas, but in most cases temporary structures such as tents were installed in the empty space between buildings. When there were numerous participants, the whole urban space might be used for the banquet. This was the case, for example, in Priene in the first century CE, where feasting occurred in the Prytaneion, the sacred portico of the *agora*, the sanctuary of Zeus Keraunios and the Banteion. This widespread use of civic space, in addition to the odors, sounds and colors of the festival, contributed significantly to the memory of the event.

Every element of a festival was in itself a “bearer of memory.” The first and foremost of these was the blood sacrifice, a ritual which was at the heart of the process of identity formation among the Greeks. It emphasized the separation between the world of the

gods and that of men, demonstrated the nature of the human condition (the myth of Prometheus), consecrated social life, and excluded those who did not have access to citizenship (the myth of Sopatros). Sacrifice was the archetypal act of memory which bound the Greeks not only to their gods, but also to other Greeks and non-Greeks (Detienne and Vernant 1979; Brigitte Zaidman and Schmitt Pantel 1989). This same analysis could be conducted with regard to the procession, the prayer, or the hymn. It highlights the difficulty of speaking of memory as a unified object, as several forms of memory were always at work during a festival.

### The example of Athens

In order to illustrate the different memorial functions of festivals it will be necessary to limit discussion to the case study of a single political community, Athens.<sup>3</sup> The Panathenaic festival took place on the 28th of Hekatombaion in honor of Athena (Burkert 1977; Neils 1992; Parker 2005). Every four years it assumed a particular importance, as on this occasion, the wooden statue of Athena in the Erechtheion was adorned by the king *archōn* with a new *peplos* robe woven by the *ergastinai*. On the *peplos* was embroidered the exploits of Athena against the giants. The precise event which this festival celebrated is unclear; in fact, three myths exist which describe its origins. According to the first myth, the festival was established by Erechtheus, the autochthonous ancestor of the Athenians, and commemorated the origins of the Athenian people. The second myth stated that it was established by King Theseus during the synoikism of Athens and celebrated the birth of the *polis* as a political entity. The third myth claimed that the festival celebrated the death of Aster, the giant killed by Athena during the battle between the gods and the giants, an event which recalled the beginnings of civilization.

These three myths are entirely complementary from the point of view of civic ideology; indeed, one is tempted to argue that the Panathenaia simultaneously celebrated the beginnings of civilization, the origins of the Athenian people, and the birth of the *polis*. As will be illustrated, however, festivals were not only concerned with celebrating origins. In the Classical period, the Panathenaic festival played a crucial role in the exaltation of the power (*archē*) of democracy. One of the means by which this was achieved was the procession, in which citizens, women, and metics all participated, as the frieze on the top of the inner wall of the Parthenon illustrates. This procession simultaneously demonstrated the political hierarchy of the *polis* and the unification of a diverse population. The emphasis on *archē* was also established by the presentation of offerings made by allied *poleis*, as well as the games, which included rhapsodic, musical, and gymnastic contests and were open to all Greeks. The prize awarded for each challenge was a “Panathenaic” amphora which contained oil from the sacred olive trees of the goddess. The event also included a torch race and sacrifices (hekatombs) reserved for citizens. All of these elements contributed to making this festival an exceptional event, and one which clearly served to bolster the power of democracy.

Other Athenian festivals also served to construct a political, that is, democratic, memory. The most obvious examples of these were the festivals in honor of Dionysos, three of which included dramatic contests in addition to the procession, sacrifice, and banquet. The Great Dionysia included dramatic competitions in four categories (comedy,

tragedy, satire, and dithyramb). The coordination of the contests was undertaken by the civic community and the eponymous *archōn*. Ten *chorēgoi* were chosen by the *polis*, in addition to poets, actors, and judges (Wilson 2000). The performances took place at the theater from sunrise to sunset; they were watched by the magistrates of the *polis*, the members of the *boulē*, the ephebes as well as numerous citizens. At the end of the competition, prizes were awarded to a poet, *chorēgos*, and protagonist (main actor) within each category. The following day, the assembly examined the accounts of the festival, offered praises and recorded the results of the contests.

The importance of civic ideology within these festivals is illustrated by a number of elements. These included the display of tribute received from allied *poleis*, the announcement of the names of those who had contributed to the glory of the *polis* as well as those who had received a prize in the competition, and the presentation of the orphans of the war dead.<sup>4</sup> The dramatic performance was in itself a *lieu de mémoire* as the content of the plays performed contributed significantly to civic ideology. The themes of these pieces were consciously selected by representatives of the *polis* when they appointed the poets who were to compete, and were linked to the creation of a specific collective memory. They triggered a reflection of the present based on stories belonging to the mythical past. For example, the *Oresteia*, a trilogy written by Aischylos, dramatized the well-known history of the Atreides family, their transgressions towards the gods and the punishment they subsequently incurred, while at the same time provoking reflection on the forms of power and justice in Athens. In Sophokles' *Antigone*, the characters discussed the values of the household (*oikos*) and the *polis*, the best form of power, whether that of an individual or the community, and the limits to power which had to be respected. These themes were of great interest to the Athenian people, who were required to deliberate upon questions of this type outside of the context of the festival, either in the courts or the assembly. These contemporary issues were presented within the framework of a history familiar to all (Vernant and Vidal-Naquet 1972, 1986).

Certain plays were based on contemporary events, such as the Phrynicos' tragedy, *The Fall of Miletos*, which recalled the uprising of the Ionian *poleis* against the Persian empire in 494 BCE, or that of Aischylos, *The Persians*, which recounted the defeat of Xerxes at the battle of Salamis in 480. The fate of these plays was clearly not the same. The *polis* would not want to construct a communal memory based on a tragic event; thus the play by Phrynicos was excluded from the festival while that of Aischylos won a prize. Dramatic performances were particularly suited to evoke the memory of past events, whether mythical or historical, which encouraged reflection and action in the present.

Festivals also recalled key moments in political history. The Synoikia commemorated the synoikism of Athens, attributed to Theseus (celebrated on the 16th Hekatombaion). The *Theseia* (8th Pyanepson) was celebrated as of 475 BCE following the transfer of the bones of Theseus to Athens. The date of the festival and sacrifice was that of Theseus' return to Athens from Crete. Two other festivals, the Oschophoria and the Pyanepsia, also commemorated Theseus. These were reinvested with the ideology of the democratic *polis* during the Peloponnesian War, a period when the public affirmation of Athens' history was of great importance (Calame 1996b). These festivals provide good examples of the use of certain episodes within collective memory to serve contemporary goals.

Memories were attached to the positive events in a community's history, first and foremost of which was victory in battle (Chaniotis 1991; Parker 2005). Among the many

Athenian festivals which celebrated military victories was the procession and sacrifice to Artemis Agrotera. Every year the *polemarch* sacrificed 600 goats to Artemis Agrotera at Agrai to fulfill a vow made by the Athenians before the battle of Marathon (6th Boedromion). The sacrifice was followed by a public banquet. This ritual was later seen as a celebration of the victory at Marathon (Gehrke 2003b; Jung 2006; Sebillotte Cuchet 2006). The Aiantea honored the hero Ajax of Salamis, and was established in order to thank him for his aid during the battle of Salamis. Similarly, the festival of Artemis Mounychia at Phaleron (16th Mounychion) recalled the aid given by Artemis during this same battle, although it was also an important festival for young girls. Zeus Tropaios was also honored for his involvement at Salamis by the ephebes in the Hellenistic period. An annual sacrifice was performed by the Aiantis tribe to the Sphragitic nymphs, who were local divinities, in commemoration of the victory at Plataia. Finally, in 332 BCE an inscription recorded a sacrifice to Demokratia. This may have been established to commemorate the return of the Athenian democratic faction following their exile to Phyle in 403.

Examples of the commemoration of contemporary events are manifold. They did not however occupy a prominent place in the Athenian sacred calendar. These commemorations merged with the mass of memories which a *polis* had to maintain in order to exist autonomously. Ancient festivals such as the Panathenaia provoked a contemporary dialogue. It is important to point out however that the commemoration of the victories which occurred during the Persian Wars also took place within the framework of festivals shared by several *poleis* and those celebrated at Panhellenic sanctuaries.

### *A Panhellenic memory*

The creation of a memory shared by Greeks and even those outside the Greek world could only occur in locations and during events which were accessible to all. Panhellenic sanctuaries and games, which had existed at least since the Archaic period, were the ideal platform for the formation of a communal memory. The festivals established in the Hellenistic period which celebrated the kinship of the Greeks were also suitable venues.

The inhabitants of the Greek world, as well non-Greeks such as the Lydians and the Persians, were brought together at the Panhellenic sanctuaries of Zeus at Olympia and Nemea, of Apollo at Delphi, and of Poseidon at the isthmus of Korinth. These places were conducive to expressions of both individual wealth and the power of *poleis* and kingdoms; such expressions were manifested through offerings of many kinds, foremost among which were the dedication of monuments, treasures, altars, and statues, as well as the financing of processions, sacrifices, banquets, and festivals. From the Archaic period, men who wished to acquire renown in their *polis* and throughout the Greek world attached themselves to one or more of these sanctuaries. The Athenian Alkmaionid family, for example, contributed to the construction of the temple of Apollo at Delphi. In the Hellenistic period, individual benefactors consecrated buildings and organized sacrifices and banquets. These sanctuaries showcased the great deeds of *poleis*, confederations, and kingdoms; they displayed the victories of each community in a competitive environment which was sure to kindle rivalries, as is illustrated for example

by the numerous monuments lining the sacred way leading up to the temple of Apollo at Delphi.

Certain monuments and memories constructed at these sanctuaries were unique to a single political community, such as the treasury of the Athenians at Delphi which commemorated the victory at Marathon, or the portico of the Athenians which displayed the ropes and stern ornaments from the boats used by the Persian king Xerxes to cross the Hellespont. However, communal memories were also constructed: the best example of which is the column topped by a tripod and gold vase erected in front of the temple of Apollo, on which were engraved the names of the 30 *poleis* which had taken part in the victory at Plataia. These monuments cannot be disassociated either from the ceremonies which marked their consecration and which periodically renewed their meaning or from the daily journeys of pilgrims who in their own way acquired a vision of the past. This vision was created through contemplation of these monuments and their dedications as well as knowledge of the hymns which recounted the historical events they commemorated.

These sanctuaries were also the setting of Panhellenic games. Such large manifestations of the spirit of competition (*agōn*) which animated the Greek world were important elements in the creation of memory. These memories were simultaneously individual (of this athlete from this family) and collective (of this athlete from this *polis*). This preoccupation with memory was at the forefront of Pindar's odes honoring the victors of the four great Panhellenic competitions. In the Homeric hymns, death in combat was the guarantee of eternal glory, in Pindar it was victory at the Panhellenic games. Such victories revealed the excellence of an individual due to the favor of the gods and enabled the creation of a collective memory. Above and beyond the exploits of the individual praised by the poet, the odes recalled the mythical history of the community to which he belonged. The performance of these poems in public during festivals was thus an important moment in the construction of a *polis'* memory. However, the balance between memory of the victor and that of the *polis* was precarious. In 416, for example, following his victory in the chariot race at the Olympic games, the Athenian politician Alkibiades exalted in his own personal glory above that of his *polis* and the other Greeks whom he invited to his victory banquet (Schmitt Pantel 2009).

Panhellenic sanctuaries and festivals were a symbol of the cultural unity of the Greeks; those who participated in the games had the sense of belonging to a community. It was this cultural memory upon which Alexander relied in 324 BCE when, at the Olympic games, he presented the decree stipulating the return of the exiles, and, similarly, upon which Flamininus relied in 196 BCE when he announced the freedom of the Greeks at the Isthmian games.

There were also festivals celebrating communal Greek military victories. Before the battle of Plataia, the Greeks who had assembled at the isthmus of Korinth vowed that should they be victorious in battle they would celebrate their liberty by instituting communal Eleutherian games. Following their victory, Plutarch writes that Aristeides put forward a decree which instituted several types of celebration (Plut. *Arist.* 21.1–6). Each year, delegates and *theoroi* from throughout Greece came together at Plataia, and every four years games were celebrated in honor of freedom (*eleutheria*). In addition, the Plataians performed a sacrifice in honor of the Greeks who had died in battle and were

buried in their territory. Plutarch describes this ritual in great detail. Though a thorough analysis of these different forms of celebration cannot be embarked upon here, it may be noted that they combined a form of commemoration undertaken by all the Greeks with one for which only the Plataians were responsible.

The battle of Plataia was the focus of competing forms of memory (Jung 2006; Beck 2009). The Spartans and Athenians both erected trophies on the field of battle. The tithe levied on the spoils of war was used to fund the bronze tripod which was mounted on top of the serpent column consecrated to Apollo at Delphi. The names of the 31 *poleis* which took part in the battle were engraved on this monument, but this was only achieved following an attempt by the Spartan king Pausanias to monopolize the glory of the victory by inscribing his name alone (Hdt. 9.81). Celebration of the victory at Plataia also occurred in several individual *poleis*, including Sparta, Athens, and Megara. In short, the commemoration of a communal victory significantly contributed to the affirmation of a *polis'* identity, which is unsurprising in a world not politically unified.

In the Hellenistic era, a number of festivals were instituted at the initiative of different communities which appealed to themes other than that of victory in battle; these included shared origins, kinship between cities, and historical alliances (Curty 1995).<sup>5</sup> Remembering and celebrating the foundation of a *polis* and the origins of its first colonists through festivals became a valuable means of obtaining protection against other political entities; such protection could prove very advantageous in times of war. One example often cited by historians who study the memorial functions of festivals in the Hellenistic period is the festival of Artemis Leukophryene at Magnesia on the Meander (Dunand 1978; Bingöl 2007; Wiemer 2009). In 208/207 or 207/206 BCE, the Magnesians announced to the Greek world that they had established games which were to be held every five years in honor of their goddess Artemis Leukophryene. They asked that these games be recognized as *stephanitēs* and *isopythic* ("equal to those at Delphi"), and that their city (*asty*) and territory (*chōra*) be granted *asylia*, which consisted in shielding a specific location or community from attack. The response of about 150 *poleis*, confederations, and kingdoms are known, thanks to the survival of decrees and letters engraved on stone and discovered at both Magnesia and the solicited communities. Several arguments appear to have been employed by the Magnesians in order to obtain a positive response to their demand: the authority of the Delphic oracle which had prompted the creation of the festival, ancient bonds of kinship with certain communities dating back to the foundation of the *polis*, as well as the aid given by Magnesia to different *poleis* in times of trouble. In brief, religious considerations were intermixed with arguments relying on both mythology and the more recent historical past. The creation of this festival illustrates on the one hand the opening up of the Hellenistic world and, on the other, the hazards of incessant conflict which rendered the acquisition of *asylia* necessary to the survival of a community.

The memorial practices of Alexander and the Hellenistic kings who succeeded him marked a change in the *longue durée* of collective memory. The objects of memory were increasingly personified, and memorial practices became ever more an instrument of blunt political propaganda (Laum 1914; Dunand 1980, 1981; Rice 1983; Vössing 2004; Wiemer 2009). As these examples illustrate, festivals played a leading role in the construction and renewal of a community's memories. They expressed both a specific political identity and a broad cultural identity. They employed every institutional,

religious, and emotional means needed to allow memory to be created and perpetuated, thanks to a constant re-enactment of the history of often fragile communities, which fought in their own way against forgetting.

## Forgetting

Forgetting is a central theme in the study of memory; it is, if not the negation of memory, at least its inverse (Loraux 1997; H. I. Flower 2006). One foundational event in Athenian mythical history, the quarrel between Athena and Poseidon for the patronage of the *polis*, was not celebrated by a festival. According to the myth, the two divinities each offered a gift to the Athenians, one an olive tree and the other a spring, in order to obtain first place in the competition. The Athenians chose Athena following a vote in which the women participated. The wrath of Poseidon led to the flooding of Attika, following which the king Kekrops made the decision to exclude women from all political participation. This event was supposed to have occurred on the 2nd Boedromion. Plutarch wrote that the Athenians suppressed this date in their calendar in order not to commemorate the event (Plut. *Mor.* 489b, 741b). They also dedicated an altar to *Lēthē* (forgetfulness) in the temple of Erechtheus on the Akropolis. The dispute between Athena and Poseidon nonetheless remained present in the memory of Athens as it was sculpted on the pediment of the Parthenon. This episode illustrates that the various means of expressing memory were not always employed in the same fashion. The conflict between the divinities became part of the mythical history of Athens; while it was not erased from the visual landscape, neither was it commemorated by a festival, no doubt because a conflict which jeopardized the spirit of consensus in the *polis* was not to be celebrated.

The act of forgetting was attached to several events in Athenian history of the fifth century. It was at the heart of the political functioning of Athenian democracy, as is illustrated by the oath which the assembly asked the Athenians to take in 403 BCE which stipulated that past wrongs should be forgotten. In other words, the civil war between the democrats and the oligarchs in Athens at the end of the fifth century, which Kleokritos describes as “a war most utterly shameful and intolerable, utterly unholy and hated by both gods and men,” would be forgotten (Xen. *Hell.* 2.4.22). Even the victory of the democrats would not be celebrated.

Similarly, the *polis* of Nakone in Sicily linked the creation of a festival to the celebration of forgetting. A decree dating to the late fourth or early third century BCE regulated the reconciliation between the citizens following a civil war. The decree stipulated the implementation of certain institutional measures as well as the establishment of an annual sacrifice to both the ancestors and harmony which was to be attended by all citizens (Nenci 1982). The festival thus established a regular celebration of the act of reconciliation between citizens which consecrated their brotherhood. It promoted the memory not of conflict but of the forgetting of such conflict. These examples illustrate the degree to which *poleis* were conscious of the dangers of commemorating dissent for the establishment of concord between citizens. The erasure of conflict and the promotion of the act of forgetting were central to the civic ideology of the *polis*.

The forms and usages of the “condemnation of memory” (*damnatio memoriae*) throughout the Greek world should also be emphasized. This condemnation issued from political authority and could affect both individuals who were members of the administrative elite as well as entire political regimes. It also could affect Hellenistic kings, and was a powerful instrument in dynastic conflicts (Savalli-Lestrade 2007). *Damnatio memoriae* was manifested in various ways, for example by the destruction of statues or *stēlai* upon which honorific decrees were inscribed, as well as by the erasure of names in an inscription or of a sovereign’s name in the dating formulas of official documents. When it came to erasing the memory of an entire political regime, the actions taken by the community were more complicated. In such cases, it was not names but entire political acts which had to be expunged. For example, during the tyranny of the Thirty (404–403) and the regency of Antipater (321–318), Athenian oligarchs reversed the *stēlai* on which the collective and anonymous decisions of the people had been inscribed (Culasso Gastaldi 2003). The act of forgetting history sometimes occurs because of outrage, which is a vast field of potential study.<sup>6</sup>

This radical erasure of memory could even extend to established festivals. According to Livy, in 200 BCE the Athenians voted a complete *damnatio memoriae* of the Macedonian king Philip V (Liv. 31.44.4–9; Savalli-Lestrade 2007). The *polis* destroyed the statues of Philip and his ancestors as well as their honorific inscriptions, and declared that the places in which these monuments had been erected were cursed. They also terminated the festivals, sacrifices, and priesthoods which had been established in honor of the king and the other members of his dynasty. They cursed Philip, his children, his kingdom, his army, his fleet, and the Macedonian people as a whole. As with the construction of memory, the forms of condemnation of memory were numerous and complementary. They touched all of the public symbols of the king’s repute, and ended with a curse, an extremely severe religious sanction, which guaranteed his being forgotten for eternity.

## Memory in History

Memory is always created within a precise historical context, and is one of the most important instruments employed by governments when acting in the present. Changes in the social or political framework of a community generally led to changes in their memory of the past. Memory was thus reversible, fluctuating, and uncertain. A good example of this on which we may conclude is the history of Nikias, an Athenian politician of the late fifth century. Nikias was famous in Athens for his generosity towards the gods and men. He reorganized the Delia, festivals in honor of Apollo at Delos, and established a festival which constitutes one of the oldest examples of private benefaction (Schmitt Pantel 1992, 2009). He bought a plot of land on Delos which he consecrated to Apollo; the Delians were to use the revenues from the land to conduct sacrifices and hold banquets asking the gods to grant their favor upon Nikias. This arrangement was engraved on a *stēlē* which served as evidence of Nikias’ donation (Plut. *Nik.* 3.5–7). This new festival, open to all Greeks, celebrated the memory of an individual and his absence after death. It thus effectively erased the boundaries between public and private.

Nikias was also praised for the agreement he negotiated with the Spartans in 421 BCE establishing a truce during the Peloponnesian War. Plutarch writes that “he therefore

strove to unite the two cities in friendship, and to free the rest of the Hellenes from ills, as well as to give himself a season of rest, and so to make secure for all coming time the name which he had for success" (Plut. *Nik.* 9.3). According to Plutarch, Nikias sought to create a lasting memory even within the political sphere. The Greeks obliged him by giving his name to that which they thought to be the greatest and best of goods: the "Peace of Nikias." The positive memory of Nikias constructed at Athens nonetheless had a flip side. Nikias was one of the Athenian *stratēgoi* who led the Sicilian expedition during the Peloponnesian War, a military adventure which ended catastrophically for the Athenians. A large portion of the Athenian army was massacred, while Nikias and the other *stratēgos* Demosthenes were taken prisoner and committed suicide in order to escape execution. Their bodies were thrown in front of the doors of Syracuse, without burial or any form of funerary ritual. The public display of their bodies was a sign of their own personal defeat as well as that of Athens. The treatment of their bodies was however not the worst fate their memory would suffer. Plutarch writes that "at a general assembly of the Syracusans and their allies, Eurykles, the popular leader, brought in a motion, first, that the day on which they had taken Nikias be made a holy day, with sacrifices and abstention from labor, and that the festival be called Asinaria, from the river Asinaros" (Plut. *Nik.* 28.1). The date of the capture of the Athenian *stratēgoi* became a festival day and an object of memory for the enemy *polis* of Syracuse. Even the name of Nikias was barred from memory as the festival took its name from the river on the banks of which the Athenian army was defeated and massacred. The commemoration of this event gave shame to the Athenians but glory to the Syracusans.

Even today, the presence or absence of days of commemoration in different regions of the world has the power to provoke reflection on the vagaries of memory, or, more simply, the resolutely historical conditions of its development.

## NOTES

- 1 Amongst an extensive list of studies see Fehr (1984) and Hölscher (2010), who provide lengthy bibliographies on the topic.
- 2 Chaniotis argues that "Gedenktage" ("days of memory") were based on the historicity of the event. This distinction will not be employed here.
- 3 Athens has been chosen as a case study due to an abundant primary source tradition and also in order to provide internal consistency.
- 4 This topic has been the subject of many debates from the publication of Goldhill's (1987) article to that of Wilson (2009).
- 5 On Hellenistic festivals, see Veyne (1976); Wörrle (1988); Köhler (1996).
- 6 See Azoulay (2009), which contains a bibliography on the question of outrage.



PART VII

## **Government Beyond the City-State**

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## CHAPTER 29

# Greek Amphiktyonies

## *An Experiment in Transregional Governance*

Peter Funke

### Sanctuaries: Religious and Political Centers

Religion and cult were of great importance in ensuring cohesion among ancient societies. Besides the (often fictional) certainty of a common ancestry, common gods and shared cult practices provided an essential foundation for the development of early statehood in ancient Greece. For those states that were tribally organized without an urban structure (*ethnē*; sing. *ethnos*), transregional shrines or sanctuaries served as central meeting-places, not only for the celebration of religious festivals, but also for trading and for deliberating matters of mutual interest (C. Morgan 2003: 107–163). Sacred place, market, and public space were closely associated. Such central sanctuaries functioned as sites of reassurance for the members of an *ethnos*, allowing them to experience their political communalities. The ritual community and the political community were directly related to one another and gradually became one. Thus these sanctuaries could simultaneously serve as cultic and political catalysts in the ethnogenesis of tribal associations. The central sanctuaries of the Aitolians in Thermos and of the Achaians in Helike and Aigion are examples of this phenomenon. Up until the fourth century BCE such sanctuaries supported and consolidated the ethno-political cohesion of these tribal associations. In the Late Classical and Hellenistic periods they developed an important integrative function that allowed them to reach far beyond the traditional boundaries of their tribes, as the incorporation of new members into the expanding leagues of the Aitolians and Achaians was a concern of both federal states (cf. chapter 30; Funke 2009a, 2012).

However, participation in a transregional sanctuary did not necessarily forge an inseparable connection or necessitate the standardization of cultic and political identity. In the early centuries of the first millennium BCE sanctuaries had already emerged whose ritual communities consisted of various ethnic origins and who, above all, were separate political entities. The motives for sharing in the celebration of ritual festivals could differ greatly in each specific case. In principle, however, they seem to have resulted from

a need for non-violent interstate communication. Owing to the peculiarities of their system of city-states, the Greek *poleis* were compelled to develop a manner of interstate coexistence to ensure their survival and settle conflicts peacefully, if it was not possible to prevent them altogether. The increasing politicization and institutionalization of the Greek system of city-states also required a greater institutionalization of the mechanisms of interstate exchange. The formation of transnational associations was of particular importance in this process.

Transregional sanctuaries offered an appropriate, “neutral” platform of encounter for such associations. The cults and religious festivals which were jointly celebrated there provided a suitable setting for a reciprocal exchange of views, since common faith in the gods united the Greeks across ethnic and political boundaries.<sup>1</sup> A tight bond thus existed between the ritual and the political community. Nonetheless shared cultic identity did not rival but instead complemented political identity. Political independence and the affiliation with such a transnational cultic community, which always had political connotations, were not mutually exclusive but stabilized one another. In Archaic times these were the decisive conditions for a close interaction between states, whose concern was the creation of a permanent balance of individual and collective interests. The right of participation in such “interstate sanctuaries” (C. Morgan 1990, 1993; Ulf 1997) depended upon qualifications that differed significantly from case to case. Membership in the Panionion in Asia Minor, for instance, was based upon (alleged) common descent from the Ionians; access to the Panhellenic ritual festivals and *agones* in Olympia, Delphi, Nemea, and Isthmia was open only to those who, according to the view at the time, could be counted amongst the Greeks.

Yet often it was merely the spatial reference that was decisive for affiliation with an interstate sanctuary. From an early date in some parts of Greece, neighboring but politically independent – and often ethnically unrelated – tribes and *poleis* united to form cultic leagues which were clustered around a sanctuary. In some cases the origins of such unions went back to the Dark Ages; for lack of appropriate sources, the motives for the foundation of such cultic leagues can only be conjectured, at best. There was no shortage of attempts to postulate continuity with Mycenaean times with reference to the very old age of some of the leagues’ central sanctuaries, or to consider league members as components of previously self-contained tribes that fell apart in the Mycenaean period (Wüst 1954/1955; Tausend 1992). Even though the antiquity of many such interstate sanctuaries is beyond question, there is no compelling reason to ascribe the foundation of these leagues to ethnic considerations. The basis of their union was primarily determined by a spatially defined structure; the node of their communication was marked by a central sanctuary. Thus, a realm of clearly defined interaction was established, enabling the existence of an interstate community whose duties consisted not only of the maintenance of the shared cult, but also encompassed all areas of a conflict-ridden interstate arena.

The notion of spatiality manifests itself in the fact that some of those leagues are referred to as “amphiktyonies” (*amphiktyoniai*; sing. *amphiktonia*), and their members as “amphiktyons” (*amphiktiones/amphiktyones*; *amphi* = around + *ktizein* = dwell, giving “dwellers around”).<sup>2</sup> The Delphic amphiktony was the most renowned among them, but it was not the only one. But even in Antiquity it was considered archetypal

and thus, according to the sources, other comparable associations were named after it. It will therefore be the main topic of the following discussion.

## The Role-Model Amphiktyony: Anthela and Delphi

The beginnings of the Delphic amphiktyony date to the Early Archaic period. It was probably in the eighth century BCE at the latest that a number of neighboring but independent tribes in Western Central Greece joined to form a league whose cultic center was a sanctuary of Demeter at Anthela, near Thermopylai. Presumably after an indeterminate time lag, the sanctuary of Apollo at Delphi came under the aegis of this league and established itself as its second cultic center. The sanctuary at Anthela kept its central status, but over time the Delphic sanctuary rose to far greater fame. At some point, then, there were two cultic centers in which the league carried out its affairs.<sup>3</sup>

The league's early history can only be traced in a rough outline as the earliest evidence dates back to no earlier than the fifth century BCE. Although Homer's epics and the Homeric hymns describe the importance of the Delphic oracular sanctuary (e.g., *Il.9.404–405; Hom. H. Apoll. 282–299*), they contain no indication of activities of any kind performed by the league at Anthela and Delphi. The accounts of the so-called First Sacred War and the destruction of Krisa / Kirrha, in which the league seems to have participated in some fashion in the early sixth century BCE, do little to unlock the amphiktyony's early history. The tradition is clearly charged by the armed conflict over Delphi to such an extent that historicity and fiction concerning the First Sacred War can hardly be distinguished. Whether the league was in control of the Delphic sanctuary at that time, or if it won the sanctuary's supervision only as a result of the First Sacred War cannot even be determined (Parke and Wormell 1956: 99–113; Lefèvre 1998: 13–16; Sánchez 2001: 58–80). “The only incontrovertible fact is that the earliest evidence for amphiktyonic responsibility for the upkeep of Delphi is Herodotus' (2.180) account of the rebuilding of the temple of Apollo after the fire of 548” (C. Morgan 2003: 130).

Herodotus is the first to give a clear indication of the function of the sanctuary of Demeter at Anthela as the league's assembly place: “Between the river and Thermopylai there is a village named Anthela, past which the Asopos flows out into the sea. There is a wide space around Anthela in which stands a temple of the amphiktyonic Demeter, seats for the Amphiktyons, and a temple of Amphiktyon himself” (Hdt. 7.200.2; cf. also 7.213).<sup>4</sup> Here, as on various other occasions (2.180, 5.62, 7.228), the name *amphiktyones* is used for the first time to designate the members of the league. Even though Herodotus employs the same term on a different occasion (Hdt. 8.104) to mean very generally “those who dwell around a place,” there is no doubt that in these passages *amphiktyones* is used as a quasi-technical term to denote the members of the league of Anthela and Delphi (Calabi 1953: 11–26). Attic orators attest the term *amphiktyonia*, derived from the name *amphiktyones*, no earlier than the mid-fourth century BCE. However, the natural use of this term by Isokrates and Demosthenes (Isok. 5.74; Dem. 5.19, 11.4) suggests that the description of the league of Anthela and Delphi as amphiktyony was already in use much earlier, at first referring exclusively to the league of Anthela and Delphi.

Thus the terms *amphiktyonia* and *amphiktyones* were not originally generic terms but rather proper names denoting only the league of Anthela and Delphi as well as their members. It was only later that these terms were also transferred to other comparable phenomena (Calabi 1953: 26; Lemche 1977). Nevertheless, the use of the terms remained relatively unspecific and limited to only a few cases, with the result that no clearly defined typology of an amphiktyony can be extracted from the ancient sources. Thus one has to be extremely cautious when grafting the term “amphiktyony” as a category of interpretation onto leagues for which the term is not explicitly testified (cf. Cauer 1894: 1905).<sup>5</sup>

The generic history of what the amphiktyony entailed was already debated in Antiquity. Controversies arose over the semantic meaning of *amphiktyones*. Attempts to trace the term back to a founder of the amphiktyony called *Amphiktyōn* were opposed by the explanation that the members of the league were named *amphiktyones* because they dwelled as neighboring tribes around a common sanctuary (cf. Paus. 10.8.1). Both the narratives about the eponymous hero *Amphiktyōn* and other, partly contradictory, foundation myths are doubtlessly secondary etiological constructs (cf. Cauer 1894: 1932–1933; Sánchez 2001: 16–37).<sup>6</sup> It thus seems best to accept the view that was already represented in the fourth century BCE by the historians Anaximenes (*FGrH* 72 F 2) and Androtion (*FGrH* 324 F 58): that the terms *amphiktyones* and *amphiktyonia* simply referred to the league’s spatial organization. Remarkable here is not so much the notion of neighborhood and vicinity of the league’s members in itself, but rather that this became a defining characteristic of the league’s vocabulary. Evidently, reference to spatial criteria was regarded as the decisive feature of interaction, taking precedence over ethnic bonds or primordial relations.<sup>7</sup> However, this realization in no way denies the importance of the sanctuaries at Anthela and Delphi. The amphiktyony’s sanctuaries acted as the guarantors of its cohesion, but that was not their sole purpose. They rather served as central and universally recognized reference points for the amphiktyons’ interaction in a limited but multipolar network of independent tribal confederations. Therefore, from its very beginning, the amphiktyony was not only a cultic league; at the same time it was an early interstate league. Both forms of interaction were inseparably interwoven.

Due to the disparate sources, detailed information about the amphiktyony’s composition, internal structure, and competences is available no earlier than the Late Classical and Hellenistic periods. Since the earliest membership lists date from the fourth century BCE, it cannot even be decided with any certainty whether the members had always remained the same or if there had been change and expansion. All ancient authors agree that the amphiktyony had always consisted of 12 members. However, their lists are not only incomplete but also inconsistent, with the result that only a comparison with the epigraphic material renders the naming of the members possible at least for the Classical period: Thessalians, Phokians, Delphians, Dorians, Ionians, Perrhaibians along with the Dolopians, Boiotians, (Western and Eastern) Lokrians, Achaians from Phthiotis, Magnetes, Ainianes along with the Oitaians, Malians.<sup>8</sup>

At first the amphiktyony’s core consisted exclusively of tribal states (*ethnē*). But after admission to the amphiktyony of the Delphians, Athenians (representing the Ionians together with the Euboians), and the Spartans (Peloponnesian Dorians), the amphiktyony probably experienced changes (cf. Strabo 9.3.7). The inner structure of

the amphiktyony was presumably affected both by Delphi's assumption of control over the sanctuary and by the consequences of the First Sacred War. It is possible that the doubling of votes was part of these alterations, since in later times the 12 members each held two votes. A possible explanation for the number of votes may be that "distant states such as Sparta and Athens were admitted and then the original tribal votes were doubled; but the question remains obscure" (Ehrenberg 1969: 110). The number of members (12) and of votes (24) remained unchanged until the Roman Imperial era, even though in the Hellenistic period first the Macedonian kings and later the Aitolian league involved the Delphic amphiktyony in their ambitions for political power. While the Macedonian kings temporarily took over the two Phokian votes (Lefèvre 1998: 94–101; Sánchez 2001: 220–268), the Aitolians themselves were never part of the amphiktyony. Instead, they exercised their influence through the votes of those amphiktyons who were members of the Aitolian league, or they assigned votes to some of their new members. This resulted in a very close interweaving of the Delphic amphiktyony and the Aitolian league in the third and early second centuries BCE (Flacelière 1937; Lefèvre 1998: 102–121; Sánchez 2001: 270–363). After the reorganization of the amphiktyony in the second century BCE (Habicht 1987; Sánchez 2001: 364–425), the Augustan era saw a radical revision of the membership and a redistribution of the 24 votes, 10 of which were assigned to the recently founded Nikopolis. Further changes followed in the first and second centuries CE due to the political deliberations of the Roman emperors, leading, among other things, to an increase in the number of votes to 30 (Lefèvre 1998: 124–134; Sánchez 2001: 426–436).

The regional principle always remained a constituent element of the Delphic amphiktyony during its thousand-year history. The principles of the institutional structures, too, do not seem to have changed over time. Control over the sanctuary at Delphi and the amphiktyony's increasing involvement in the political affairs of all Greek states resulted in the development of new committees and commissions, and gave rise to a more extensive administrative system. Nevertheless, the core of the amphiktyony's traditional organizational structure survived. The location, scheduling, and frequency of assembly meetings were strictly adhered to, as was the number of its members. The distribution of seats entitled to vote, whose number was first 12, and later 24, remained valid until the Augustan era, and can also be traced to the beginnings of the amphiktyony. The equal allocation of votes to all members without any consideration of size or significance resembled early forms of decision-making; in later times, this must have been considered antiquated. But this aspect in particular became the defining criterion of the amphiktyony since the Classical period at the latest. This may explain, then, why such early forms of interaction were retained and survived into later times.

Nonetheless, in light of the available evidence, the amphiktyony's early history remains obscure. The mere fact of its foundation implies a certain degree of regulation and institutional organization (Ehrenberg 1969: 110–111). Thus it was decided that the assemblies, called Pylaiai after the nearby Thermopylai and held twice a year in spring and autumn, were to take place at the sanctuary of Demeter Amphiktyonis at Anthela. When Delphi was added as a second place of assembly, the assemblies were held in both places, but kept their original name. Three names for the representatives sent by the amphiktyons are known from the sources: *hieromnēmones*, *pylagoroi*, and *agoratroi*. The terms *pylagoroi* and *agoratroi* are synonyms for one and the same office

(Roux 1979: 26), but the duties of *pylagoroi/ agoratroi* and *hieromnēmones* cannot be clearly distinguished. Moreover, it is impossible to decide which of the two offices was older, and neither can we determine whether the *hieromnēmones* had always held voting rights, or if this had once been the right of the *pylagoroi*. In any case, the later total of 24 *hieromnēmones*, along with a number of *pylagoroi*, served as the amphiktyons' delegates in a council called *synhedrion*, where all the amphiktyony's decisions were made (Strabo 9.3.7; cf. also Dion. Hal. *Ant.* 4.25.3).<sup>9</sup>

The issue of institutional organization is closely related to the (controversial) discussion concerning the amphiktyony's aims, as well as its associated duties and responsibilities. In early research, not only religious aspects but also political causes were frequently attested during the amphiktyony's formative phase at Thermopylai (cf. Cauer 1894: 1909–1910; Busolt and Swoboda 1926: 1292–1294; see also the compilation by Sánchez 2001: 46). In contrast, more recent research emphasizes the amphiktyony's religious character almost exclusively, denying any political function (e.g. Tausend 1992: 34–47). However, the dichotomous question of whether the foundation of the amphiktyony was either religiously or politically motivated seems misguided to begin with. As Victor Ehrenberg observed (1969: 109), “[w]e find it true here, as always in Greece, that to make an absolute separation between the spheres of religion and politics does violence to the facts.” For an analysis of the reasons of the amphiktyony's foundation, more emphasis should be laid on the amphiktyony's reference to geography, especially since the name of the amphiktyons acknowledged the spatial factor.

As shown above, the union of neighboring but independent *ethnē* contributed to the development of a common area of interaction that was equally determined by religious and political factors. It is impossible to know exactly how this area of interaction between states was used in the early history of the amphiktyony – as early as Strabo (9.3.7) the ancient authors had already had to admit “that now the facts of olden times are unknown”. Nonetheless, it is likely that Strabo's very general description of the amphiktyony's duties hits a core of truth. He identifies them as “both to deliberate concerning common affairs and to keep the superintendence of the temple more in common.”<sup>10</sup> It is undisputed that the amphiktyony's central tasks included the maintenance of its cults and festivals as well as the upkeep of the temples in Anthela and Delphi. However, whether or not deliberation of “common affairs” (*ta koina*) had always belonged to the amphiktyony's duties remains an unsolved riddle. The actual meaning of “common affairs” is often defined too narrowly, encompassing either military or economic matters, which can be easily dismissed (e.g., Bowden 2003). Instead, it would be advisable to consider the broader sociopolitical conditions of the Early Archaic period, when the lack of legally binding regulations made the peaceful communication between political communities difficult, if not downright impossible. In such an environment, unification by means of an amphiktyony created a consistent alternative that allowed members to embark on joint deliberations, resolve problems, and determine a collective course of action. Solidarity among the members, based on common cult practices, ensured mutual acceptance and compensated for the lack of other forms of legitimatory support. The amphiktyony was thus probably concerned with the entire spectrum of everyday life in peace and war whenever questions of interstate coexistence were affected. In this sense, then, the amphiktyony also served as a very early authority for the stabilization of interstate relations.

The oath with which the amphiktyons are said to have confirmed their membership also suggests this. A lone reference to this oath can be found, namely in a speech by the Attic orator Aischines dating to 343 BCE:

At the same time I reviewed from the beginning the story of the founding of the shrine, and of the first synod of the Amphiktyons that was ever held; and I read their oaths, in which the men of ancient times swore that they would raze no city of the Amphiktyonic states, nor shut them off from flowing water either in war or in peace; that if anyone should violate this oath, they would march against them as one and raze his cities; and if anyone should violate the shrine of the god or be accessory to such violation, or make any plot against the holy places, they would punish him with hand and foot and voice, and all their power. To the oath was added a mighty curse. (Aischin. 2.115)

The oath's historicity has been questioned in recent research (Sánchez 1997, 2001: 48–50; cf. but also Lefèvre 1998: 147–151, 352–354). But even if the oath handed down by Aischines was a later construct, the view represented there – that the amphiktyony functioned as an acknowledged intermediary in interstate affairs – was commonly accepted. The decidedly archaic character of the wording also needs to be considered, especially since they targeted not the prevention of war, but merely the regulation of military conflicts that seem to have been thought of as inevitable. Thus they are well “in line with the practices observed in archaic Greek warfare and reflects a deference to Delphi in these matters that almost certainly goes back to the sixth century” (Singor 2009: 597).

Victor Ehrenberg's verdict, therefore, appears to hold true (1969: 109): “Apart from the maintenance of cult, it was the special task of the amphiktyony to guarantee certain rules of behaviour between different states.” But in the Archaic period, the interstate activities that were governed by those “rules” remained strictly limited to the territory of the amphiktyony's members. This is confirmed by the amphiktyonic decisions during the Persian Wars as recorded by Herodotus. Both the announcement of a bounty for the capture of Ephialtes, a man from the tribe of the Malians (members of the amphiktyony), who had revealed to the Persians how to bypass the Thermopylai (Hdt. 7.213–214), and the honors awarded by the amphiktyons to those who had fallen during the battle at Thermopylai (Hdt. 7.228) concerned the members of the amphiktyony and had an immediate impact on their affairs.

All in all, then, in its early phase, the amphiktyony was recurrently and exclusively concerned with matters of common interest *in religiosis* as well as *in politicis*. There were no fundamental changes to this even in later times. But the balance shifted somewhat. A law of the amphiktyons, published in 380 BCE in Athens (*CID I 10/CID IV 1*; cf. also *IG II<sup>2</sup> 1126*), records that the duties of the *hieromnēmones* were apparently reorganized (cf. Sánchez 2001: 153–163). This law, along with numerous other resolutions, clearly shows that the tasks relating to the assumption of control over the sanctuary at Delphi increasingly rose in importance, while others were given less attention. Since, in the Greek system of city-states other legal forms developed that governed the interstate behaviour of *poleis*, the role of the amphiktyony in that realm gradually diminished over time. Henceforth, its primary responsibility was reduced to the governance of the sanctuary at Delphi which occupied the everyday affairs of the amphiktyony, although it did not engage in the cultic affairs of the sanctuary itself. Rather, the amphiktyony

dealt with the maintenance of the buildings, the management of the temple's great assets, and the supervision of the "holy territory" dedicated to Apollo. In addition, the organization and management of the Panhellenic games in Delphi (*Pythia* and since the third century BCE *Sōtēria*) belonged to its duties. The great reputation enjoyed by Delphi among the Greeks as the location of Panhellenic games, but also as the most "international" oracle in the ancient world, had the effect that the boundaries between amphiktyonic, Panhellenic, and international authorities became increasingly blurred. Thus the amphiktyony was also involved in political conflicts outside its actual borders, becoming more and more exposed to the danger of political instrumentalization (Hornblower 2009).

The amphiktyony gradually grew into a new role, even though its institutional character, in principle, remained unchanged. It may even have profited from keeping the traditional forms and methods. Its traditional basis in the religious sphere gave it recognition and influence even on an international level where it technically lacked institutional power. Simon Hornblower calls this the "'soft' political aspect" (2009: 50). However, the associated turn to the outside caused a fundamental change in the amphiktyony's defining features. Given a history of more than a thousand years, this might not seem surprising.

## Spatial Connectivity at Sea: The Amphiktyony of Delos

The notion of maritime connectivity, as coined by Horden and Purcell (2000: esp. 123–172), captures a characteristic feature of the Mediterranean region. In the case of the Aegean, the sea was not a dividing, but a connecting element. The sea fulfilled the important function of bridging the gap between the numerous islands, thus creating a maritime communication area whose participants were, apparently from very early on, closely connected by their common religious and cultic traditions without sacrificing their independence. As Christy Constantakopoulou (2007: 29) observes:

Island interaction and networking is at the heart of the history of the Aegean. . . . Religious activity . . . was one of the ways through which interaction between communities was expressed. More particularly, the formation of religious amphiktyonies in the Archaic period was one of the ways in which island interaction was manifested. We are fortunate to have enough information . . . about two early religious amphiktyonies centered on islands: that of Calauria in the Argosaronic sea, and that of Delos in the Aegean.

It is important to note, however, that the evidence for the application of the term "amphiktyony" for the sanctuary of Poseidon in Kalaureia stems only from the Hellenistic period. In the case of the sanctuary of Apollo at Delos there is no direct evidence at all; the usage of the term can only be conjectured. Early sources mention the existence of a sanctuary at Delos, known and visited by people from all over the Aegean (cf. *Hom. H. Apoll.* 146–164), but nowhere is it referred to as belonging to an amphiktyony. However, in this context the official name *amphiktyones*, held by the Athenian magistrates who controlled the Delian sanctuary in the fifth and fourth centuries, has been attested. After the Athenians had assumed control over the sanctuary in the middle of the fifth century BCE, the Athenian *amphiktyones* were responsible for the

sanctuary's administration (Chankowski 2008: 41–47, 149–233). These *amphiktyones* are first mentioned in an account of 414/413–411/410 BCE (*IG I<sup>3</sup>* 1459/*ID* 92). The *amphiktyones* continued to exercise their function until 314 BCE (with a few short interruptions).<sup>11</sup> In accordance with older research, Christy Constantakopoulou has expressed the belief that the naming of the Athenian magistrates as *amphiktyones* contains a reminder of the existence of an older Delian amphiktyony: “By using the term *amphiktyones*, Athenian officials adopted the role of the representatives from the entire network of participants that constituted in a previous era the religious network around Delos and now the official allies of Athens” (Constantakopoulou 2007: 70; cf. also Smarczyk 1990: 475–480). In contrast to this view, Véronique Chankowski (2008: 5–49) recently voiced the opinion that all attempts to establish a connection between the naming of the Athenian magistrates as *amphiktyones* and the existence of an early Delian league are futile. She believes that the title was the result of an ideological construct of the Athenians through which they wanted to associate their commitment on Delos with the activities of the Delphic amphiktyony, thus providing yet another buttress to their contemporary hegemony.

Chankowski's view deserves consideration insofar as the use of the term *amphiktyones* was without doubt a secondary, later adaption of what was at first, in the rigid sense, a Delphic terminology (cf. above). Furthermore, it is plausible to relate this adaption to the Athenians' political intentions in the fifth century BCE. But it remains doubtful as to whether or not this observation itself suffices to question the existence of an association that resembled a Delphic amphiktyony, with the sanctuary of Apollo on Delos as its center. The use of Delphic terminology for the administration of the Delian sanctuary would not have been possible unless the conditions on Delos were to some degree analogous to those at Delphi. The Athenians' ideological appropriation of the Delian sanctuary also indicates the existence of a comparable cultic union on Delos at the time. Archaeological evidence supports this assumption. The early monumentalization of the sanctuary at Delos with the construction of three temples and numerous treasures (*oikoi*) clearly speak to the active engagement of many neighboring states as early as the Archaic period (Constantakopoulou 2007: 49–53). It seems thus reasonable to suppose that these states undertook such building on Delos as members of a transnational cultic association, as described in the early depiction of cultic festivals on Delos in the Homeric Hymn to Apollo (*Hom. H. Apoll.* 146–164).

There is good reason, then, to posit the existence of an early cultic league that clustered around the Delian sanctuary. However, this begs the question of how this cultic league was specifically amphiktyonic, rendering it similar to the Delphic amphiktyony and leading to the possibility of a terminological association between the two leagues as bolstered by the Athenians. As indicated above, geographical proximity of the members of the Delphic amphiktyony was regarded as the main catalyst of their interaction. Evidently, this was also the defining characteristic of the Delian association. Even though the ancient sources often mention an Ionian hegemony on Delos, and the sanctuary on Delos functioned as a cultic center for all Ionians, ethnic affiliation was not the decisive criterion for membership in the Delian cultic association (*contra* Tausend 1992: 47–55). Thus Herodotus (4.35.3) consistently calls the members “the islanders and Ionians,” and Thucydides (3.104.3; cf. also Strabo 10.5.2) names them “Ionians and the islanders round about.” The common worship of Delian Apollo was not at all limited only to

Ionian *poleis*. Christy Constantakopoulou (2007: 38–53) assembles the archaeological evidence, disclosing a strong presence of many non-Ionian island communities in the Delian sanctuary as early as the Archaic period (cf. also Schachter 1986: 212–214).<sup>12</sup> The Delian cultic association was therefore primarily based on a spatial, not an ethnic, system of relations. The connecting element was a “conscience régionale” (Prontera 1989: 177). Christy Constantakopoulou (2007: 49, 58) has thus concluded that the early cult network of the Delian Apollo was “primarily a *nesiotic*, rather than Ionian, network” and that “Delos was the religious centre not of a purely Ionian world but predominantly of a nesiotic world.”

It is likely that the spatial system of relations of this “*nesiotic* world” gave the Delian cultic association its unique character as early as the Archaic period. On the one hand, it distinguished it from similar cultic associations whose existence was primarily founded upon a common ethnic origin; on the other hand, it turned the association into a Delphic analogue, inviting the adoption of amphiktyonic terminology. The reasons for the creation of an amphiktyonic union with the sanctuary of Apollo on Delos as its center would have been similar to those that led to the foundation of the Delphic amphiktyony. In both cases the aim was to intensify interstate connectivity in an area of limited size, either on land or at sea. The shared cult created a platform (if only a rudimentary one) that facilitated coexistence at a time when other forms and procedures of interstate relations had not yet been developed.

Next to nothing can be said about the institutional organization of the Delian amphiktyony. The question of who had been responsible for the sanctuary’s administration before the Athenians assumed control in the fifth century BCE remains open. The same applies to the later development of the original Delian cultic community, after Delos had become the center of the newly founded Delian league in 478/477 BCE. Bernhard Smarzyk (1990: 478–479) assumes that the choice of Delos as center of the Delian league was not immediately associated with the Delian amphiktyony, but that the latter continued to exist independent of the Delian league even after 478/477. In contrast, Christy Constantakopoulou (2007: 62) conjectures that “the idea of transformation of the archaic religious network centred at Delos into the imperial network of allies of the Delian league.” Due to the lack of appropriate sources it is impossible to decide between these positions. The third stance is, of course, to deny the existence of a Delian amphiktyony in the Archaic period, as suggested by Chankowski (2008), yet this seems hardly convincing.

## The Other Amphiktyonies: Kalaureia and Onchestos

Even though originally only the cultic league of Anthela and Delphi was called an amphiktyony, the designation is attested for two other cultic unions. Strabo uses the term when he describes the two sanctuaries of Poseidon in Boiotian Onchestos (9.2.33) and on the island Kalaureia (modern Poros) in the Saronic Gulf (8.6.14). Since Strabo probably wrote this with earlier descriptions of the Late Classical and Hellenistic periods in mind, it is likely that his terminology, too, goes back to these sources. However, it is impossible to determine when and under what circumstances the Delphic terminology was transferred to the cultic associations of Onchestos and Kalaureia. In contrast, it

is possible to show that these two cultic associations, too, were essentially defined as consisting of neighboring entities which did not necessarily share a common ethnic affiliation. It was precisely this spatial organization that turned these associations into Delphic analogues.

“Onchestos is the place where the Amphiktyonic council (*to amphiktyyonikon*) usually assembled.” This short remark by Strabo (9.2.33) is the sole mention in the entire ancient tradition of the existence of an amphiktyony at the sanctuary of Poseidon in Onchestos. There are no further indications regarding the amphiktyony’s age, institutional organization, or responsibilities. The sanctuary was located on the top of a pass between the Teneric plain and the Kopais basin (Schachter 1986: 207–208, 212; Schachter 1992: 47–48; Kühr 2006: 289). This strategically convenient location may well have been the decisive factor in the choice of the sanctuary of Poseidon as the center of an amphiktyony, whose members shared an interest in protecting an orderly interstate coexistence in this region. Therefore, the circle of members of this amphiktyony does not appear to have been limited to Boiotia, but probably also encompassed “the older, non-Boiotian, stocks in Boiotia, such as the Oropians, and the inhabitants of trans-Asopic territories” (Buck 1979: 90). So the decisive criterion for membership in this amphiktyony was again the aspect of geography and not the idea of ethnic affiliation.<sup>13</sup> Even though the cultic traditions may have gone back as far as the Mycenaean period (cf. Schachter 1986: 214–220), the amphiktyony’s foundation probably took place as late as the post-Mycenaean period. In the late sixth century BCE, a series of profound changes led to the foundation of a first Boiotian league, and those changes would have also triggered the gradual erosion of the existing amphiktyonic structures. The sanctuary of Poseidon at Onchestos, along with the sanctuary of Athena Itonia at Koroneia, developed into a cultic and political center of the new Boiotian league and finally became the league’s capital in the Hellenistic period (Roesch 1982: 266–282).

For the existence of an amphiktyony at the sanctuary of Poseidon on the island of Kalaureia, Strabo (8.6.14) is once again the main witness: “There was also some kind of amphiktyony [*amphiktyonia tis*] connected with this temple, consisting of seven cities, which performed sacrifices in common. These were Hermion, Epidauros, Aigina, Athens, Prasai, Nauplia, and Minyan Orchomenos. The Argives contributed on behalf of Nauplia, and the Lakedaimonians on behalf of Prasai.” This short remark is the sole indication in the ancient literary tradition of the amphiktyony of Kalaureia. With the exception of Orchomenos, labelled “Minyan” here by Strabo and thus clearly the Boiotian Orchomenos, all member states were located near the Saronic Gulf (cf. Constantakopoulou 2007: 30, fig. 3). The only explanation for the membership of Boiotian Orchomenos is that at the time of the amphiktyony’s foundation it had access to the Euboian Gulf and was thus also a “coastal” state, although relatively remote (Wilamowitz- Moellendorff 1896: 167–168; Harland 1925: 163).<sup>14</sup> The membership of Orchomenos is telling, as is the absence of Troizenians from the league, to whom the sanctuary on Kalaureia belonged, and of a few important naval powers, such as Korinth or the Euboian port cities. Ulrich von Wilamowitz-Moellendorff (1896: 163–164) doubted the completeness of the membership list for these reasons, but it is impossible to confirm or rebuke his doubts. Be that as it may, the membership list as provided by Strabo contains decisive information about the amphiktyony’s period of foundation. It shows that originally both Nauplia and Prasai were independent members of the amphiktyony;

the Argives and Lakedaimonians took their place only after Nauplia had been conquered by the Argives in the second half of the seventh century BCE (Theopomp. *FGrH* 115 F 383; Paus. 4.24.4, 35.2), and Prasai had been taken by the Lakedaimonians soon after the middle of the sixth century (Hdt. 1.82). Thus the conquest of Nauplia is a *terminus ante quem* for the amphiktyony's foundation, allowing the assumption that this event took place in the course of the eighth or in the first half of the seventh century BCE (Constantakopoulou 2007: 32–36; cf. also Mylonopoulos 2003: 427–431; Mylonopoulos 2006: 133–136).<sup>15</sup>

Important additions to the information given by Strabo are offered by a small fragment of an inscription found in the late nineteenth century during the archaeological excavations in the sanctuary of Poseidon at Kalaureia, dating to the second century BCE (*IG IV* 842). In spite of the fragmentary character of the inscription, reference to the amphiktyons and the *hieromnamones* is manifest, which indicates the amphiktyony's existence in Hellenistic times. Furthermore, it shows that the amphiktyony's contemporary institutional structures were apparently shaped according to the model posed by the Delphic amphiktyony. The question of when Delphian nomenclature was adopted, however, remains unanswered. Ulrich von Wilamowitz-Moellendorff (1896: 160–161) expressed the grounded belief that the amphiktyony had ceased to exist in the Classical period and was not revived until the Hellenistic period when for a short time and under new auspices it experienced an “artificial rebloom” (cf. also Busolt and Swoboda 1926: 1281; Mylonopoulos 2003: 429; Mylonopoulos 2006: 135). It is therefore impossible to decide whether terms like amphiktyons and *hieromnamones* were introduced during the Hellenistic period or had already been in use earlier.

Despite these uncertainties, it seems nevertheless safe to postulate its amphiktyonic character as early as the Archaic period; most likely, it was a Delphic analogue. The many attempts to put the circumstances and aims of the Kalaurian amphiktyony's foundation in concrete terms are hardly convincing (cf. the compilation of various, and at times rather speculative, explanations in Mylonopoulos 2003: 430; Mylonopoulos 2006: 135–136). As in the case of Delos, the Kalaurian amphiktyons, too, were presumably mostly concerned with the creation of a neighborhood organization on a cultic basis, in order to improve their maritime connectivity. Inspired neither by ethnic relations nor by tribal togetherness, the driving force of their interaction came from the shared maritime space that the members of this association inhabited.<sup>16</sup> The Kalaurian amphiktyony thus ultimately aimed at improving their coexistence and balancing their divergent interests. This motive is probably also reflected in the ancient tradition, according to which the island Kalaureia used to carry the name *Eirēnē* (“Peace”) in earlier times (Arist. fr. 597R/Plut. *Mor.* 295e–f; Antikleides *FGrH* 140 F 9/Harpokration s.v. Kalaureia; Phot. s.v. *Kalaur(e)ia*).

## Amphiktyonic Approaches

Not every cultic association with a transregional sanctuary at its center was an amphiktyony. In Antiquity, the relatively unusual term “amphiktyony” appears to have described a very specific form of cultic association. Its essential constituent was the creation of a

space sanctioned by a common cult that allowed interaction between a certain number of neighboring tribes or *poleis*. The political independence of the members was decisive – they were not, or not necessarily, ethnically or tribally related. Thus the many tribal sanctuaries in Central Greece or the Peloponnese were not amphiktyonies as such. Rather, they served as platforms for the consolidation and manifestation of solidarity between those who participated in them. In amphiktyonies, by contrast, the notion of interstate relations was prevalent.

It is not always possible to distinguish clearly between amphiktyonies and other transregional cultic communities. There were some amphiktyonic associations that were not explicitly named amphiktyonies but could nevertheless be counted among this category due to the composition of their members and their objectives. One of them was, for example, the cultic association at the sanctuary of Poseidon at Samikon on the western coast of the Peloponnese (Strabo 8.3.13), whose members merged to form the ethnically and politically related group of the Tryphylians in the Late Classical period (T.H. Nielsen 1997; Ruggeri 2004: 96–102; Ruggeri 2009: 54–55; R. Parker 2009: 197–198).<sup>17</sup> In Asia Minor, the cultic leagues of the Panionion<sup>18</sup> on the Mykale peninsula and of the Triopion<sup>19</sup> near Knidos also had an amphiktyonic character. Although ethnic (Ionic or Doric) identity was a requirement for membership, not all ethnically related states were necessarily entitled to participate. In truth both leagues consisted of an exclusive group of states, whose union was presumably the result of political motivations more than anything else.

Amphiktyonic leagues were a particular phenomenon of early Greek history. They were an attempt to overcome the fragmentation of the Greek system of developing city-states as early as the Dark Ages and the Archaic period. At the same time, they became early models for the development of new forms of federal integration in the Classical and Hellenistic periods (see chapter 30). Most of the amphiktyonies did not survive the dynamic changes of the Late Archaic and Classical periods, unless they absorbed new responsibilities along the way, which transcended the amphiktyony's original goals – Delphi and Delos are the most obvious examples for this. Other amphiktyonies (e.g., the Panonian or the Kalaurian amphiktyony) were revived in the Hellenistic period to experience a short period of resurgence, most likely in response to a particular sense of religious atavism. But, as the grand-scale monarchies of the Hellenistic world cast a longer shadow over Greek affairs, the original purpose of amphiktyonic governance had long faded into obscurity.

## NOTES

- 1 According to Herodotus (8.144.2), the “joint sanctuaries and sacrifices” were an integral part of *to hellenikon*; cf. Parker (1998b: 10–24); Konstan (2001); Hall (2002: 189–192); Zacharia (2008); Funke (2009b).
- 2 The inconsistent spelling of *amphiktiones* and *amphiktyones* in ancient literary and epigraphic sources was already discussed by ancient authors and led to various interpretations about the early history of the Delphic amphiktyony (e.g., Androtion *FGrH* 324 F 58/Paus. 10.8.1). The different types of spelling seem to be simply dialectal variations; cf. Calabi (1953: 11–26); Sánchez (2001: 32–37); differently Wüst (1954/1955: 142–143).

- 3 In order to emphasize the importance of this doubling of centers within the league, it is often referred to as Pylaic-Delphic instead of Delphic amphiktyony, primarily in non-anglophone research: e.g., “pyläisch-delphische Amphiktyonie” (Busolt and Swoboda 1926: 1292–1310); “l’amphiktionie pyléo-delphique” (Lefèvre 1998); “l’amphiktionie des Pyles et de Delphes” (Sánchez 2001). For the sake of brevity, the term (Delphic) amphiktyony will be used here.
- 4 Another early indication confirming Anthela as a meeting place can be found in Sophokles (*Trach.* 638–639) as well as in an Athenian inscription dating to the mid-fifth century BCE, which mentions the assembly called Pylaia, named after the nearby Thermopylai (*IG I<sup>3</sup>* 9; concerning the problematic additions cf. *SEG* 29.4; Sánchez (2001: 109–111).
- 5 The ongoing discussion about Martin Noth’s thesis of an Israelite amphiktyony (Noth 1930) may here be indicated exemplarily; for criticism cf. Smend (1971); Lemche (1977). But the term amphiktyony is often used indiscriminately also in the history of ancient Greek and Roman religion.
- 6 The mythological traditions about the Delphic amphiktyony differ in various ways regarding the place of foundation (Anthela or Delphi) as well as the names of the founders (Amphiktyōn or Akrisios). At least part of the origins of these traditions probably goes far back in time, since already Herodotus (7.200) mentions besides the temple of Demeter Amphiktyonis also a temple of Amphiktyōn at the meeting place of the amphiktyony. However, the narratives’ secondary aetiological character is evident. Thus the assumption by Wüst is untenable (Wüst 1954/1955: 132–135; cf. also Tausend 1992: 38–39), who wants to see in the narratives about the hero Eponymos a reminiscence of the existence of a tribal association that was originally closed and had later fallen apart, which in his view formed the amphiktyony’s core.
- 7 For the meaning of spatial organization for transregional sanctuaries especially in the Dark Ages and the Archaic period, cf. de Polignac (1995); Margan (2003); de Polignac (2009: 434–439).
- 8 Lists of the amphiktyons: Theopomp. *FGrH* 115 F 63; Aischin. 2.116; Paus. 10.8.2; also Harpokration and the Suda *s.v. amphiktyones*. It remains controversial whether Herodotus’ list (7.132) of the Greek tribes that joined Xerxes in 480 BCE or resisted him, is based on a list of amphiktyons (thus Cauer 1894: 1928); cf. also Lefèvre (1998: 21–139); Sánchez (2001: 37–41.518) (synopsis of the lists of members). About the early history of the Greek tribes cf. Sakellariou (2009).
- 9 It remains an unsolved question, whether a plenary assembly called *ekklēsia* existed in the early history of the amphiktyony, in addition to this *synedrion* (Aischin. 3.124; cf. Lonley 1990: 248–251; Sánchez 2001: 507–509). Cf. regarding the amphiktyony’s institutional structures the examinations by Lefèvre 1998: 179–220 (with a complete compilation of all relevant sources and the research discussions up to now).
- 10 Even though both statements are probably anachronistic and unhistorical in their details (Sánchez 2001: 44–48), the general notion should not be discarded too easily.
- 11 In the case of the earliest preserved account of 434/433 BCE (*IG I<sup>3</sup>* 402/ID 89; also M&L 62) the prologue, which probably contained a mention of the *amphiktyones*, does not survive. For the other accounts of the *amphiktyones* from the fifth and fourth centuries BCE cf. *IG I<sup>3</sup>* 1460–1461/ID 94–95; ID 96–104 (33); in addition R&O 28; now also the epigraphic appendix by Chankowski (2008: 413–497), with important emendations and comments.
- 12 Furthermore, the use of the name of the month-name Dalios in many Doric states hints at the participation of non-Ionian *poleis* in the Delian cult of Apollo from very early on. Many Doric states had adopted the worship of Apollo Delios as part of their own state cults; cf. Smarczyk (1990: 474–475); Chankowski (2008: 18–19).

- 13 Tausend 1992: 26–28 also speaks of an originally non-Boiotian character of the amphiktyony of Onchestos. However, he sticks to his hypothesis that amphiktyonies were always based on ethnic relations, and thus postulates for the sanctuary of Onchestos a tribal cult with Ionian origins, which was later on performed with the participation of the Boiotians. At the same time he assumes the existence of an amphiktyony also for the sanctuary of Athena Itonia at Koroneia. But there is no indication that the cultic association of this sanctuary was organized as an amphiktyony, nor that it was named as such. It is necessary to always distinguish between the two types of cultic association. The membership of the amphiktyony of Onchestos based on ethnic relations was fundamentally different from the exclusively Boiotian cultic association of Koroneia. It is precisely this difference that marks the distinction between an amphiktyony and other cultic associations.
- 14 As early as Curtius (1876: 388–390), and most recently Kelly (1966: 120–121), scholars have questioned the information given by Strabo and supported an equalization with Orchomenos; cf. Breglia (2005) and Constantakopoulou (2007: 31–32) who do not agree.
- 15 With reference to the discovery of a Mycenaean sanctuary at the Eastern coast of the peninsula of Methana in 1991 Joannis Mylonopoulos proposes the existence of an amphiktyony already for the Mycenaean period, which, according to him, fell apart at the beginning of the Dark Ages. However, there is no indication whatsoever for this assumption, even if it was true that the cultic worship of Poseidon in this region went back to the Mycenaean period.
- 16 Constantakopoulou (2007: 36–37) argues against the opinion that the Kalaurian amphiktyony was a cultic association of local non-Dorian cities (e.g. Foley 1988: 163; Tausend 1992: 18–19).
- 17 Differently Tausend (1992: 19–21), Mylonopoulos (2003: 431–432), and Mylonopoulos (2006: 137–140), who assume that ethnic relations united the cultic association of Samikon from very early on.
- 18 For a summary see Smarczyk (1990: 353–359); cf. also Lohmann *et al.* (2007).
- 19 Bankel (2004); Berges (2006). Cf. also Forrest (2000: 281–283).

## CHAPTER 30

# *Polis and koinon*

## *Federal Government in Greece*

*Jeremy McInerney*

Although discussions of Greek governmental systems usually focus on the city-state, or *polis*, many regions of the Greek world, especially in central and northern Greece, developed federal systems of government. These federations, known as *koina* (sing. *koinon*) operated as an early form of representative government. (The term *koinon* could also be used more loosely in the sense of “common thing” or “commonwealth” even in a city like Athens, since for Plato and Aristotle the most basic bonds of social life were the common interests of the community, called *koinonia*, but as the designation of a type of polity *koinon* is normally used to mean a federal state.) However, as with many aspects of Greek culture, Athens tends to dominate investigations of Greek political life, and since Athens was both highly centralized and enjoyed a government based on direct participation, federations have been much less well studied. The *koinon* produced less spectacular art and architecture than the city; philosophers and poets did not sing its praises, and if one major historian, Polybios, was inextricably linked to the fluctuating fortunes of the Achaian *koinon*, nevertheless his *Histories* were more concerned with explaining the most pressing issue of his day: Rome’s rise to world power. This neglect of the *koinon* was, of course, never complete. In the late 1960s J.A.O. Larsen produced an overview of the various federal leagues.<sup>1</sup> More recently a steady stream of articles and volumes has appeared, reassessing the importance of the *koinon* in the political world of the Greeks.

This fresh interest in the *koinon* is due, in part, to an apparent correlation between the *koinon* and the *ethnos*, or tribe, itself a subject of renewed scholarly interest. Until recently it is has been customary to attribute the *ethnē* of the Classical period to the survival of much older tribes, and to see the *koinon* as little more than the political articulation of the tribal state. Larsen (1968), for example, argued that *koinon* indicated the state, while *ethnos* referred to the people or nation: thus when Herodotus (5.109) refers to the *koinon* of the Ionians we are to imagine that the Ionian tribe preceded the federal union. A second notion common to earlier discussions of the *koinon* is

that the city-state (*polis*) and the tribe (*ethnos*) were opposites, so that the *koinon* represented a different evolutionary path, as it were, from the *polis*. According to this theory, the city-state represented an impulse towards centralization. *Koina*, by contrast, were characterized by agrarian populations scattered over large areas, settled in villages or small towns. This favored representative government, often dominated by local aristocrats and wealthy landholders. In such federal states one community might emerge as dominant, as for example Olynthos in the Chalkidian league, which, according to Xenophon, extended its citizenship to the neighboring communities so that all shared the same laws (*Hell.* 5.2.12). In other instances, however, unification was less stringent and federalism permitted powerful members states to negotiate a compromise. To give the union authority a regional sanctuary might serve as the meeting place for the federal government, as was the case with the temple of Zeus Amarios near Sikyon, a federal shrine of the Achaian league in the northern Peloponnese. Similarly, when Bias of Priene addressed the Ionians during the Ionian revolt, the Ionian league, or Panionion, was meeting at the sanctuary of Poseidon on Cape Mykale (Htd. 1.170). A third characteristic commonly attributed to the *koinon* is also drawn from evolutionary biology, namely, the notion that the Classical city-state was doomed to extinction, and that in the Hellenistic age some federal states represented a last, ultimately unsuccessful, attempt to move the Greeks beyond their entrenched attachment to separate, autonomous states. In this scenario the Achaian and Aitolian leagues emerge as the last Greek players in the geopolitical maneuvers of the third and second centuries BCE. The rise of Macedonian power, the Hellenistic kingdoms of Alexander's Successors, and finally Rome would render these developments, however, moot. The Achaian league, a "middle power" in the Hellenistic period, would be replaced by the Roman province of Achaea in 27 BCE (Cass. Dio 53.12; Strabo 17.3.25). In this narrative, treatments of the *koinon* have tended to perpetuate a flawed teleology, according to which fixed tribal groups gave way at the center of the Greek world to the more fully developed, complex societies of the *polis* – W.G. Forrest (2000) labeled the *koinon* the "pre-polis polis" – while at the periphery of the Greek world, notably in the west and north, tribes remained the dominant social and political structure, characterized by smaller settlements and scattered over large areas. In other words, they were backward.

Many of these approaches to the *koinon* reflect a view of early Greek states summed up in Antony Snodgrass' (1980: 42) definition of the *ethnos*: "In its purest form the *ethnos* was no more than a survival of the tribal system into historical times: a population scattered thinly over a territory without urban centres, united politically and in customs and religion, normally governed by means of some periodical assembly at a single centre, and worshipping a tribal deity at a common religious centre." Despite the rhetorical appeal of this description, with the ethnic *koinon* seen as a relic of earlier times, it is not a model with much heuristic value. Governmental systems are not, in fact, genuinely organic, and are not subject to evolutionary pressures. So, despite the truth of some traditional views – *koina*, for example, did tend to occur in decentralized areas – more recent research has substantially changed our understanding of Greek federations by offering less rigid reconstructions of the *koinon*.

Pierre Cabanes, for example, contrasts the federal organizations of Epeiros and neighboring Akarnania and has shown that in most ways the two *koina* were entirely dissimilar (Cabanes 1981; see also Davies 2000). The *koinon* of Epeiros, consisted

largely of village communities (*komai*), containing three major *ethnē*: the Molossians, Thesprotians, and Chaones. These in turn were comprised of smaller tribes. The Molossians, for example, incorporated the Onopernes, the Aterargoi, and the Pergamioi. In turn, these second-tier tribes were themselves composed of even smaller tribal cells: the Onopernes included the Kartatoi, and the Pergamioi subsumed the Acrelastoi and Charadroi. Akarnania, on the other hand, was organized very differently. Originally a loose federation of farming communities, the Akarnanians responded to Messenian attacks on Oiniaiadi in 455 BCE by transforming their association into a formal league. The *koinon* was arranged by districts, and the federal officers, generals (*stratēgoi*) and ambassadors (*theародокoi*) were appointed by the principal constituencies of the *koinon*: cities. Even so these cities enjoyed a good deal of autonomy, especially in matters of foreign policy. Thus, when the Athenian commander Iphikrates was campaigning in the area in 373 BCE, he found some of the cities friendly – Akarnania was, after all, a member of the second Athenian confederacy – but one of the Akarnanian cities, Thourion, relied on its fortifications and manpower to resist the Athenians (Xen. *Hell.* 6.2.37).

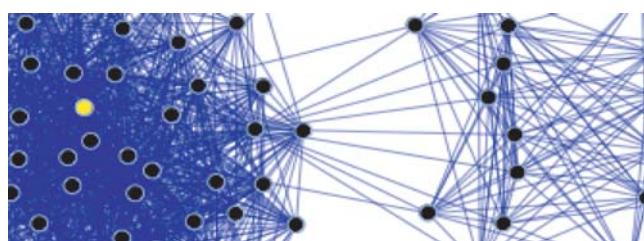
If the Epeirote *koinon* strongly resembles the political face of an ethnic union, the Akarnanian *koinon* looks altogether different: a regional network constituted by towns of comparable size and importance whose uniform ethnic identity was an agreed fiction. In this respect the *koinon* was an instrument for creating a polity whose unity was an artificial by-product of its structure, a phenomenon that may also be true of the one *koinon* whose internal organization is described in detail: the Boiotian league. Although the Boiotians figure as a distinct ethnic unit as early as the *Catalogue of Ships* in Homer's *Iliad*, the Boiotian constitution preserved in anonymous fourth-century source, the *Hellenika Oxyrhynchia* (*Hell. ox.* 19 Chambers) describes a federal arrangement that is clearly designed to balance a wide range of regional interests, not to give political expression to a unified ethnic group. All Boiotia was divided into 11 districts, each of which provided one federal magistrate known as a boiotarch. Thebes supplied two on its own account and two more nominally representing Plataiai and the small communities of eastern Boiotia, which were, in fact, under Theban control. The other regions of Boiotia provided the rest: two for Orchomenos and Hysiae in the west, two for Thespis, Eutresis, and Thisbe in the south, one for Tanagra in the north, one for the southwestern district of Haliartos, Lebadeia, and Koroneia, and the eleventh from the central district extending from Chaironeia to Akraiphnion. These regional units, themselves dominated by towns, also supplied to the federal assembly fixed quotas of 60 councilors for each boiotarch. Furthermore, according to the same source, taxes, expenditures, and judicial representation were all calculated according to the same regional system, with each block receiving (and presumably liable for) one eleventh of the federal revenues. In short, this was a federal system that was intended, in principle at least, to guarantee a distribution and balance of power. The same principle operated at the local level. Each city had four councils that attended to local affairs. Eligibility was based on a property qualification, suggesting that the local councils were weighted towards the hoplite class, and decisions were only binding if ratified by all four councils in each city. Whether the local councils were arranged according to smaller units such as demes or villages is unclear, but the entire structure appears to have been designed to safeguard two principles: the continuation of local autonomy, and the domination of the propertied classes.

If in principle the Boiotian league was supposed to function as a check on Theban hegemony, the reality was more murky. There were periods when the *koinon* was

little more than a rubber stamp for Theban ambitions, especially in the 360s, when Epameinondas projected Theban influence well beyond Boiotia. The tension between Theban ambitions and local autonomy, an example of the more general tension between the centralization of power and the maintenance of local independence, is reflected in Xenophon's description of the negotiations prior to the Common Peace of 371 BCE, the failure of which led directly to the battle of Leuktra. After the terms of the peace are discussed at a conference in Sparta, the Spartans agree to the proposed peace on condition that all signatories withdraw their governors, disband their armed forces and allow the cities of Greece to be autonomous (Xen. *Hell.* 6.3.18). The Spartans then ratify the peace by swearing for themselves and on behalf of their allies. The Athenians and their allies also ratify the treaty, but swear to it city by city. The Thebans also put their name to the treaty, but the following day their ambassadors insist that the wording be changed from "the Thebans" to "the Boiotians." At Agesilaos' prompting the Thebans are barred from effecting this change, leading eventually to invasion by the Spartans, and ending in the devastating defeat of Sparta at Leuktra. Xenophon's narrative reflects the political landscape of the fourth century, when the power of the leading states could be measured by their capacity to speak for a network of smaller states. Sparta, at its most powerful, was the voice of the Peloponnese; Athens, weaker, relied on the agreement of its allies. Thebes claimed to speak for all Boiotia. The claim was contested by Thebes' enemies, but ironically the victory at Leuktra made Theban dominance of Boiotia a reality.

It is apparent, then, that the *koinon*, far from being a relic of an earlier, pre-*polis* form of social organization, was a polyvalent, polymorphous phenomenon, well equipped to handle the two opposite tendencies identified by H.-J. Gehrke (2009) in the communal life of the Greeks: on the one hand a centripetal urge to aggregate, for defense, strength, and safety, and on the other, an equal and opposite tendency towards centrifugality, to separate into smaller units in order to guarantee the highest degree of autonomy. Viewed against such competing impulses the federal state deserves to be seen neither as a fossil nor as a failure, but as a legitimate and creative compromise, representing a negotiation of the competing tendencies in the political life of the Greeks between fission and fusion.<sup>2</sup> In fact, seen from the point of view of such tensions and negotiations, the Greek *koinon* may be best understood in structural terms as an example of a complex network, in which nodes develop ties of varying strength according to their particular needs (figure 30.1).

Networks, whether exemplified by Facebook or a pod of dolphins, exhibit certain characteristics that help to explain their operations. The key features of a network are the



**Figure 30.1** Segment of a social network. From [http://en.wikipedia.org/wiki/File:SNA\\_segment.png](http://en.wikipedia.org/wiki/File:SNA_segment.png) (free software license).

nodes (the actors within the network) and the ties between them, which may be expressed in a variety of forms of interdependence such as kinship, economic ties, shared beliefs, and structures of social capital such as reciprocity. This can be expressed diagrammatically on a plane in which the nodes are represented as dots and the ties between them are lines (figure 30.1). The graphic representation of the network illustrates some common features of networks that may be usefully applied to the Greek *koinon*.

## Isomorphism

Networks demonstrate a tendency towards clustering, with strong ties, among isomorphic elements. This is demonstrably true of *koina*. In the case of the Akarnanian league the common ancestry of the *koinon*'s towns as colonies of the Korinthians was less important as a statement of fact than as a claim on which their shared identity could be based. They are unknown in Homer as a tribe or an identifiable region but by the fifth century the Akarnanians were both a *koinon* and an *ethnos*. Variations on this theme abound. The Aitolians occur in Homer, are an *ethnos* in central Greece, but also manage, by virtue of their *koinon*, to create a loose federal system in which both cities and “unwalled villages” – to use Thucydides' phrase (3.94.4) – can exist side by side. It is, therefore, not the evolutionary origins of the *koinon* in some early tribal, ethnic state that explains its existence. Instead, the *koinon* was a widespread but variegated phenomenon, each example of which was in essence a network, within which the push to unite and the pull to remain autonomous were under continuous negotiation.

Similarly, among the Epeirotes, although the constituent elements are not cities, the same tendency towards isomorphism is apparent: larger tribes act as bigger nodes within the network and are themselves at the center of smaller networks once again comprised of smaller tribes, functioning as lesser nodes. Approached from this point of view, *koina* need no longer be judged against an Aristotelian paradigm of polities that were organized as dense urban agglomerations. Some were not, and as more recent studies have shown, *poleis* were not the only building blocks of effective polities. Isomorphism is often expressed almost tangibly: in the upper Kephisos valley, for example, ten communities of similar size (suggested by their comparable fortifications) comprised the core of the Phokian *koinon*. Each controlled a small area of fertile land bounded by the Kephisos river on one side and by either Mt Parnassos to the south or Mt Kallidromon to the north. Each of the communities was located at an elevation of about 500 m, and between them these towns divided the entire valley of the upper Kephisos into a checker board of roughly equivalent units, each of which enjoyed approximately the same amount of fertile alluvial land below the town and mountain pasture above.

The role of isomorphism in *koina* is not restricted to the construction of the *koinon* out of similar elements such as towns, villages, and tribes. It is also evident in the recurrence of key institutions and practices. As networks, separate Greek *koina* exhibit certain recurring features common to all *koina*, because they existed not in isolation but in competition with and in emulation of other similar polities. The features commonly found in most *koina* of the Greek world can be briefly summarized as follows:

- 1 *Ethnic affiliation.* *Koina* usually asserted a common ethnic identity, such the Aitolians or the Chalkidians, even if such assertions were a fiction. Genealogy allowed separate

units to fashion blood ties, as when the communities of Pleuron and Kalydon claimed to be founded by the eponymous sons of Aitolos.

- 2 *Homeric attachments.* *Koina* often employed an association with Homeric heroes or topography to bolster their legitimacy. The Kalydonian Hunt, recounted in book 9 of the *Iliad*, for example, gave the Aitolians a certain claim to legitimacy, even if this was contested by other Greeks. Euripides, for example, refers to them in the *Phoinissai* (*Phoin.* 138–139) as “semi-barbarian” (*meixobarbaros*). The *Catalogue of Ships* was especially serviceable for such assertions of heroic status. Daphnous, on the Maliac Gulf claimed to possess the tomb of Schedios, the captain of the Phokian contingent in the *Catalogue*. Epic associations amounted to an assertion of antiquity and legitimacy.
- 3 *A religious center.* Leagues usually met at a federal sanctuary, which also often served as the site where federal records such as treaties and honorary decrees were published.
- 4 *A federal meeting place and assembly.* Many *koina* constructed council chambers such as the Phokikon to serve as a meeting place for the federal representatives. The bodies themselves are usually known by terms such as *koinē ekklēsia*, *halia*, *synodos* or simply the *boulē*. The most notable example of a federal meeting hall, the Arkadian Thersilion, built to house meetings of the Arkadian Ten Thousand, is in some ways exceptional, since its construction coincides with the founding of Megalopolis, an agglomeration designed not only to synoecize the population of Arkadia but also to check Spartan hegemony.
- 5 *Federal magistrates and generals.* Epigraphic records reveal that most *koina* were administered by magistrates known either by wholly generic titles such as *kosmoi* (Crete) and *damiourgoi* (the Arkadian and Achaian leagues) or slightly more specific titles such as boiotarchs. An inscription of the Phokian *koinon* in the third century BCE refers both to phokarchs and *artisteres* (“adjusters”), whose duties appear to resemble those of the prytaneis and *hieropoioi* at Athens.
- 6 *Federal army.* Fifth-century sources often refer to armies of various Greek leagues, although most were probably mustered by tribe or *polis*, and were bolstered by the addition of mercenaries. Thucydides, for example, reports that while campaigning in the north-west Demosthenes and the Akarnanians secretly negotiated with the Mantineans to withdraw, “in the hope of weakening the Ambrakiots and their mercenary rabble” (3.114).
- 7 *Federal judicial apparatus.* Both literary and epigraphic sources refer to *dikastēria* (courts), although their jurisdiction is often not clear. On Crete, for example, the term *koinodikion* appears to refer not to a standing federal court but to an ad hoc procedure for internal arbitration between member states.
- 8 *Federal coinage.* Federations employed coinage, as did *poleis* to advertise their prosperity and their separate identities, but in some cases, such as in Aitolia, local communities might continue to mint coins alongside federal issues.

Regardless of whether the *koinon* was organized by *poleis* or not, most *koina* ended up appointing a range of officials whose existence served to enforce peer equivalence. Take for example the Molossians of Epeiros. Their league appointed an eponymous magistrate, the *prostatas*, representatives from the smaller units within the *koinon*, *damiourgoi*, sacred ambassadors to participate in Panhellenic festivals, *hieromnēmones*, and officials to receive

the envoys from sanctuaries such as Epidaurus, *theorodokoi*. Furthermore, the actions of these officials reveal that in the fourth century Epeiros was effectively functioning in much the same way as a *polis*. Consider for example, this proxeny decree from Dodona, tentatively dated to the 330s BCE (Davies 2000: 248, D6):

God. The Molossians recognize Lagetas, son of Lagetas, Thessalian from Pherai, as a benefactor and make him and his descendants *proxenos*, giving him citizenship, the right to purchase land, exemption from taxes, full fiscal rights and freedom from seizure and security, both themselves and their property in war and peace. Decided when the *prostatas* was Lusanias Omphalas. The *grammateus* was Dokimos Omphalas, and the *hieromnēmones* were . . . Philippos Genoaios [parts of seven more names follow].

This honorific inscription shows the Molossians conferring benefits in much the same way as one might find in contemporary Athens. The foreigner, Lagetas the Thessalian, is declared a *euergetes* and *proxenos*, and the specific privileges awarded to him and his descendants are then spelled out, ranging from citizenship to *enktesis*, the right to purchase land in the territory of the Molossians. The ratification of the decision also points to an administrative apparatus familiar from the *polis* model: an assembly presided over by a magistrate, the *prostatas* or president, its deliberations recorded by a *grammateus* or secretary. In other words, regardless of how the *koinon* originated, as a network it tended towards imitating other similar networks, in this case, that of the *polis*. What makes this especially remarkable is that at this time, in the mid-fourth century, the Epeirote polity was, technically, a kingdom! From a traditional, Aristotelian viewpoint, the different types of polities in the Greek world are distinct and heterogeneous: kingdoms, *poleis*, *koina*. From the perspective of network theory, however, the similarity of all three suggests a general condition of homeosis among Greek state forms, a tendency towards a close emulation of neighboring states. It is noticeable, for example, that no *koinon* more closely resembles the Boiotian as much as the neighboring Phokian *koinon*. Emulation might even extend to action as well as structure, even to the phenomenon of the abuse of federal powers. The ransacking of Delphi by the Phokians in the early stages of the Third Sacred War and the subsequent melting down of sacred objects to pay for mercenaries came less than a decade after the Arkadians used the treasures of Olympia to pay their elite troops, the *eparittoi* (Xen. *Hell.* 7.4.34–35). The tendency towards homeosis, exemplified by the increasing similarity of *koina* to *poleis* in terms of organization and administrative structure, was doubtless reinforced by the fact that in networks the ties between nodes are as important as the nodes themselves.

## Centers and Brokers

The center of a network is often less important than the principle nodes connecting significant subgroups to the larger network, sometimes known as brokers. Applied to the *koinon* this helps explain a distinctive feature of federal leagues. Most *koina* had a political center, such as a *boula* (council), *koinē ekklēsia* (general assembly), or *synodos* (synod), to which members sent representatives. Yet the federal center was often little more than the symbolic heart of the *koinon* and frequently exerted little real authority

except as the place where power was mediated between real power brokers, the towns, tribes, or local elites that dominated the league. In Phokis, for example, the location of the federal meeting place changed depending on the fluctuating fortunes of the *koinon*. Early in the Classical period the Phokians built a *bouleutérion* on the western side of Phokis, close to the Sacred Way leading to Delphi. The location may well have been chosen as a compromise between the communities of the upper Kephisos valley and those on the southeastern side of Mt Parnassos. After the defeat of the Phokians in the Third Sacred War and the punishing indemnity imposed on them bankrupted the *koinon*, executive powers were transferred to Elateia, the largest city in the league, and the *koinon's* treasury was placed in the nearby temple of Athena Kranaia. This is shown by a well-known Hellenistic inscription recognizing the *asyleia* of the sanctuary of Poseidon and Amphiryte on Tinos and granting the people of Tinos *isopoleia*. The decision is ratified by the *koinon* of the Phokians and concludes with the following clause: "Inscribe this decision on three *stēlai* and place one in the temple of Athena at Kranaia, another in the *agora* in Elateia and the third at Delphi" (*IG IX.1* 97). The earlier federal meeting hall, the Phokikon, was by now no longer in use, although the Phokians would rebuild their Phokikon after the Romans permitted the old federal leagues to reform in the second half of the second century BCE (Paus. 7.16.9–10).

Frequently the federal center was located in a sanctuary. The Hellenistic *koinon* of the Cretans, for example, met at the sanctuary of Apollo Bilkonios. In theory, sanctuaries offered neutral ground for deliberations that involved the competing claims of towns, tribes, and aristocrats whose ethnic unity was often little more than a shared fiction. In reality, of course, *Machtpolitik* often trumped religiously sanctioned neutrality. Describing the Cretan *koinon*, West pithily observes (1935: 283), "[w]hen the two leading states of Crete, Gortyn and Knossos, cooperated, the smaller cities followed their example. When they quarreled the *koinon* was disrupted."<sup>3</sup> Even more brutally, during the Third Sacred War the Phokian *koinon* was hijacked in the 350s BCE by a succession of autocratic generals (most of whom were related to each other). The slaughter of thousands of Delphians, the seizure of temple treasures, and the spending of temple monies on mercenaries may have been ratified by the *koinon* but this was no more than a veneer of legality applied to the decisions of a junta. Such exceptional cases aside, the sanctity of a *temenos* made it an attractive setting for the meeting of regional *koina*. A good example is Onchestos in southwestern Boiotia. This was the site of a cult perhaps as early as the Mycenaean period and served as the federal meeting place of the Boiotian *koinon* in the late fourth century, yet was never itself a powerful *polis*. Its sanctity, arising from its association with horse-taming Poseidon, a god widely venerated in central Greece, made it an excellent location for a federal shrine precisely because it was not a dependent polity. Here, as with the development of Panhellenic sanctuaries, religious sites rarely exercised power in their own right but rather served as the places where local and regional groups could play out their competitions for authority, power, and status in a neutral environment. Polybios, for example, places the political assembly of the Achaian league at Aigion (2.54.3), but also notes that the members of the *koinon* met at the sanctuary of Poseidon Helikonios and at the sanctuary of Zeus Amarios, "to deliberate on affairs of common interest" (8.7.5). Similarly, Kroton, Sybaris, and Kaulonia formed a league on the Achaian model and founded "a common temple and place in which they would hold their meetings and conduct their deliberations" (2.39.6). In the same vein, according

to Strabo (14.2.25) the Karian league convened at the temple of Zeus Khrysaoreus in Stratonikeia “both to offer sacrifice and to deliberate on their common interests.” The centers of these networks, then, were not themselves the centers of power, but rather were neutral ground where the political theatre of deliberation could be played out.

## Instability or Durability?

The strength of a network depends, then, less on the aggregation of power at its center than in the strength of the nodes clustered around that center. The importance of these brokers may also help to explain a distinctive feature of *koina*, namely their ability to survive and mutate under extreme pressure. In 146 BCE, for example, L. Mummius dissolved all of the regional federations in Greece following the Roman defeat of the Achaian league and the destruction of Korinth, yet according to Pausanias within a few years the senate rescinded this order and the old ethnic *koina* were permitted to reconvene. A further explanation for the durability and adaptability of the *koinon* as a form of polity may lie in the very decentralization of power that, when measured from the perspective of the *polis*, seems to be a sign of weakness. This is demonstrated by the history of the Cretan *koinon*, overlooked by Larsen but the subject of a number of recent studies (Ager 1994). The Cretan league, known primarily from inscriptions, appears to have been an extremely loosely organized federal body. Although it had a *synedrion* there is no evidence of either a federal army or even, remarkably, of federal magistrates. League decisions are dated by the local magistrates (*kosmoi*) of Knossos and Gortyn, and employed an ad hoc procedure for internal arbitration between member states. As a network, then, it was characterized by weak ties. But weak ties do not necessarily mean a weak network. In western Crete the model of network aggregation was adopted by small communities as early as the time of the Peloponnesian War, the so-called Polichnitai, whose name, derived from *polichnē*, a term used to describe polities smaller than *poleis*, suggests the adoption of the federal principle even among communities hardly larger than hamlets and villages. Further, as Nick Sekunda (2000) has recently shown, even when Phalasarna, Aptera, and Polyrrhenia all developed as independent *poleis* in the period between 430 and 350 BCE, large parts of western Crete continued to adhere to a form of federal union. The village communities of the White Mountains formed a league of Oreioi (“mountain folk”). By the third century they were minting federal coinage and conducting an independent foreign policy, as is attested by a treaty between the Oreioi and King Magas of Kyrene (IC 2.17.1).

A second *koinon*, as insignificant as the Oreioi in terms of power politics, but just as long-lived, was the league of the Magnesians, a federation of the people living by the Gulf of Pagasai in northern Greece. They are among the original members of the Delphic Amphiktyony, a religious confederation that controlled the Panhellenic sanctuary of Delphi from as early as the sixth century BCE. As a political unit they were never among the great players in the political games of any period. In the sixth century they were overshadowed by the power of Thessaly, and came under Boiotian control in the fourth. With the ascent of Macedonian power the Magnesian city of Demetrias served as one of the so-called Fetters of Greece. Yet despite their subordinate status, the Magnesians clung to the forms of independent action. For example, they engaged in the usual

diplomatic negotiations of the Hellenistic period, sending embassies to Aitolia to win recognition for the inviolability of their sacred lands (*IG IX.1*<sup>2</sup> 14). Similarly the *koinon* of the Magnesians continued to offer honors to its benefactors into the Hellenistic period, in the second century BCE (*IG IX.2* 1132), and even more remarkably was still doing so well into the high Roman empire. This is attested by two statue bases found in the vicinity of Demetrias. The first honors the emperor Septimius Severus, who ruled from 193 to 211 CE. Severus is named the *euergetes*, or benefactor, of “the *koinon* of the Magnetes and their *synedroi* [representatives]” (*IG IX.2* 1137). The second uses the same formula to honor the emperor M. Aurelius Carus, whose reign lasted less than a year from 282–283. This is not to suggest that the *koinon* remained unchanged over a period of eight hundred years, but the *koinon*’s persistence vividly attests to the high value placed by the Greeks on their autonomy. Like *eleutheria* (“freedom”), the Greek concept of *autonomia* did not exist as an absolute, but was formulated in a dialectical relation with its opposite. Just as freedom required slavery in order to be recognized, *autonomia* was an assertion of independence made by a weaker state defining its position in relation to a stronger one. The apparent antiquity of a *koinon*, then, such as the league of the Euboians, who are a distinct ethnic group in Homer and who minted federal coinage in the fourth century BCE, may occlude the more immediate circumstances that shaped the league’s existence. The Euboian league, in fact, appears to have been brought into existence by the Athenians in the mid-fourth century as a tool for strengthening Athenian influence on the island, and was resuscitated by Demetrios Poliorcetes sixty years later for much the same reason, to tie the Euboians more closely to his cause.

The fluctuating status of the Karian federation also illustrates the flexibility of the *koinon* as a form of polity distinctly different from the *polis*. The region of Karia in the southwestern corner of modern Turkey enjoyed a complex history that included indigenous people living primarily in villages inland, with an admixture of Greek colonists on the more heavily urbanized coast. The region was long a part of the Persian empire, and the local dynasty of the fourth century BCE, the Hekatomnids, ruled as both satraps of the Persian province and kings of the Karian league. The league’s federal sanctuary was at Labraunda, where Maussollos and his brother Idreus made generous benefactions. The Swedish excavators of the site have suggested that one of the best preserved buildings at the site, Andron B, was built for the representatives of the Karian league as their meeting place, and Strabo in the late first century BCE still identified one of the buildings at Labraunda as the temple of Zeus Karios, a cult shared by all Karians. However, Strabo was also familiar with another incarnation of the Karian *koinon*, which met at the temple of Zeus Khrysaoreus in Stratonikeia. He writes (14.2.25):

Stratonikeia is a Macedonian settlement, and it too was lavishly embellished by the kings. . . . Near the city is the temple of Zeus Khrysaoreus, which is common [*koinon*] to all Karians. They gather here both to offer sacrifice and to deliberate on their common [*koinon*] interests. Their federation [*systema*] is called the League of the Khrysaorians and is comprised of villages. Those who supply the most villages get the most votes, for example, the people of Keramos. The Stratonikeians are members of this federation, even though they aren’t Karian, because they possess villages that belong to the Khrysaorian league.

In the turbulent world of the Hellenistic age Karian identity continued to assert itself, shaped in fact by the contact and negotiations with Greek and Macedonian elements

that themselves assumed different forms, such as kingship and colony. Nothing better illustrates the capacity of the *koinon* to adapt to fluctuating circumstances.

## Networks and Social Capital

The repetition of isomorphism among *koina* is closely connected to the quest for legitimacy by means either coercive or mimetic. Networks configure exchanges of social capital that make community possible by creating norms of reciprocity, which inculcate trust between equals or between superiors and their subordinates in meaningful, structured, reliable, and yet flexible patterns. Accordingly, the most important feature of the *koinon* as a network is less the content of the exchange between different nodes but the regularity, predictability, and formality of the exchange. This is reflected in the elaborate honorific inscriptions that come to dominate the diplomatic exchanges of the Greeks. Consider for example this lengthy inscription of the negotiations between the Aitolian league and the *koinon* of the Magnesians:

Decision of the Aitolians. Since the Magnetes from Maiandros who sent Mnasiptolemos and Hipponikos as ambassadors renewed the friendship [of the Magnetes] towards the *ethnos* [of the Aitolians] and demonstrated goodwill, it has been decided to guard the ties of friendship that exist towards them and to declare their city and their land holy and inviolate, in accordance with the declaration of the ambassadors, and it shall not be permitted for any Aitolian or anyone dwelling in Aitolia to drive anyone from the land of the Magnetes, nor to mount any attack by land or sea from anywhere at all. If anyone should carry out a raid the general in office at that time is to impose a penalty where the damage is demonstrable, and in cases of damages no longer evident the *synedroi* are to decide on damages once they have conducted an inquiry, since they are harming our common interests, and those imposing the judgments and exacting the penalties imposed on those found guilty are to have full power. And it has been decided to give to them also the vote of a full representative to the Amphiktyony. Inscribe this decree and post it at Thermon and Delphi. (*IG IX.1<sup>2</sup> 1 4*)

In common with many other such inscriptions the decree will be formally published at Delphi, thus bringing their negotiations into the orbit of the Panhellenic shrine, the very epicenter of the Greek network. The final decisions recorded here arise from elaborate negotiations between the Aitolians, increasingly powerful, and the Magnetes, a much inferior group, a small node in the network. So the negotiations are not concerned with a concrete exchange of goods or resources. Thus the tie between them remains weak, since the subject of the negotiation, a guarantee of inviolability, is essentially a negative capacity – freedom from attack rather than any positive action. Yet there are advantages to both sides. As the power whose strength is acknowledged by an agreement not to sanction attacks, the Aitolians are figured as the superior side, winning legitimacy and status at no cost to themselves. The Magnetes win recognition for themselves as a node in the network, smaller than the Aitolians to be sure, but their place nevertheless secure. Indeed the guarantee of an amphiktyonic vote encapsulates the significance of the negotiations. Networks need nodes and ties. The Magnesians will now be a lesser node in a network centred symbolically on Delphi.

## Contingency

The arrival of Roman power in the Greek world from end of the third century BCE prompted dramatic changes in the political life of the Greeks, and nowhere is this more clearly attested than in the emergence of two large *koina*, that of the Aitolians in northwestern Greece and the Achaians in the Peloponnese. Our major source for this period is Polybios, whose father was a *stratēgos* of the Achaian league and whose account of the period must be used with caution. Nevertheless he is an eye-witness and offers a unique perspective on events. For example, when he compares the fate of Greece and Macedon in the face of Rome's eastern expansion he notes the destruction of the latter but claims that as far as the Achaian *ethnos* is concerned recent times have witnessed a glorious growth of power and unification (2.37.8). His application of the term *ethnos* to the Achaians is intriguing. In Homer the term "Achaian" is applied to all the Greeks, but in later periods the term referred to the coastal strip of the northern Peloponnese between Sikyon and Patras. Only in the third century did it come to refer specifically to a *koinon* that included most of the Peloponnese. Polybios avoids the term *koinon* in his account of the league, preferring to emphasize the league's authenticity by calling it an *ethnos*. He does however contrast the current state of the Peloponnese with earlier times, when states were unable to work towards common liberty (*koinē eleutheria*). With the spread of Achaian power, claims Polybios, the entire region has been transformed into an "allied and amicable commonality" (*symmachikē kai philikē koinonia*), using the same weights, measures, and coins, and enjoying a common set of magistrates, councilors, and juries. In fact, continues Polybios, the only thing that distinguished the entire Peloponnese from a single *polis* is that its inhabitants are not surrounded by one wall. In every other respect each member community is identical to each other and to the commonality (*koinē*) (2.37.11).

Aware that there are other ethnic groups in the Peloponnese, Polybios must not only account for the expansion of Achaian power, but must justify applying the label of Achaian to the entire region. This he does by asserting that the principles underlying the Achaian league – free speech, open participation, and democracy (*isēgoria, parrhesia kai dēmokratia*) – compelled other Peloponnesian states such as the Arkadians and Spartans to affiliate willingly and, in the case of states in Magna Graecia, to copy Achaian institutions directly. Polybios' analysis of the Achaian *koinon* is somewhat compromised by the fact that it was written as an encomium to its leaders, Aratos of Sikyon, Philopoimen of Megalopolis, and his own father, Lykortas, but it still provides an illuminating commentary on the post-Classical *koinon*. Despite Polybios' detailed knowledge of the *koinon*'s operations, he repeatedly refers to it as an *ethnos*, both at the time of its dissolution by the Macedonians and at its renewal in the third century (2.39.5–6). Although the tribal designation is inaccurate, it reflects the importance Greeks of the Hellenistic age attached to even the fiction of a tribal ancestry. Perhaps in response to the slippage that existed between the descriptor *ethnos*, with its suggestions of a heroic past, and the reality of contemporary power politics, Polybios chose to emphasize the ethical and democratic qualities that distinguished the Achaian *ethnos*. Even when oppressed by Macedonian kings it continued to evolve towards a democratic constitution, and as Macedonian control waned the impetus towards federation reasserted

itself. Polybios' words are instructive: "Changing their minds, once again they began to think alike." For Polybios, then, the Achaian league harked back to an earlier time of tribal unity, but represented a modern version of the *ethnos* in which "like-mindedness" rather than strict ties of blood descent expressed a fundamental commonality that found expression in a host of democratic institutions, directed, it need hardly be said, by leaders very much like Polybios and his family. Of course in practice the ties that bound the *koinon* were neither as strong nor as high-minded as Polybios would have us believe. Disputes between member cities are well attested, and the fact that these were often arbitrated by a third state rather than by federal magistrates suggests that the unity of the Hellenistic *koinon* was often more apparent than real.

A second *koinon* that played an important role in the political affairs of the Greeks in the post-Classical period was that of the Aitolians, from western Greece on the northern side of the Korinthian Gulf. Here the perennial problem of sources is once again evident. The Aitolians enjoyed a poor reputation even as early as the fifth century when they were portrayed by Thucydides as wearing side-arms, living by brigandage, and, in some cases, eating raw meat (1.5.1–3), a negative stereotype that would be reinforced by Polybios in the second century when the Aitolians were both the regional rivals of Polybios' Achaian league and opponents of the growing presence of Rome in Greece. The dominant attitude of the Greeks towards the Aitolians is summed up by a remark of Achaian ambassadors in Rome that "the Aitolians have only the tongues of Greeks, just as they have only the appearance of men" (Livy 34.24.3).<sup>4</sup> In contrast to the overwhelmingly disparaging reports of the Aitolians in the ancient source, the actual *koinon* is in many ways typical of both Classical and Hellensitic leagues. Like the Epeirotes, for example, the Aitolians were composed of three lesser tribes, the Apodotoi, Eurytanes, and Ophiones, whose relationship to each other is unclear. Thucydides (3.94) speaks of the Aitolians collectively as an *ethnos*, but he refers to each of the three subdivisions simply as a "part" (*meros*). The tribes were located in the hills of western Greece, and the sanctuary of Apollo Thermios appears to have served as a regional meeting place at least as early as the Archaic period. Each year at the autumn equinox, the Aitolian *ekklēsia* met here, and as Aitolia expanded, annexing coastal sites on the northern side of the Korinthian Gulf, a second seasonal meeting was added, the *Panaitolikē*. (This is another example of the mimetic quality of Greek political systems; the Delphic Amphiktyony, Aitolia's neighbor to the east, also employed a seasonal rotation of meetings.) As a political grouping, however, the Aitolians seem only to have federated in the late fourth century. A *synodos* was established, to which the member cities sent representatives, and, in common with other ethnic *koina* the older tribal units played a diminishing role as cities like Pleuron and Kalydon emerged as major nodes in the Aitolian network. In the third century the expansion of Aitolian territory continued to the east, and as member states within the Delphic Amphiktyony were absorbed into "Greater Aitolia," so too the number of amphiktyonic votes of the Aitolians increased: from two in 278 BCE to nine around 259. Aitolian power was eclipsed in the second century as result of the disastrous decision to end the alliance with Rome and side with Antiochos III, further adding to the Aitolians' terrible reputation, but Grainger (1999) points to some impressive accomplishments: an extended period of peace from 278 to 220 BCE, and the creation of a stable, collaborative political structure that proved sufficiently flexible to deal with Macedon, Rome, and the Achaians. Like the other *koina* of the Greek world, the Aitolian league

was a flexible network capable of accommodating many varieties of social organization, from hinterland tribes to *poleis*.

## NOTES

- 1 The essential study is J.A.O. Larsen (1968). More recent, important studies include Giovannini (1971); Stanton (1982); Cabanes (1981); Sordi (1983); Tausend (1992); Alonso-Núñez (1994); Funke (1994); Beck (1997); Forrest (2000); Freitag *et al.* (2006). The preparation of an all-new reference work on Greek federalism, edited by H. Beck and P. Funke, is currently underway: see [www.mcgill.ca/classics/research/federalism](http://www.mcgill.ca/classics/research/federalism).
- 2 Freitag *et al.* (2006: 10) express the shortcomings of the earlier model succinctly: “Ethnos is nicht als Form eines primitiven, überkommenen Gegenmodells zur Polis aufzufassen; Ethne waren keine primordialen Stammesformationen, in denen gemeinsame Kulte primäre und zentrale Verständigungsplattformen darstellten.”
- 3 In a remarkable study of a bottle-nose dolphins in New Zealand, Lusseau and Newman (2004: 480) observed “the existence of centralized ‘brokers’ in the population, located at the boundaries between communities. Observations of the dynamics of the population as a whole suggest that these brokers may play a crucial role in maintaining the cohesiveness of the dolphin community.”
- 4 See also Philip V’s criticisms of the Aitolians (Pol. 18.5.2).

## CHAPTER 31

# Governing Interstate Alliances

*Thomas Figueira and Sean R. Jensen*

The *polis* was a highly articulated political order, integrating complex social behaviors. Its variegated, deeply textured facets of civic identity generated intense feelings of interpersonal connection and a psychological absorption by the individual in the collective. Faced with higher- and lower-order political structures, *poleis* exhibited characteristic, yet polar reactions. They could be fissiparous in favor of sizable sub-units, whether these sub-units were political components that perceived themselves as disadvantaged, peripheral territories, territorial accessions, or constituent units with mixed cultural affinities. Such a community might reimagine itself as a *polis* because of the interplay of political forces or in response to external forces wielded by rivals or hegemonic states. In contrast to these centrifugal influences, *polis* interaction was also framed by the consciousness of belonging to larger unities, including the overarching community of all Greeks. Larger frameworks encompassed geographical regions/islands, *ethnē*, and dialectal groups.

Political consciousness conditioned impulses toward the formation of alliances. The intensity of identification with the *polis* impeded the formation of interstate alliances because they or their leading states could not command anywhere near the same allegiance as the member *poleis* themselves, except perhaps where ethnic solidarity could be enlisted. The tendency to fracture was another inhibition against the building of durable alliances because shifts in political balance in both directions threatened the constituent *poleis*. They risked losing ground not only to the hegemonic power, but also to their own sub-units which, encouraged by localism, might seek direct subordination under the hegemonic power. Nonetheless, no matter how tight the integration of the individual *polis*, the small scale of the city-states meant that *politai* were always aware of broader connections. The assimilation of practices from abroad could not help but carry along with them myths, cults, and social traditions from larger, more dynamic, and culturally innovative *poleis*, like Athens, and with them the seeds of hegemony.

Notwithstanding the tremendous impact of these alliances, they ultimately failed to produce lasting units, at least when measured against the durability of the Roman commonwealth or the Carthaginian hegemony. Although Roman accomplishments in state-building set an exceptionally high standard, the susceptibility of Greek leagues to dissolution may indicate that the forces militating for *polis* differentiation, or even in favor of fracturing, remained stronger than the influences acting for *polis* transcendence. This judgment particularly affects the most transformative alliance, the Attic hegemony of the fifth century BCE.

Admittedly, creation of governing alliances cannot be entirely distinguished from other tendencies toward the *polis* transcendence. Evolution of ethnic identity (ethnogenesis) was a significant force in melding *poleis*. Influences such as shared dialect, religion, mythology, folkways, and memories were operative in ethnogenesis, alongside deliberate manipulation. Early ethnic groupings include Thessalians, Achaians, Boiotians, and Arkadians. While some *ethnē* would enrich the development of federalism, the Boiotians were dominated by Thebes, and the Arkadian league shaped by Tegea and Mantinea. Our earliest hegemonic alliance, the Peloponnesian league, shows affinities with alliances formed through ethnic solidarity, differing in the happenstance that, having absorbed their Doric-speaking neighbors, Sparta turned to alliance-building when confronted with Arkadian resistance.

Governing alliances always had a religious dimension. The cult as hegemonic framework, however, was more central in some Archaic alliances. For example, the hegemony exercised by Argos over its region was first organized as a sacral league centered on Apollo Pythaeus. But for Spartan military superiority, this alliance could have rivaled or supplanted the Peloponnesian league (Figueira 1993: 11–18). Ionian resistance to Persia in the Ionian revolt (*c.499*) was structured as a cult association centered on the Panionion on Cape Mykale. Although shortlived and disrupted by defeat at Lade, the Ionians offer a precedent to the later Hellenic league.

Our discussion focuses on several prominent alliances: the Peloponnesian league, the Hellenic league, the Delian league, the second Attic confederacy, and the League of Korinth, well-attested attempts to create structures binding *poleis* to each other. After describing their histories, we shall offer analyses under the rubrics of their main features to illustrate the principles of this genus of political association.

## The Main Interstate Alliances

### *Peloponnesian league*

The Spartan-led Peloponnesian league was the oldest hegemonic alliance.<sup>1</sup> Around 570 BCE, after conclusive subjection of Messenia, Sparta began forming alliances in the Peloponnese, a departure in policy that probably arose from the inability to subdue Arkadian Tegea, where the Spartans sought further helots. Regional expansion yielded to rapprochement, providing a model for other alliances in Arkadia (SVA 112). Defeating Argos at the so-called battle of Champions (*c.546*) marked a further stage in the Spartan ascent. By about 525 Korinth was an ally, insuring access to its isthmus, and offering its fleet and financial resources, as seen thereafter in the campaign against Polykrates, tyrant

of Samos. Along with providing insurance against Spartan aggrandizement, the league grew through buffering regional aristocracies against Argos and against tyranny. About 510 BCE, the league encompassed Megara and briefly even Athens. After Peloponnesian frictions with Athens led to war (*c.*459), Sparta added extra-Peloponnesian states, most significantly Thebes. During the later Peloponnesian War, dissident Attic allies in the Aegean were also included.

The league was called “the Lakedaimonians and their allies.” Instead of a treaty binding all members, each state was allied individually with Sparta, promising to “follow wherever Sparta should lead” (M&L 67). Usually, Sparta’s military predominance ensured that its will was dominant in decision-making. A Korinthian refusal to assist a campaign against Kleisthenic Athens around 506 possibly motivated the practice of allied conferences at Sparta (Cartledge 2002: 226). These would have replaced cumbrous bilateral diplomacy with individual states. As seen in the debates on the eve of the Peloponnesian War, a bicameral arrangement had developed in which assent both by the assembled allies and the Spartan assembly was required (Thuc. 1.67–72.1, 79–87.6). Interested parties in both constituencies influenced each other.

With victory over Athens in the Peloponnesian War, after the latter became an ally again, Sparta acquired numerous allies throughout the Aegean. After flirtation with a tributary system and imposition of narrowly based puppet regimes, the Spartans tried to foster local elites disaffected with Attic-style democracy. Yet Spartan domination over mainland Greece created a backlash in the Korinthian War (395–386 BCE) with disaffected allies Boiotia and Korinth, as well as Athens. Achieving a favorable outcome through rapprochement with Persia in the peace of Antalkidas (386), Sparta exploited its autonomy clause with interventions at Arkadian Mantinea (coercively divided into villages *c.*385), at Phleious (forced to restore pro-Spartan oligarchic exiles, 384), and, most egregiously, at Thebes (where Spartan troops seized the Akropolis in 382 and installed a satellite regime). After the breakup and absorption of the Chalkidian league (Diod. 15.31.1–2), the Peloponnesian league was reorganized into ten regional units and commutation to money of troop requirements was established (378).

The combination of revulsion over Spartan arrogations and economic/demographic upheavals within Lakonian society set the stage for disastrous defeat by the resurgent Thebans under Epameinondas at Leuktra (371). This debacle was followed by the foundation of Megalopolis and the estrangement of Arkadia, the Boiotian invasion of Lakonia, and liberation of Messenia. Sparta staved off total collapse, but had to acquiesce in a decision by the Korinthians and other allies to make peace that effectively ended the Peloponnesian league (*c.*366).

### *Hellenic league*

Upon learning of Xerxes’ great expedition in 481, the homeland Greeks formed an alliance in resistance (Hdt. 7.145; SVA 130). Simply labeled “the Greeks,” the modern name is the Hellenic league.<sup>2</sup> Founding delegates, primarily from mainland Greece, assembled at Isthmia near Korinth. The Peloponnesian allies of Sparta formed a core, joined by Aigina, Athens (which had cooperated with Sparta against Persia since the late 490s), and some central and northern Greeks. The Hellenic league first mediated

preexisting intra-Greek conflicts (such as the bitter war between Aigina and Athens) and exacted oaths of anti-Persian resistance and of vengeance against certain medizers (pro-Persian Greeks), including “tithing” them to Delphian Apollo (Hdt. 7.145, cf. 7.132). The rationale of the league was uniting with Sparta anti-Persians, otherwise aloof or disengaged from Peloponnesian politics. Despite Athenian aspirations to maritime leadership, sole command on land and sea was accorded to Sparta, to be exercised by leaders selected at the city’s discretion. The allied commanders then formed a war council. Moreover, spies were dispatched to Sardis to observe Xerxes’ preparations, and embassies sought aid from Argos, Gelon (the tyrant of Syracuse), Crete, and Korkyra (Hdt. 7.145). Argos, hoping for the discomfiture of its archenemy Sparta, favored the Persians and demurred. Neither could aid be secured from Crete, Korkyra, or Gelon, who offered considerable forces but unacceptably demanded hegemony.

The league formulated strategy and mounted operations against the advancing Persians. In early 480, delegates voted to respond to a Thessalian plea by sending initially 10,000 hoplites to Tempe to forestall Xerxes. After their withdrawal and the defections of the Thessalians to the Persians, they voted for both a modest blocking force under King Leonidas for Thermopylai and a substantial fleet for Artemision in northern Euboea in order to shield central Greece and Attika. This disposition was exposed by Leonidas’ defeat at Thermopylai and the fleet’s retreat after three days of fighting. Xerxes moved south, Lokris and Boiotia medized, and Attika became indefensible. The Athenians evacuated, preferring to make a stand at Salamis, but Peloponnesian sentiment inclined toward extracting the fleet and holding the Isthmos. The Athenian commander Themistokles, however, maneuvered both allies and enemies into a battle between Salamis and mainland Attika, and the Greeks mauled the Persian fleet in the renowned battle of Salamis.

In 479, Athenian threats of withdrawal stimulated Sparta to deploy land forces under the regent Pausanias at Plataia and ships under King Leotychidas in the Cyclades. In the fall of 479, Pausanias won a victory at Plataia, eliminating the Persian land threat, and, on advancing to Cape Mykale near Miletos, Leotychidas destroyed the remaining Persian fleet. The main insular states who had entreated Leotychidas to advance at Delos were admitted as allies (Hdt. 9.106.4). Thereafter, debate occurred whether to evacuate the Ionians from Asia and settle them on land confiscated from medizers (Hdt. 9.106.2–3). The Athenians successfully objected to this proposal. From Samos, the fleet journeyed to the Hellespont to cut the pontoon bridges. As they were already severed, the Peloponnesians returned home (9.114–118). However, the Athenians, supported by Ionian and Hellespontine allies, besieged Sestos in the Chersonese. In spring 478, Pausanias liberated Cyprus and took Byzantium (Thuc. 1.94.1). His controversial behavior toward the Ionians and his questionable ambitions triggered disaffection among the Peloponnesians and defection among eastern Greeks that led to the foundation of the Delian league. The final campaign of the Hellenic league (*c.*476) was conducted by Leotychidas against medizing aristocrats in Thessaly. This expedition miscarried, leading to Leotychidas’ exile for bribery. Although its anti-Persian mission was assumed by the Delian league, the Hellenic league was intact until Athens renounced it around 464, because of their dismissal from the siege of Mt Ithome. Nonetheless, the Spartans and Spartan sympathizers occasionally made subsequent claims predicated on the oaths binding the allies against Xerxes.

## *Delian league*

The immediate cause for founding the Delian league<sup>3</sup> lay in the despotic (and possibly treasonous) comportment of Pausanias at Byzantium in 478 (*SVA* 132). Deeper motivations rested on the linguistic/cultural ties with Athens of the Ionian main body of allies, and a corresponding Spartan lack of empathy. Moreover, any maneuver to exclude Persia from Aegean affairs had to mobilize the Athenian fleet. The league provided just that mechanism. Although Pausanias was recalled to face trial, Spartan authority among newly liberated Greeks was irremediably compromised. Athenian leaders like Aristeides and Kimon exploited this alienation. The purpose of the Delian league was to retaliate against the Persians for their depredations (*Thuc.* 1.96.1). Thus, the Hellenic and Delian leagues possessed similar missions, but the program of the former was conceptually defensive and that of the latter more offensive, so that their rationales did not directly conflict. The actual program of the Delian league, however, encompassed systematic eradication of Persian garrisons and medizers, and liberating Greek populations.

During the winter and spring of 478/477 the new league was established, with its ritual center being Apollo's sanctuary on Delos, a cult shared by Athenians and insular Ionians. Oaths were exchanged, and metallic masses sunk into the sea to symbolize eternal commitment. There was a single vote for each ally, and a common treasury was established, with treasurers called *hellenotamiae*. These Athenian magistrates managed finances, including the allied *phoros* ("tribute": *Thuc.* 1.96.2). The Athenians had discretion as to whether allies supplied ships and armed men or contributed money. Over time, ship contributors dwindled to the great Aegean islands. *Taktaī* ("assessors") probably assessed the allies, although later accounts describe Aristeides as making the first assessments. The criteria are unknown, but continuing the Persian land tax is less likely than evaluation based on declarations of revenue from indirect levies. *Phoros* permitted lengthy mobilization of large Attic squadrons, the mainstay of the league. The status of Athens as *hēgemōn* entailed provision of commanders (*stratēgoi*). Processes of determining tributary status, assessment, exaction of *phoros*, command, and the provision of ships and men gave Athens a dominant role in policy, administration, and operations. Thucydides establishes a first assessment of 460 talents (1.96.1–2), a high figure compared with the approximately 400 talents in the larger alliance later attested from the famous tribute quota lists.<sup>4</sup> The heavier burden of the first assessment was due to the imminent threat of counterattack in the 470s. The quota lists were large *stēlai* found in fragments recording the tithe (a sixtieth) paid to Athena. They began in 454/453 BCE, a change sometimes connected with moving the treasury from Delos to Athens (after a defeat in Egypt), but earlier dates fit the literary evidence and are equally viable (Figueira 1998: 183–184, 267–268). While the transfer of the treasury has often been thought to signify greater imperialism, the idea of a mid-century crisis in the alliance, possibly consequent to the peace of Kallias with Persia, should be discounted.

Early evidence indicates the decisiveness of Athenian leadership. They made neutrality impermissible by forcing (c.474) reluctant, formerly medizing Karystos on Euboea into the alliance (*Thuc.* 1.98.3), and (c.472) stopped Naxos from attempting to leave (*Thuc.* 1.98.4). The revolt of Thasos (465) demonstrated how narrower Athenian interests (ownership of a Thracian mine) became entangled in hegemonic prerogatives. Thucydides claimed that most dissidence resulted from allied unwillingness to furnish

ships or pay tribute in face of Athenian rigor (1.99.1). By the 450s, almost all the allies were tributary, and Attic authority lay heavily where medizers and oligarchs constituted present threats, prompting coercive measures. The powerful insular *poleis*, Mytilene, Chios, and Samos, retained autonomy and dominated their own spheres of influence, including mainland districts that they maintained through league military power.

The First Peloponnesian War did not threaten Athenian hegemony in the Delian league, although contemporary failure of the Egyptian campaign probably further shifted the power equilibrium in favor of Athens, which was better able to recoup losses in trained men and ships. The Spartan riposte to Attic ambitions in mainland Greece after the expiration of the Five Year Peace in 446 included inciting revolts of league members on Euboea. Yet the Spartans did not persevere in invading Attika, and Perikles reconquered and reorganized Euboea. Nevertheless, the reimposition of pro-Spartan regimes in Boiotia and Megara and reluctance to risk another invasion motivated Athenian acceptance of the Thirty Years Peace. Its favorable terms entailed no concessions regarding the Delian league, merely relinquishing Spartan allies.

For the alliance, the Samian revolt of 440/439 was the major event of the Thirty Years Peace (Shipley 1987: 109–122). It showed that Athens would not tolerate any challenges to its hegemony even by a mainstay of the *archē*. The other autonomous allies, Chios and Lesbos, sided with Athens, and Persia failed to mount an intervention. Perikles prevailed after a costly campaign. Thus, on the eve of the Peloponnesian War, the alliance had transcended its original anti-Persian mission, evolving toward a commonwealth, controlled by Athens, that was experiencing economic integration and democratization. Penetration by Athenian authority and influence among the tributaries was pervasive and variegated. To check medism and dissidence, Athens promoted democratic partisans, occasionally by intervention. Furthermore, certain types of adjudication, such as those concerning Athenian citizens and *proxenoi* (official friends abroad), or those applying severe penalties, came before Attic *dikastēria*. Commercial litigation involving Athenians was moved to Athens, driven by economic factors. Religious obligations were placed on the allies, such as the requirement to furnish a cow and panoply to the Great Panathenaia. A controversial measure is the so-called Coinage Decree (*IG I<sup>3</sup> 1453*), datable between 450 and 414 (see Figueira 1998). Its fragmentary nature renders it difficult to determine whether it banned non-Athenian money or merely guaranteed the primacy of Attic money, although doubtless it promoted usage of Attic weights and measures. This and other legislation about the tribute system do indicate that the entire administrative cycle from assessment through expenditure had become a predominant influence on allied political life. By 431, the elites among the tributary allies had become disdainful of Athenian hegemony. Nevertheless, Athens' hegemony was stable owing to several factors: general security within the Aegean, rising prosperity, and democratization; all these achievements were in return for modest tribute payments.

The strong hold of Athens over its subjects is illustrated by the course of the Peloponnesian War (D.M. Lewis 1992; Andrewes 1992a, 1992b). Athens was supported by allied states in campaigns ranging from Ionia to Sicily. An early revolt was that of Mytilene in 428 BCE, but this defection was triggered by ambitions of the Mytilenean elite for stronger authority on Lesbos and wider regional hegemony. It found sympathy nowhere among the allies, and the Mytilenean *dēmos* betrayed its lack of enthusiasm at its earliest opportunity. The Peloponnesians only made headway in undermining

the alliance in the north, where rebellion had preceded war, and outside help was nearby. This success, however, required an extraordinary Spartan commander, Brasidas. Yet his greatest triumph was taking Amphipolis, an Athenian colony and not a league member. Elsewhere, Athens had repaired most damage by the time of the peace of Nikias (421). Notably, Spartan military ineptitude was compounded by failure to offer a viable alternative model to compete with Athenian democracy.

Eventually, Athenian hegemony weakened, as Athens declined through plague, causalities, and reduced output. Defeat in Sicily entailed massive losses of men and *materiel*, in addition to removing thousands of pro-Athenian allies. Many allies defected, including Chios, Erythrai, Miletos, and the Rhodian cities, which became bases for a Persian-financed Peloponnesian fleet. During the Ionian War (413–404), Athens countered by replacing the *phoros* system with a 5 percent import/export tax, more generous grants of autonomy, and efforts to integrate the allies as Athenian colonies. Although there were significant returns to the Athenian side, destruction of the Athenian fleet at Aigospotamoi in 405 and Athens' surrender the next year ended the Delian league.

### *Second Athenian league*

The end of the Delian league did not signal the termination of Athenian ambitions in the Aegean (F.H. Marshall 1905; Accame 1941; Cargill 1981; Dreher 1995). The Corinthian War and Athens' renunciation of her alliance with Sparta opened efforts at restoring Athenian hegemony. Particularly striking were the attempts to subjugate Aigina and an expedition of Thrasybulos in 391–389 (Xen. *Hell.* 5.1.1-31). He followed a classic trajectory for assertions of Athenian power by visiting the straits, the northern Aegean, and the southern coast of Asia Minor. Thrasybulos restored the imperial 10 percent tax on Black Sea trade and achieved some restorations of the 5 percent commercial tax. Hegemonic aspirations were preempted by Spartan diplomacy achieved through the nauarch Antalkidas, a proclamation in Sparta's favor by Artaxerxes (the “king's peace”), and by Antalikidas' assertion of superiority in the straits. Harassed by raids from Aigina and fearful of the grain supply, Athens acceded and contented itself with its three recovered kleruchies. Several bilateral treaties were then made with former allies that respected the King's Peace (e.g., *IG II<sup>2</sup>* 34).

In 378/377 Athenians decided to organize a new league, exploiting general disgust with Sparta and its oligarchic agents, as the Spartan war with newly liberated Thebes provided cover. Athens invited free Greek and non-Greek states in Europe and the Aegean (those not under Persian authority) to join, a grouping which differed in important respects from the Delian league (*SVA* 257). The invitation to members called the Decree of Aristoteles addressed grievances raised against the fifth-century hegemony (*IG II<sup>2</sup>* 43). Athenians were forbidden to own property in any member state (ll. 35–45), excluding confiscations for kleruchies and private acquisitions. Autonomy was guaranteed, including freedom from garrisons and tribute payment (ll. 19–23), in conformity with the King's Peace. Here was a more permissive political environment for the allies. Allied monetary contributions were called *syntaxeis*, a term possibly borrowed from Spartan administration during the Ionian War. In retrospect some sources view *syntaxis* as merely a euphemism for *phoros*, but possibly the allies, acting through their

*synedrion* (“council”), authorized assessments. Athens’ role as supporter of democracy and the natural alignment, cultural and economical, of many Aegean states promoted numerous accessions. Even Thebes, with its pretensions to leading-*polis* status, joined the confederacy. The victory of Chabrias at Naxos (376), which eliminated Peloponnesian naval power in the Aegean, created many new members.

Problematic for Athens’ relations with the allies was recovery of its fifth-century colonies and of Samos, where citizenship had been granted (M&L 94; Figueira 2008: 474–477). Athens was unwilling to acquiesce in the settlement after Aigospotamoi, when colonists and pro-Athenian democrats were expelled. Hence, with Peloponnesian naval power no longer a factor, the 360s saw restoration of Poteidaia, Samos, and parts of the Chersonese. A rich prize, Amphipolis, lay beyond reach, although 1,500 talents were reportedly spent in vain attempts at reconquest. Funds from the *syntaxeis* were probably spent in such initiatives. The Samian kleruchy, which saw several waves of kleruchs and entailed eventual expulsions of pre-366/365 inhabitants, was profoundly unpopular. Moreover, the *syntaxeis* were never the ample, dependable revenue that the fifth-century *phoros* had provided. They were sometimes levied by Athenian *stratēgoi* in the course of operations, a process especially prone to the recriminations that accompanied chronic difficulties in military finances.

Epameinondas probed Athens’ hegemony in 364 BCE, finding disenchantment, which resulted in the so-called Social War (357–355). Important maritime allies (Byzantium, Chios, and Rhodes) seceded. Backed by Maussollos of Karia, the allies checked Athenian counter-moves and won the right to withdraw from the alliance. The Social War left Athens with ruined finances, discredited military leaders, and risk-averse policies. The alliance survived in a truncated state, in which smaller insular states predominated. The foundation of Philip’s League of Korinth (337) terminated the second confederacy (Paus. 1.25.3).

### *League of Korinth/Hellenic league*

Philip II’s victory at Chaironeia (338) consolidated his domination of mainland Greece through treaties with the belligerents. In 337, Philip convened the Greeks at Korinth to renew a “common peace” and create an alliance (SVA 403; R&O 76).<sup>5</sup> The common peace offered protection to all cities prepared to swear to its terms. Through the alliance, he intended to legitimize his invasion of Asia and to secure Greece (Diod. 16.89.2–3; Iust. 9.5.1–6; Plut. *Phok.* 16.5–6). He sought to mobilize Greek forces, which might also be valuable as hostages. A hold-out was Sparta, which refused to accept Messenian independence. That served Philip’s advantage by highlighting the danger of Spartan revanchism. The league guaranteed autonomy and forbade wars between members. Changes to constitutions and revolutionary measures like servile insurrections were prohibited. Philip was *hēgemōn* and *stratēgos autokratōr*, seemingly parallel to Athens in the Delian league (Buckler 2003: 515). Allies also swore to uphold his and his descendants’ kingship.

The hegemony of Alexander was reaffirmed after Philip’s assassination in 336 (SVA 403–404). By his dedications after the battle of Granikos, Alexander projected himself as the victorious leader of the Greeks. The liberated Asian Greeks may have been

enlisted. As Alexander advanced, the military contribution of league members became less significant. Antipater invoked the league against Agis III of Sparta, who moved in 330 BCE against Macedonian interests in the Peloponnese and was defeated at Megalopolis (Diod. 17.62.6–63.4). Alexander's conquests, bringing immense resources, made the league increasingly irrelevant. Alexander's latest actions toward the Greeks, his declaration of divinity, and, particularly, recalling the exiles to the Greek cities, violated the autonomy provision (Diod. 18.8.2–7). Emerging Hellenistic kingship was superseding the paradigm of hegemonic confederation. The Greeks were contemplating revolt against Alexander before his death. That their league would be called “the Greeks,” in other words, a Hellenic league, shows revulsion from Alexander's leadership and nostalgia for past Panhellenism (SVA 413). They adopted the structure of earlier alliances with their *synedroi* (*IG II<sup>2</sup>* 467). The League of Korinth was the model for the early Hellenistic alliances that were promoted by various successors, such as a revival with amnesty provisions by Philip III Arrhidaeos and Polyperchon in 319 (Diod. 18.56.2–8) and the Antigonid Hellenic league of 302 (SVA 446). Like the League of Korinth, early Hellenistic leagues marshalling *poleis* were intended as instruments of royal ambitions.

## Distinguishing Features of Interstate Alliances

We now turn to a synoptic view of the alliances that compares the more significant political dimensions of their governance.

### *Time horizons*

A distinctive feature of hegemonic alliances was their intended permanence as eternal agreements, sealed by oaths and other symbolic acts. Thus they differed intrinsically from *spondai* (“armistices”) that stipulated time limits. In the Peloponnesian league, allies could not request release from their oaths. Sparta was willing to use force to ensure their retention and fulfillment of responsibilities, as with Mantinea (418) and Elis (400). The Hellenic league was also a permanent arrangement. Both the original oaths in 481 and the terms for admitting the islanders after Mykale indicate permanent anti-Persian dispositions (Meiggs 1972: 34–35). In 462, when Athens broke with Sparta after the humiliating dismissal from the siege of Mt Ithome, Athens officially renounced Spartan hegemony (Thuc. 1.102.4). Not only was the league still in existence then, but even later the Spartans could adopt the pretense of its continuing validity, as when they demanded Aiginetan autonomy on the eve of the Peloponnesian War or when they put on trial, in 426, the Plataians captured after the siege of that city (Thuc. 1.139.1, 1.140.3, 3.63.2–3, 3.64.2–3, 3.68.1–3). Regarding the Delian league, Athenians and their allies in 478/477 sank iron bars into the sea to signify their eternal commitment ([Arist.] *Ath. Pol.* 23.4–5; Plut. *Arist.* 25.1). Strenuous Athenian reactions to defection bespeak this permanence. Even after the defections in the Ionian War, Athens tended to treat withdrawals as illegitimate acts by groups not representative of the local *dēmos*, while returning allies were given favorable terms, as in the case of

Selymbria and Chalkedon. The second Athenian league was also founded as an eternal alliance. Athenian determination in the face of the rebels in the Social War in 357 illustrates this. The later alliances like the League of Korinth were also intended as associations for all time.

Hegemonic leagues differed from more adventitious groupings like agreements to found colonies, *symbolai* (“commercial treaties”), *spondai*, and some military enterprises in the expectation of indefinite continuation. That may be because of the previous or supervening connections between their members. The various Hellenic leagues embodied claims to act for all the Greeks. While not ethnically homogenous, the Peloponnesians did have a certain regional identity that is well reflected in the semantics of Thucydides. The Athenian alliances found common ground in the shared Ionic dialect and ethnicity of their members and the related claim that Athens was their *métropolis*.

### ***Command structure and governance***

Military affairs necessitated that hegemonic alliances were similar in command structure. Basic was a council of members, the main organ of consultation with the *hēgemōn* and for decision-making. In the fifth century, the Peloponnesian league adopted the practice of congresses of representatives to vote on proposals concerning war and peace, including admitting allies (Thuc. 3.8.1, 5.27.1, 5.30.1). The Spartan assembly was a prior, co-equal authorizer; its determination to act had to precede proposal to the allies. Each ally had one vote, and a majority decision was binding (Thuc. 5.30.1). Sparta’s role as the *hēgemōn* ensured dominance of its will. At first both (later one) Spartan kings commanded a full levy, or a surrogate drawn from the royal families or political elite. Kings initially had the right to summon the allies, but the authorization of other governmental organs (especially the ephors) became paramount. In the later fifth century annual officers, a *nauarchos* (“admiral”), assisted by an *epistoleus* (“secretary”), commanded at sea, and expeditionary forces were led by experienced officers.<sup>6</sup> An ephor always accompanied a king abroad, and the relatively dense hierarchy of officers meant able assistance was available for commanders. During the Peloponnesian War and thereafter, boards of advisors were occasionally sent out to supervise. While *xenagoi* oversaw provision of allied troops, local officers commanded allied contingents. The Peloponnesian league could order its members and associates to build ships, although the outcomes were uncertain. Local commanders directed squadrons, some quite small.

The Hellenic league possessed a congress, with representatives called *probouloi*. Speculation governs the mechanics of decision-making there, where a majority was ostensibly required, and which established military strategy. Such meetings authorized expeditions to Tempe and Thermopylai. During campaigning, policy acts fell to the council of civic commanders. Command gave Sparta predominance in decision (notwithstanding its weakness at sea), while the supplying of the bulk of the warships gave Themistokles, representing Athens, considerable influence. Predictably the Korinthian Adeimantos was a major figure. Herodotus describes several command councils before Salamis, and another after Mykale (e.g., 8.5, 59–64; 9.90.2–92, 106.2–4). This war council acted as a surrogate for the congress, admitting new members from the islands, and contemplating the displacement of the Ionians. It is noteworthy that Pausanias’ authority wilted

before allied displeasure, be it in the withdrawal of the Peloponnesian contingents or the deafness of the east Greeks to his orders.

At the outset of the Delian league, a council was established, meeting regularly on Delos, with each ally having one vote (Thuc. 1.97.1, 3.10.2–5, 3.11.4). Practicality and the bias against equating tributaries with those serving in person render it doubtful that a multitude of civic delegates (one for every tributary) convened regularly. The council may have been composed exclusively of the commanders of allied contingents. Thus, several dozen officers may have initially convened for strategic planning. There is no hint in our sources of deliberation over wider issues, which seem to have fallen within Athenian discretion. Under the impact of commutation to tribute, the league council withered away, leaving a handful of ambassadors and officers from the autonomous allies conducting diplomacy with Athens. We see vestiges of deliberation in the appearances before the *boulē* and assembly of representatives of the Chians, Samians, and Lesbians. Nothing suggests any organized disagreement with any Athenian decision over any issue whatsoever.

Military command is self-evident. Athenian *stratēgoi* always commanded with specific status (e.g., *autokratōr*, “plenpotentiary”) and instructions determined at Athens. The career of the dominant figure of the early alliance, Kimon, is illustrative. Athens always supplied the majority of the fleet, and commutation and losses in Egypt accentuated this tendency. After 439, only Lesbians and Chians were ship-contributors. However, during the Peloponnesian War, tributaries did additionally supply forces against the Peloponnesians (e.g., at Kythera or Syracuse). Membership in the league did not exclude bilateral alliances with Athens that probably stipulated such responsibilities.

The absence of a continuous historical narrative for the fourth-century alliance makes evaluating its *synedrion* difficult. It sat periodically at Athens, with each ally possessing a single vote (Cargill 1981: 115). Attic input was provided by the *boulē* and assembly, acting in parallel to the *synedrion* (Cargill 1981: 191), with each body possessing a veto. This covalence of Athenian organs of government, Athenian command, and the dilution of voting power for larger allies among many smaller states gave Athens considerable preponderance.

Philip’s League of Korinth had a *synedrion* in which the king did not vote, but, acting as the *hēgemōn*, Philip had balancing authority. The council could declare war on any state that violated the common peace, in concord with Philip. It is unknown how regularly the *synedrion* convened. The *synedrion* had various judicial powers in accordance with the goals of a common peace. In accordance with a decree of the *synedrion*, Argos arbitrated a territorial dispute between Melos and Kimolos (R&O 82).<sup>7</sup> When Alexander pacified Chios after its defection to Persian admiral Memnon, the medizers were banished from the cities sharing the common peace and were to be arrested by virtue of a decree of the *synedrion*, with a trial before the *synedrion* (R&O 84). This pattern of governance was probably followed by the early Hellenistic leagues. In fact, some scholars have sought to write the weighted representation, delegate immunity, and *proedroi* of the Antigonid league back into Philip’s league. Macedonian military officers established in Greece were authorized by the alliance ([Dem.] 17.15; Tod 183). The authority over Greece of Antipater in Alexander’s absence became institutionalized: the Antigonid league had a *stratēgos* appointed by the kings for common protection. The League of Korinth and its successors changed the equilibrium of leadership: the monarch’s single will could exert

more impetus than a *polis*, whose governmental organs were open to allied influence through diplomacy, politics, and propaganda.

## Finances

Integral to alliances were mechanisms for funding, whether costs were expended solely for operations or also for administration. For the Peloponnesian league, forces were originally self-subsidized, without a tribute system or central treasury, until the fourth century. Around 378 BCE, the allies could substitute monetary payments for required troops at a fixed quota for each hoplite and cavalryman (Xen. *Hell.* 5.2.21). Funds were only drawn for military campaigns. In homeland Greece during the fifth century, Peloponnesian military activities were administered in Aiginetic standard coins (see Figueira 1998: 162–165, 255–256, 534–535). During the Peloponnesian War, Sparta used military subsidies and salaries for personnel from its own lower orders and for mercenaries. During the Ionian War, the Peloponnesians were compelled to create an administrative apparatus that imitated Attic practices; it depended on booty, exactions, allied contributions, and Persian subsidies, and was managed in Athenian money and other international coinages (see Figueira 2002: 155–156 for this period). The alliance issue marked with a “*syn*” probably belongs here. A *phoros* system, installed by Lysander, was briefly in place after the war, and the Spartans also decided to maintain a treasury. The office of *laphyroi* (“booty-sellers”) is attested, and foreign expeditions strove to be self-funding to an appreciable extent (Xen. *Hell.* 4.1.26; *Ages.* 1.18; *Lak. Pol.* 13.11).

The Hellenic league followed the pattern of the sixth-century Peloponnesian league, and was therefore dependent on self-funding. This follows from the traditions describing various financial ploys undertaken to man the Attic fleet before Salamis. Themistokles’ expedition into the Cyclades after Salamis not only looks forward to Attic naval hegemony based on tribute, but also shows how well such funding measures fit under the aegis of the Hellenic league (Hdt. 8.111.1–112.3; Plut. *Them.* 21.1–7). When ongoing operations were subsidized through improvised measures, a defense of Greece in depth was infeasible. A more elaborate finance system was required to avoid the risky strategy of parrying a Persian thrust deep within Greece.

The Delian league offers the prime example of an alliance with a centralized financial and administrative system. The *hellenotamiae* (“treasurers of the Greeks”), Athenian magistrates, administered fiscal affairs, including management of the *phoros*, the annual allied monetary contributions. The central treasury was established at Delos and later moved to Athens itself. After 454/453, allied tribute was assessed on a four-year cycle; fines were imposed for late payment. The initial assessment, undertaken by Aristeides, was 460 talents, which probably represented a heavy burden on a smaller body of allies, especially since many allies were non-tributary, still contributing ships. In the years 454/453–429/428, as indicated by the tribute quota lists, the total assessment of a large body of almost exclusively tributary allies was about 400 talents. Assessments in the Archidamian War were increased to more than 1,400 talents in 425, and then fell off again to 1,200–1,300 talents in 422/421 and to perhaps 1,000 talents during the Sicilian expedition.

The reserve fund eventually reached 9,600 talents before reductions for Perikles' controversial building program on the Akropolis. Reserves on that scale were built up from other sources as well, such as plunder and ransoms. A turning point was Eurymedon (*c.*468 BCE), after which large annual campaigns were no longer anticipated, and operations shifted to extended, distant expeditions (e.g., Egypt, 459–454). We must avoid outmoded concepts of a mid-century crisis by recognizing that Athens possessed substantial powers from the start, including discretion both over which allies paid tribute and how much, and over expenditures. This authority became truly unpopular, as Athenian moral ascendancy was undermined by the alliance's very success against the Persians. Whether one chooses to believe in the peace of Kallias made with Persia around 449 (we are doubtful) the league ceased large-scale operations against the Persians in the 440s. The size of the assessments for tribute likely tracked economic output, as reflected in the yield of traditional indirect taxes, although some have suggested a carry-over of the Persian *dasmos*, perhaps more connected with agricultural output. By the 450s only Chios, Samos, and Lesbos are known to have remained exclusively ship contributors. After the defeat of the league forces in Sicily in 413, Athens exchanged the tribute system for a 5 percent tax on imports and export shipping in their *archē* (Thuc. 7.28.4). Athens expected to increase revenues in this way. This change served to disentangle the Athenians from some allied internal affairs, but the new fiscal order was engulfed by the exigencies of the Ionian War.

Like the Delian league, during the second Athenian league regular contributions were levied. Scholars are divided over whether this began at the league's inception (likely in our view), or whether exaction had to be specifically authorized. The Athenians were careful to call these payments *syntaxeis* instead of *phoros*, which now had a tainted legacy. There may have been some allied input in the establishment of their level, presumably through the allied *synedrion*. There is evidence that Athenian commanders visited member states to collect the *syntaxeis*. Athens did not render *syntaxeis*, but provided manpower, ships, and supplies for the league operations. Good evidence is absent for the assessment process and assessment amounts, individual or total. Hypothetically, scholars have viewed the exaction of *syntaxeis* as contributing to the outbreak of the Social War of 357–355.

Little is known about the revenues of the League of Korinth (or *a fortiori* its later incarnations). Each ally probably maintained its own forces, but it is uncertain whether payments based on assessments were also levied.

## *Religion*

All corporate action among the Greeks had a religious dimension, and religious ideology and ritual pervaded interstate relations. The gods were treated as witnesses to agreements and violations affronted them. Decrees establishing alliances contained oaths between their members, with rosters of symbolically appropriate deities to be invoked. Generally, treaties including those connected with alliances were erected in major sanctuaries (e.g., Delphi, Olympia) not only to publicize their terms, but also to sacralize them by averring the gods as witnesses.

One assumes that the treaties binding allies to Sparta in the Peloponnesian league were sanctioned by oaths. An ally could cite religious scruples in refusing adherence to Spartan

policy. The Korinthians did that when they refused to ratify the peace of Nikias with Athens (421) as violating the oaths sworn by the Peloponnesians with their Thracian allies (Thuc. 5.30.3). They noted in particular the heroes who had been invoked in the agreement. Concerning the foundation of the Hellenic league, Herodotus records that the *proboulooi* took two oaths: the first, probably a standard oath promising alliance against Persia for all time; the second, a declaration that they would punish medizers, dedicating a tenth of their property to Delphian Apollo (Hdt. 7.132.2). Thus, the religious obligation to confront the Persians included a commitment to one of the most important religious centers in Greece.

Regarding the Delian league, the literary sources certify that the bonds of alliance were sanctified by religion ([Arist.] *Ath. Pol.* 23.5; Plut. *Arist.* 25.1). The fact that the new alliance was headquartered on Delos, sacred to the Ionians as the birthplace of Apollo, is eloquent on the sacralization of the league. Delos was also the site of an important pan-Ionian festival in the Archaic period revived by the Athenians in the 420s. Epigraphic evidence reveals that the Athenians also imposed religious obligations on the allies by at least the late 450s. Generally, they were required to contribute a cow and panoply for the paramount Attic festival, the quadrennial Panathenaia (*IG I<sup>3</sup>*: 14, ll. 2–8; 34, ll. 40–43; 46, ll. 15–17; 71, ll. 57–58; Schol. Aristoph. *Clouds* 386a). Furthermore, a decree (probably, late 420s) mandated that the allies offer “first fruits” to the cult of Demeter at Eleusis (*IG I<sup>3</sup>* 78, l. 14). The allies also offered a *phallos* at the Dionysia (*IG I<sup>3</sup>* 46, ll. 11–13). Such obligations rested on contentions that Athens was the mother city of the Ionians in a deliberate colonial campaign, with colonists dispatched from the Athenian *prytaneion* and that the cultic agricultural basis of culture was Attic in origin. The boundaries between allies and colonies were progressively blurred, as conventional colonial religious duties were transferred to ordinary allies. Evidence in the form of *horoi* (“boundary stones”) on Aigina and Samos attests to the establishment there by local citizens of cults of Athena Polias, the tutelary deity of the Athenians (*IG IV* 29–38; *IG XII.6* 238–244). Thus, the Athenian claim to hegemony over the Delian league was pervaded with religious sentiments.

As in the case of the earlier Hellenic league, Philip’s League of Korinth was ratified by members’ oaths, as an inscription attests (*IG II<sup>2</sup>* 236, ll.2–3). A roster of deities has been restored, including Zeus, Earth, Helios, Poseidon, Athena, Ares, and “all the rest of the gods” (a standard formulation), for which the parallel clause in the treaty of the Antigonid Hellenic league is illuminating (*IG IV<sup>2</sup>* 1 68, l.140). As with our other examples, the community created by an alliance subsumed the transmundane realm in addition to political existence.

## *Autonomy*

A distinguishing characteristic of interstate alliances, as opposed to other experiments in cooperative government such as federal leagues, was the nominal preservation of status as *polis* and whatever independence various Greeks ascribed to that status. We shall call this status *autonomia*, although the term evolved to connote modes of dependency or interdependency, whose evolution has stirred scholarly controversy (see Figueira 1993; Hansen 1995b). A basic meaning is existence under one’s own laws and the maintenance of a constitution (perhaps an ancestral *politeia*) without foreign interference. Application

of this broad definition was context sensitive and open to contestation. To make *autonomia* a norm, however, is erroneous because the vision of an Archaic Greece in which every *polis* was autonomous was itself merely a backward projection of communal wish fulfillment.

Spartan politics concerning the autonomy of its Peloponnesian allies illustrates some of these complexities. In principle, Spartan allies were self-governing *poleis*. Yet by the late sixth century, according to Herodotus, most of the Peloponnesians had been subjugated by the Spartans (Hdt. 1.68.6). Thucydides provides ample testimony for the later fifth century that the Spartans pursued a policy of ensuring control of the allies by sympathetic oligarchic governments (Thuc. 1.19). Moreover, an effect of Spartan policy had been the retardation of state development, especially in Arkadia, that precluded emergence of larger unities and maintained the existence of smaller *ethnē* and *poleis*, easier to manipulate. After the Peloponnesian War, Sparta successively made war on Elis to dissolve much of its regional hegemony (*c.*400), disrupted Mantineian society and government in favor of aristocratic factions in 385, and installed an oligarchy at Phleious a year later. In all cases, ascendant democrats were victimized. Interventions on this scale would hardly have been visualized when these neighbors accepted Spartan hegemony. The autonomy of the member states was less an issue for the Hellenic league of 480. Not only were circumstances too exigent to allow measures against the less energetic or cooperative, but also, along the main axis on which policy turned, medism and anti-Persian commitment were the issues of moment, the former stance criminalized and the latter the *raison d'être* of the alliance. Regardless of constitutional or social order, medizers were outlaws and resistors acceptable.

The Delian league was established as a permanent offensive and defensive alliance against Persia, whose members were autonomous. However, it is uncertain whether any of the participants at the time truly understood the pervasive nature of Athenian command and fiscal authority. The development of the alliance revealed growing Athenian preponderance and a demilitarization of the tributaries that brought along a certain degree of depolitization. As an outgrowth of the anti-Persian missions, Athens installed a democracy at a rebellious Erythrai in the 450s and in the early 440s possibly at Miletos. Along with promoting democracy, Athens utilized *episkopoi* ("visiting inspectors") and other *archontes*, garrisons, transfers of jurisdiction, and grants of inviolability and *proxenia* to local supporters and agents. The reconfiguration of dissident states sometimes included the establishment of either a kleruchy, allotment to poorer Athenians of land taken from rebellious elites, or a colony that took over the ally's territory. Kleruchs were dispatched to Karystos, Naxos, Andros, and Mytilene, while colonies were set at Kolophon, the Thracian Khersonesos, Hestiaia, Erythrai, and Notion. Under Athenian influence, the concept of *autonomia* evolved to become something other than total independence. *Autonomia* was a privileged status for non-tributary states that maintained their own militaries, serving alongside the Athenians (like the Chiots), and thereby enjoying a high degree of latitude for self-management. The ramifications of this evolution can be seen on the eve of the Peloponnesian War, when Sparta even made it an ultimatum that the Athenians give the rest of the Greeks autonomy, setting its main propaganda theme for the war (Thuc.1.139.3).

A founding principle of the second Athenian league was the autonomy guarantee for members (*IG II<sup>2</sup> 43*, ll. 15–25), an effort to differentiate the new association from

earlier Delian league abuses. There is no indisputable evidence that Athens violated the autonomy of the signatories. The treatment of Korkyra has been considered a test case. Moreover, some interference did not register for the Athenians as violating autonomy: they consistently treated promotion of the interests of allied *dēmoi* as legitimate. While the Athenians doubtless installed garrisons, there is no clear record of allied protest, let alone of Athens acting in defiance of the *synedrion*, which on Keos is seen to support the garrison financially. However, the policy of colonial recovery revivified allied anxieties through expulsions, confiscations, and transfers of resources to Athenians. Nonetheless, the fourth-century Athenians were also advantaged by the supervening brutalities of the Spartans and their partisans (especially where narrow oligarchies had existed).

The League of Korinth guaranteed autonomy to all Greek states, but the personal nature of royal hegemony created latitude for interference. Thus, members were guaranteed retention of their ancestral laws, and the specific revolutionary tactics of recalling exiles or fomenting unrest among slaves were expressly forbidden. The vast disparity in military power between the *poleis* and the emergence of a transnational empire renders legalisms about autonomy irrelevant for power politics. Revivals of the league saw the same pattern.

## Conclusion

The various alliances described above shared some fundamental features while revealing important distinctions that made each league a unique adaptation to context. We have limited discussion to five major principles that defined interstate alliances in ancient Greece: permanence of the alliance, command structure, financing, religious obligations, and autonomy. From the Spartan-led Peloponnesian league of the sixth century to early Hellenistic leagues, these basic elements remained significant. Unlike federal leagues, which aimed to unite culturally related *poleis* into polities that arrayed political functions over several hierarchical levels, interstate alliances were formed for primarily security purposes. Their ostensible purpose was not to create a new political identity which superseded the *polis*, but to harness cooperative behavior among city-states that retained significant political functions locally. Military challenges for small polities with primitive technologies and low output had pervasive effects, even though, from one perspective, the Peloponnesian and Delian leagues were primarily vehicles for Athenian and Spartan ambitions. The Peloponnesian league retarded institutional progress, and offered neither a viable political paradigm for a more differentiated, complex society nor an ideology that could act as an alternative to Athenian democracy. The Athenian hegemony coincided with the height of classical culture and the emergence of a relatively sophisticated monetary economy. It seemed to promise the transcendence of the *polis* form without the surrender of the cultural values of the *polis*, but fell prey to stresses engendered by an immaturity of civic psychology, by uneven social development, and by its military failures.

## NOTES

1 See Larsen (1933–1934–1934); Wickert (1961); Kagan (1969: 9–30); Ste. Croix (1972: 333–342); Figueira (1993: 94–105); Cartledge (2002).

- 2 See Macan (1908, vol. 2: 217–239); Brunt (1953); Green (1996: 69–72, 80–83).
- 3 See Larsen (1940: 175–213); Meiggs (1972: 42–204); Hammond (1973: 311–345); Rhodes (1985, 1992a). Most recently note two overviews: I. Morris (2009) ambitiously explores basic structure and interstate dynamics, using interdisciplinary methodology, but with undue simplification and some confusion of historical conditions. Ma *et al.* (2009) do cover a more traditional range of topics, however unevenly.
- 4 See *ATL* for an edition, introduction and commentary.
- 5 Ferguson (1948: 112–136) for the league of Antigonos and Demetrios; Ellis (1976: 199–210); Hammond and Griffith (1979: 623–646).
- 6 On the Spartan army: Lazenby (1985); Cartledge (1987: 203–239).
- 7 For a dispute between Sparta and Megalopolis settled by a Greek court: Pol. 9.33; *Syll.*<sup>3</sup> 665, ll. 19–20.

## CHAPTER 32

# Interstate Governance

## *Arbitration and Peacekeeping*

*Sheila L. Ager*

The student of ancient Greek history and culture is inevitably struck by the degree of belligerence evident in the Greeks' relations with one another. Within the *polis*, law-court speeches attest to seemingly constant litigation; comic plays stage political combat; and historians such as Thucydides paint a horrifying picture of civil conflict (*stasis*), such as that which gripped the state of Korkyra during the Peloponnesian War (3.81–84). Chronic warfare characterized the world of interstate relations, and if the Korkyraian *stasis* represented a particularly atrocious instance of violence within the community, Thucydides' portrayal of the Athenian invasion of Melos in 416 BCE resonates as a timeless example of interstate brutality, wherein the only arbiter is military might (5.84–116).

Nevertheless, the longing for peace – and in particular, for rational, just, and diplomatic mechanisms to establish and maintain peace – ran in tandem with the Greeks' experience of conflict. Arbitration for the settlement of disputes within the community is evident already in Homer (*Il.* 18.497–508; *Od.* 7.73–74), and the extant evidence points to arbitration being used in the interstate sphere by the seventh or at least the sixth century BCE. Fifth-century authors such as Herodotus, Aristophanes, and Euripides all lament the tragedy of war and stress the superiority of peace as a way of life. “In peace, children bury their fathers,” says Herodotus’ Kroisos, “but in war, fathers bury their children” (1.87). Contemporary with these exhortations to employ reason and diplomacy rather than arms to settle conflict, we find obligatory arbitration enshrined in peace treaties, such as that which ended the so-called First Peloponnesian War in 446/445 BCE. And by the fourth century BCE, the Greeks had invented a completely new approach to peacemaking and peacekeeping: the “common peace” (*koinē eirēnē*). The history – and the efficacy – of these efforts at peaceful resolution of interstate conflict and maintenance of international peace form the focus of this chapter.

## International Peace: Law and Governance

The question of “international law” is one that has received much attention in the modern world. Many scholars of law and international relations, as well as practitioners in international legal systems, such as the International Court of Justice or the International Criminal Court (to name but two), are committed to the belief that the world today recognizes a theory and a body of international law that goes beyond the simpler and fuzzier notion of an accepted set of international customs. But problems of enforcement and sanctions remain, and the reality is that many individuals and states refuse to recognize the jurisdiction of bodies charged with the practice of international legal cases. The United States, for example, rejected the compulsory jurisdiction of the International Court of Justice in 1986, when the court ruled that the USA had violated international law by its support of the Nicaraguan Contras; the United States now only participates in the ICJ’s proceedings on a case-by-case basis.

Side by side with the massive scholarship (both theoretical and practical) in the field of international law in the modern world there has been an equal amount of scholarship on theories of international relations. Dominant among those theories today is the theory known as “Realism,” a theory which speaks to the only partial success of international governance mechanisms. According to Realist theory, the international system – made up of independent states – is literally an anarchic one, with no overarching mechanism for the enforcement of anything like international law. Without the protection of such a mechanism, states inevitably pursue self-interest and are unfailingly security-conscious. The anarchic system itself thus produces the conditions conducive to war, and provides no barriers against it (Waltz 1979).

Thucydides’ Melian dialogue (5.85–113) between the Athenian invaders and their Melian victims is generally seen as a bleak and dispassionate statement of *Realpolitik*, and Thucydides himself is often viewed as the first proponent of Realist theory.<sup>1</sup> But Thucydides does allow his doomed Melians a voice and, fruitless as their efforts may have been, their words no doubt represented the views of many contemporaries on how the interstate system should work, if not how it actually did work: “In the case of all who fall into danger there should be such a thing as fair play and just dealing . . . and we trust that the gods will give us fortune as good as yours, because we are standing for what is right against what is wrong.” (Thuc. 5.90, 104; trans. Warner).

The existential question of whether or not there was any such thing as international law in ancient Greece cannot possibly be answered or even attempted here.<sup>2</sup> But the Melian voice – like the voices of Euripides and Herodotus and others – represents an important ancient perception of international law: that is, if there wasn’t such a thing, there should have been.<sup>3</sup> Accepted international customs and notions of justice in warfare dictated that an aggressive assault on a party which had done one no harm was to be condemned. “I think that all people would be in agreement,” said the Athenian orator Andokides in 392/391 BCE, “that war should only be fought when one has been injured or when one is going to the assistance of others who have been injured” (Andok. 3.13; see Karavites 1982, 1984; Low 2007: 177–186). But no body existed to chastise the Athenians for their behavior towards the Melians. Oaths – perhaps the most binding instrument available – were sworn in support of treaties and agreements, but oaths could

be broken, seemingly with little consequence. Particularly useful was the ability to make it seem as though the other party had broken their oaths first.<sup>4</sup> In the world of the Archaic and Classical Greek *poleis*, and later that of the Hellenistic kingdoms, there was no international law enforcement mechanism, save that of war itself.

Thus pacific mechanisms such as arbitration or common-peace treaties operated in a sphere where governance was essentially non-existent, and where the strong still had the power to quell the weak. Accordingly, such mechanisms only operated consensually, and were effective only when all (or at least most) parties thought they should be. The will to peace and justice evident in so many writers was evident also in efforts to institutionalize actual means of conflict resolution – but the history of war and peace in the ancient Greek world demonstrates that such efforts were not grounded in a universally recognized system of binding international law.

## Interstate Arbitration in the Greek World

Interstate dispute settlement mechanisms involving the services of a third party took a wide variety of forms in the ancient world, as they do in the modern. The Greeks themselves distinguished between arbitration and mediation, and their diplomatic history demonstrates the use of other modes of conflict resolution as well, such as conciliation or good offices.<sup>5</sup> The boundary between governance and diplomacy in the interstate sphere is nebulous, and the history of arbitration and dispute settlement among the ancient Greeks is therefore a study not only in institutional history, but also in the history of diplomacy.

Arbitration *per se* is a more judicial and legalistic process than mediation. Arbitration does not require the parties to consent willingly to its findings, only to its authority in making them. Mediation, on the other hand, has no judicial authority, not even the temporary and limited authority granted to an arbitrator. Mediation's strength in the sphere of international dispute resolution lies in its ability to bring the parties together without loss of face and in a non-confrontational manner. A mediator will often be able to help the parties resolve a wide array of points of conflict, while an arbitrator (precisely because an arbitrator has the power of judgment) is generally given a more constrained and clearly prescribed set of issues to settle. Together, these two modes of conflict resolution constitute a significant set of third-party dispute settlements from the world of ancient Greece.

Our earliest quasi-historical example of an attempt at interstate arbitration involves a suggestion by the Messenians that they would be willing to submit their quarrel with the Spartans to the judgment of Argos and/or to the Athenian Areiopagos council (Paus. 4.5.2; Piccirilli 1973: #1). The context is that of the preliminaries to the First Messenian War, and the historicity of this incident is very much in doubt. Nevertheless, the shape of the incident as described by Pausanias is in accord with what we find in numerous later cases of arbitration: an initial grievance on the part of one or both parties (in this case, allegations of murder) and an offer by one of the parties to submit the dispute to the arbitration of a third party. According to Pausanias, the Spartans refused the suggestion of a judicial settlement, allegedly because they had other motivations for continuing hostilities against the Messenians (4.5.3–4). The intrusion of extraneous political and

military considerations into the peaceful settlement of a specific point of dispute has always been part of the history of the institution of arbitration.

Between the seventh and the first centuries BCE, the literary and epigraphic evidence attests to well over two hundred instances of arbitration and mediation, ranging from boundary settlements between tiny Greek *poleis* to imperialist activities on a grand scale between Hellenistic monarchs.<sup>6</sup> The one thing these cases have in common is that a third party is in some way involved (or attempts to be involved) in resolving the conflict. Beyond that common element, however, the mechanisms of arbitration and mediation worked in a wide variety of circumstances and institutional modes. The rest of this section will explore the development and circumstances of arbitration and mediation in the Greek world from the Archaic through the Hellenistic Age; the question of the efficacy of these institutions will be discussed further below.

In its beginnings in the Archaic period, Greek arbitration was generally of a compromissary nature. That is to say, one party in a dispute might propose to the other(s) that they seek arbitration from a third party. There would have been no preexisting agreement that obliged all parties to turn to arbitration, and no overarching authority from which they could seek such a service. A successful attempt at arbitration (or mediation) rested on the agreement of all disputants to compromise, to seek out an arbitrator, and abide by his (or very occasionally her) findings. Breakdown could occur at any stage in this process, as we saw in the case of the mytho-historic incident of the Spartans and the Messenians at the time of the First Messenian War. Nevertheless, compromissary arbitration had one advantage over the obligatory arbitration agreements that began to appear in the fifth century: provided that both parties agreed to the compromise in the first place, it was likely that both were motivated to find a peaceful settlement. Thus, when Athens and Mytilene in the sixth century voluntarily turned to Periander, the tyrant of Korinth, he was able to propose a solution that was acceptable to (and accepted by) both parties (Hdt. 5.95.2).<sup>7</sup>

The first example we have of an obligatory arbitration clause comes, interestingly enough, not from the free Greek states, but rather from Persian-dominated Ionia. In the wake of the Ionian revolt, according to Herodotus, the Persians decided to modify their practices with respect to the tributary Greek poleis of the Asia Minor coast. “Artaphernes, governor of Sardis,” he tells us, “sent for messengers from the *poleis* and compelled the Ionians to make agreements that they would employ arbitration instead of raiding each other” (Hdt. 6.42.1; Piccirilli 1973: #11). It is significant that an obligatory arbitration treaty was first formulated in a context where the states bound by it were under the authority of an overarching power, precisely the kind of authority that was absent from the Greek mainland and most of the islands in the Archaic and Early Classical period. The authority of the Persians could compel the Ionian states to comply with the arbitration clause; moreover, it could offer itself as a facilitator of any arbitration that was to take place. Thus, roughly a century after this obligatory arbitration treaty was put in place, we find evidence for a dispute between Miletos and its neighbor Myous being submitted to the judgment of the other Ionian states and of Strouses, the satrap of Ionia (Piccirilli 1973: #36; R&O 16).

Compromissary arbitration continued to function alongside obligatory arbitration for the rest of Greek history. Where we see development is in the increasing refinement of these mechanisms of third-party conflict resolution. The fifth century saw a growing

number of compulsory arbitration clauses embedded in peace treaties, and as we move into the fourth century and the Hellenistic period, the evidence of inscriptions in particular provides us with highly complex examples of *compromissa*, the documents detailing the regulations under which a particular arbitration was to take place.

Perhaps the most famous (because of its stunning failure) obligatory arbitration clause was that embedded in the Thirty Years' Peace treaty between Athens, Sparta, and their respective allies in 446/445 BCE. The evidence for this agreement comes from Thucydides' account of the breakdown of peaceful relations between Athens and Sparta some fifteen years later. The Athenian representatives who mysteriously happened to be in Sparta on unknown business in 432 BCE had the following to say to the assembled Spartans:

We urge you, now, while we are both still free to make sensible decisions, do not break the peace, do not go back upon your oaths; instead let us settle our differences by arbitration, as is laid down in the treaty. If you will not do so, we shall have as our witnesses the gods who heard our oaths. (Thuc. 1.78.4, trans. Warner)<sup>8</sup>

In the prelude to the Peloponnesian War, the Athenians (perhaps disingenuously) repeatedly stressed the obligation of both parties to submit their differences to the arbitration of a third party; the Spartans, for their part, steadfastly refused, even though they were later to acknowledge that they had broken their oaths in doing so (Thuc. 7.18.2).

As noted above, compromissary arbitration does have the relative advantage of being ad hoc: parties who agreed to go to arbitration knew precisely what the current circumstances were, and were not making promises for a vague future. The Hellenistic period in particular features numerous examples not only of arbitration or mediation *per se*, but also of the initial agreements made between the disputing parties to submit their arguments for resolution. Such agreements (*compromissa*) might be recorded in stone and displayed prominently, often at a neutral site of some importance, such as a sanctuary, where the gods could invigilate. Publication of a *compromissum* would ensure that the process was carried out in strict accordance with the original agreement of the disputants; it would prescribe the arbitrator's powers by delineating what was off limits; and it would provide moral compulsion for each side to abide by the arbitrator's findings.

Among the most complex *compromissa* to survive from the Hellenistic period is a pair of documents from the second century BCE, discovered at Delphi. One represents an agreement between the small communities of Boumelitaia and Halai to submit their territorial dispute to the arbitration of Thebes (Ager 1996: #129); the other is an agreement between the Thessalian communities of Halos and Phthiotic Thebes to turn to a prominent Larisan, one Makon, to settle their own land dispute (Ager 1996: #153; Freitag 2006). There is no connection between the documents, other than their common provenance; Delphi was home to many public inscriptions of *compromissa* and arbitral judgments (see Freitag 2001; Ager 2005). But the two documents together demonstrate the characteristics of a carefully thought-out *compromissum*: the dispatch of ambassadors to request the favor of arbitration; arrangements for the arbitrator(s) and their secretary to visit the disputed territory in the company of advocates from either state; provision for individuals called *dikastagogoi*, those who would escort the judges (and ensure that they remained unbribed by the opposing party); submission of any documentary evidence;

an acknowledgement that the arbitral decision was to be binding; a time limit within which the decision had to be rendered; provision for publication of the judgment; and the text of oaths to be sworn by all parties to the process. Documents such as these two from Delphi – and the points they have in common with many other, less detailed arbitral inscriptions – demonstrate that if there was no overarching law, there certainly were recognized practices and a common language of dispute resolution.

The conflict between Boumelitaia and Halai, like that between Halos and Phthiotic Thebes, originated in a dispute over territory. Territorial conflict was (and is) a leading cause of war, so it comes as no surprise that it also accounts for between 50 and 60 percent of extant cases of Greek arbitration and mediation (see Tir and Diehl 2002).<sup>9</sup> Boundary rivalries and other forms of territorial disputes operated on a variety of levels, from microcosmic issues of simple survival and *autarkeia* (self-sufficiency), through access to shared resources, to the macrocosm of power politics and imperialist aggrandizement, all of it complicated by the emotional and spiritual attachment to “ancestral” land. Disputes over land were of course not the only disputes submitted to the judgment of a third party: conflicts over dynastic succession, religious representation at a Panhellenic sanctuary, issues of debt, private delicts for which a state might be held responsible, isopoly and sympolity arrangements, and trading rights are all among the points of contention we find in cases of arbitration and mediation. Territorial conflict, however, was by far the most common factor, and it produced as well the most developed of recognized arbitral procedures.

Extant evidence tells us that a large proportion of ancient arbitrations involved quite small parcels of mutually claimed territory, generally on the boundaries of two *poleis*. The relative scarcity of good agricultural land in Greece would always have promoted rivalry over the smallest of acreages, but agricultural needs were not the only rationale for territorial conflict. Mountain ranges provided pastureage for flocks, and also had strategic military value. Access to other local resources (such as timber, fishing, stone quarries, salt works) appear as points for judicial settlement in arbitration documents. Around the middle of the second century BCE, officials of Ptolemy VI resolved a rather nasty tangled web of mutual assaults and recriminations between the *poleis* of Troizen and Arsinoë (Methana), and regulated their mutual rights to use the resources of the region (Ager 1996: #138; cf. also #17, 171, and Magnetto 1997: #63). Sacred land and border sanctuaries form a category of their own when it comes to territorial disputes, although conflict over access to sanctuaries formed in many cases an adjunct to a broader land dispute (Sartre 1979; Rousset 1994; McInerney 2006). Arbitrators were often called upon to carry out a demarcation of land deemed to be sacrosanct, and to assess penalties against those who encroached on it. The territory surrounding Delphi in particular was often a source of dispute, perhaps localized to begin with, but frequently expanding to embrace amphicyonic interests, and at times beyond. Accusations against the *polis* of Amphissa in 339 BCE for its allegedly illegal cultivation of lands in the plain of Kirra below Delphi – accusations that allowed Philip II his entry into Greece in the context of the Fourth Sacred War – may have been cynical and manipulative in their origin, but the repeated boundary arbitrations and demarcations of Apollo’s sacred land over the centuries also sprang from a sincere belief that the territory of the god was sacrosanct (Aischin. 3.106–129; Dem. 18.140–159; Ager 1996: #1, 22, 88, 117, 163; Magnetto 1997: #2).

The spiritual significance attached to certain sacred territories is connected to more general emotional attachments to land. “Why, Katie Scarlett,” says Gerald O’Hara to his pouting daughter, “land’s the only thing worth fighting for, worth dying for!” The very scarcity of land in Greece, combined with the intensity of local political loyalties and the frequent fractiousness of relations between neighbors, meant that some land claims – and attempts to settle them – lasted for decades or even centuries (Tir and Diehl 2002). Enduring rivalries between neighboring states led to constant irredentism, pursued either through war or through repeated judicial appeals, or both. One of the most famous of such rivalries was that between the small Ionian *polis* of Priene and the island state of Samos. Both states laid claim to territory on the mainland opposite Samos, and each side vigorously pressed its claim at every opportunity. Several inscriptions attest to their continued enmity and to the continued attempts at an arbitrated solution over the centuries involving Bias of Priene, Alexander the Great, Lysimachos, Antigonos Doson, Antiochos III, Rhodes, Manlius Vulso, and the Roman senate (Piccirilli 1973: #4 (cf. #22); Ager 1996: #26, 74, 99, 160; Magnetto 1997: #3, 20, 44, 75; Magnetto 2008). Most of these inscriptions were found in Priene (inscribed on the antae of the Temple of Athena Polias), where they appear to have been engraved as a public record of Priene’s frequent success in the courts of arbitration (Sherwin-White 1985).

The microcosmic scale of land disputes and arbitrations involving small(ish) states such as Priene and Samos is balanced by equally irredentist phenomena at the macrocosmic level. The imperialist aggrandizement evident in the numerous Syrian wars fought between the Seleukid and Ptolemaic kingdoms had at its core security concerns and long-held convictions about ancestral rights to territory and resources, particularly to the region of so-called Koile Syria. But with the difference in scale came also a difference in modes of settlement. Great powers have never been willing to accept the judicial process of arbitration, a much riskier procedure than mediation or conciliation. We do not find here the detailed and lengthy judicial mechanisms and language applied to the land disputes of Boumelitaia and Halai. We find instead carefully diplomatic and gracious promises of assistance, such as Rhodes, Byzantium, Kyzikos, and the Aitolians made to Antiochos III and Ptolemy IV at the onset of the Fourth Syrian War (Pol. 5.63; Ager 1996: #52; Magnetto 1997: #51). Or – and this is the other extreme – we hear of peace being established between Hellenistic kingdoms by the harsh command of a single Roman legate, as Popilius Laenas ordered Antiochos IV out of Egypt in 168 BCE (Pol. 29.27; Liv. 45.12; Diod. 31.2; Ager 1996: #122). Compellence “diplomacy” such as this played its own part in establishing peace between warring polities in the ancient Greek world.<sup>10</sup>

Despite the fact that land disputes were a constant source of friction, quarrels over land – a concrete and immovable thing – could lend themselves very well to arbitrated settlement. The well-established procedures set out in the *compromissa* discussed above demonstrate that third-party demarcation of boundaries was a commonplace thing by the Hellenistic Age, and the principles behind it and the use of evidence for the purpose of establishing those boundaries was well understood. One of our clearest examples of boundary arbitration comes from the third century BCE, when the Achaian league asked the *polis* of Megara to settle a boundary dispute between Korinth and Epidauros (Ager 1996: #38; Magnetto 1997: #36; Harter-Uibopuu 1998: #3). Even with complaints and appeals, the process seems to have been fairly straightforward.

In the case of Korinth and Epidauros, they were able to turn to an obvious third party: the authority of the Achaian league, of which they were both members; *koina* such as the Achaian and Aitolian leagues were well placed to facilitate or even insist on arbitration among their members. The choice of arbitrator rested on a number of fairly obvious factors: trust, status, sympathy, and understanding. Such factors operated to produce judges of widely differing provenance. Peers (such as other Greek *poleis*) might be invited on the grounds of their understanding of the realities of existence in a Greek *polis*. The arbitrator might be a single prominent citizen, or a small group of individuals chosen for their reputation, or a large group democratically representative of the *polis* as a whole.<sup>11</sup> Submissions to a monarch or the Roman senate might be intended to bring into play the status of the dominant power of the moment. Perhaps surprisingly, the oracles and Panhellenic sanctuaries such as Delphi or Olympia were rarely consulted, although they did provide venues for publication of *compromissa* and arbitral judgments (for the role of the Panhellenic sanctuaries in dispute settlement, cf. Freitag 2001, Ager 2006).

The initiative to settle a dispute by pacific means did not always come from the parties in dispute. A third party might intervene in order to offer its services, or, in the case of Popilius Laenas, to demand that disputing parties settle their differences. The last example shows that would-be peacemakers and peacekeepers were not always motivated by pure idealism. It was in Rome's interests to ensure that the Seleukid kingdom did not swallow Egypt and become a greater threat in the east. Even the more gracious peacemakers of Antiquity generally had their own agendas: the island state of Rhodes frequently mediated and arbitrated for others, in order to ensure peaceful and stable conditions for its own trade purposes, as well as to maintain its stature as a virtuous "middle power" (Ager 1991; Koehn 2007). On a more blatantly pragmatic level, the Persian king intervened in Greek affairs in the fourth century BCE, sponsoring peace attempts so as to ensure non-intervention in Asia Minor and a steady flow of Greek mercenaries for his armies (Diod. 15.38.1). These peace attempts are the subject of the next section.

### *Koinē eirēnē*: “Common Peace”

*Koinē eirēnē*, usually translated as “common peace,” was a shortlived but remarkable experiment in peacemaking and peacekeeping in the fourth century BCE. The dreadful upheaval of the Peloponnesian War, and the impact felt throughout virtually the whole of the Greek world, may have prompted the Greeks to seek solutions other than simple bilateral alliances as a way of structuring the anarchy of their interstate system. If Martin Jehne's thesis is correct (Jehne 1994), it would be the dearth of strong hegemonic power after the end of the fifth century – a dearth that prevented any one state from imposing stable order – that induced and allowed the Greeks to look for other means of constraining aggressive and destabilizing state behavior.

Our sources for common peace in the fourth century BCE are thin, but taken collectively they indicate that the phrase generally referred to a substantive thing – an actual peace treaty – rather than to a simple absence of war among the Greek states (Ryder 1965: xi–xvii; Jehne 1994: 26–28). Implicit in a historical survey of common-peace

treaties in the fourth century is the fact that in the end they all failed; had any of them succeeded in its long-term goals, the question of a succession of common peaces would be moot. Our first example is the King's Peace (also known as the peace of Antalkidas) that put an end to the Corinthian War of 395–387 BCE. Subsequent to the King's Peace, the leading states among the Greeks – and later Macedon – made repeated attempts to establish a lasting common peace: in 375 a brief renewal of the King's Peace; two attempts in 371, bracketing the all-important battle of Leuktra; a perhaps abortive attempt sponsored by Thebes in 366/365;<sup>12</sup> a peace concluded in 362/361 after the battle of Mantinea; and the Macedonian-imposed peace after Chaironeia that resulted in the establishment of the so-called league of Corinth (338/337). The general peace of 311 proclaimed by Alexander's successors had some of the basic characteristics of a common peace, as did the so-called Hellenic league established in 302 BCE, though the latter was a military alliance, not a peace treaty. Over time we see considerable development in the structure of these common-peace treaties; such development originated in part from shifting political and military circumstances, of course, but was also partly the result of increasing experience and the perceived need for more explicit contractual obligations.<sup>13</sup>

Common-peace treaties shared certain distinctive characteristics, and while the common peaces of the fourth century represented a departure from previous peace treaties, at least some of these characteristics were outgrowths of earlier ideas about international relations and the rights of states (see Ryder 1965: 1–24). Foremost among the properties of a common peace was the principle that all Greeks – whether or not they had participated in the previous war – were to be covered by the terms of the peace. This meant not only that every *polis*, large or small, was under the protection of the peace, but also that each and every state was bound by the terms of the peace. Fundamentally linked with the extension of the peace to all the Greek poleis was the declaration that all parties to the peace were to enjoy autonomy (*autonomia*): that is, states were to enjoy their own laws and constitutions and be free from external interference. International custom had always held that it was wrong to trespass without provocation in the affairs of another state, as the Melians so desperately pointed out to the deaf Athenians. But prior to the existence of something like a common-peace treaty, there was no instrument of law to which a state like Melos could point. In the fourth century, under the auspices of a common-peace treaty, such an instrument was available. The efficacy of this mechanism was, to be sure, another matter.

The King's Peace failed to define terms such as autonomy in any rigorous or explicit way. As time went on, however, we see refinements in the treaties which, while not perhaps defining *autonomia per se*, at least added more specifications to the general principle. In the treaty of 375, for example, it was specified that the *poleis*, in addition to being autonomous, were also to be ungarrisoned (i.e., by foreign powers; Diod. 15.38.2); in the peace of 338/337 BCE, certain clauses specifically addressed the security of the internal constitutions of the *poleis* ([Dem.] 17.10, 15–16; R&O 76, ll. 12–14). The King's Peace had apparently mandated that each *polis* was to “possess its own territory” (Ryder 1965: 122–123), but failed to specify how this principle was to be applied: who was to determine what constituted a particular state's “own territory,” and how? In the peace of 362/361, this principle was replaced by that of *uti possidetis*: each *polis* was to have what it held at the time of the peace (Ryder 1965: 140–141;

Jehne 1994: 106–107). The application of this principle allowed for the establishment of peace without the need to resolve all outstanding land claims (Ryder 1965: 84), and in its own way may have represented an attempt to shut down such claims by rendering them invalid by the terms of the peace.

Another characteristic of the common peace was that it had no time limit. Earlier peace treaties had generally specified a time limit for the duration of the pact. The treaty that put an end to the First Peloponnesian War between Athens and Sparta in 446/445 BCE was supposed to last for thirty years; the peace of Nikias, concluded in 421, for fifty. Alliances, on the other hand, such as the multiple *symmachiae* (offensive alliances) that bound Athens to her allies in the so-called Delian league, might be intended to be permanent. Such permanence could be symbolized very vividly: tossing lumps of iron in the sea, the participants in the Delian league swore to be faithful to their alliance until the iron should float. But these contracts were not intended to bring about a state of peace; this was a primarily military alliance, intended to further aggressive action against Persia. The common peaces of the fourth century seem to be the first example of a treaty intended to bring about a state of general and enduring peace.

The extension of the peace to all Greek *poleis* and the declaration of autonomy for all participants generated, at least implicitly, the notion that the peace needed to be somehow guaranteed, that action might need to be taken against a breach. As time went on, common peaces began to feature an explicit guarantee clause, at first voluntary (in the first peace of 371: Xen. *Hell.* 6.3.18), and then obligatory (the second peace of 371: Xen. *Hell.* 6.5.2). Participants in the common peace thus not only enjoyed what protection the peace might give them in its declaration of their autonomy; they also were under an obligation (theoretically at least) to protect the autonomy of others bound by the peace. This principle – that the collective action of all parties could and should be invoked when one party is under threat – resonates with modern concepts such as collective security and peace enforcement (*pace* Ryder 1965: 118; see Berridge and James 2003: 41, 200).

Given the increasing sophistication of successive common peace treaties, and the established use of arbitration to resolve territorial and other conflicts, it is not surprising to find provision for obligatory arbitration embedded in some common peaces. Part of our evidence for the peace of 362/361 BCE – a fragmentary inscription, now lost – suggests that arrangements were put in place for arbitration of disputed territory (*Syll.*<sup>3</sup> 182; Piccirilli 1973: #48; R&O 42). The hegemonic leagues established by Macedonian rulers (the league of Korinth and the Hellenic league of Antigonos and Demetrios in 302 BCE) also appear to have provided for arbitration of disputes between members (Ager 1996: #2, 14; cf. Piccirilli 1973: #60). A quarrel between the little islands of Melos and Kimolos was settled by the *polis* of Argos at the behest of the “*synedrion* of the Greeks”, probably the representative council provided for by the constitution of the common peace of 338/337 BCE (Ager 1996: #3; Magnetto 1997: #1). The establishment of this *synedrion* was an important step forward in the effectiveness of guarantees of the peace and of dispute resolution.

The principles behind *koinē eirēnē* and third-party conflict resolution thus found common ground in structures such as the league of Corinth. It remains to be seen how effective such structures were.

## International Peace: Success and Failure

A number of challenges to peacemaking and peacekeeping have already been touched on. This section aims to examine more closely the factors behind the failures – and the successes – of third-party and collective peace attempts. It is easy to view all such attempts with a cynical eye when we see so many examples of dismal failure and flagrant exploitation of the processes. Yet the very fact that such attempts were made – repeatedly – should tell us that the Greeks put some faith in them. Moreover, we need to resist the temptation of viewing the history of collective peacemaking solely from the vantage point of the leading states and hegemonic powers. Sparta might reject any peace negotiations that recognized the independence of Messenia, and a Hellenistic king like Antiochos IV might scorn the attempts of Greek states to mediate his war with Ptolemaic Egypt. But the smaller *poleis* of ancient Greece – communities like Priene and Samos, Boumelitaia and Halai – had nothing to lose and much to gain from the protection of an all-embracing peace and the availability of judicial procedures to address their concerns.

The ancient Greek writers who spoke of a longing for peace did so because they were not experiencing it. The world of the Greeks was, as stated above, an anarchic one, whether we think of it as a closed system of independent Greek *poleis* or a more expanded system that included Persians, Carthaginians, and Romans. Anarchy – the lack of a viable supranational authority capable of imposing meaningful sanctions – was and is the chief obstacle to the success of third-party conflict settlement and enduring peace. In such a system security-conscious states cannot afford to let down their guard or appear weak, and are reluctant to commit themselves to judicial processes or negotiated settlements that might bring that about. In Antiquity, as today, states reserve the right to determine what constitutes their own vital interests, and such interests are virtually never negotiable, let alone arbitrable (Ager 1993).

As with any peace efforts, therefore, the success of arbitration and common peaces was contingent on buy-in. Such buy-in, as we have seen, was often difficult to secure, particularly from leading powers who believed that their interests might be better served by military initiatives. The Spartans rejected arbitration in the 430s BCE because the dominant feeling in Sparta at the time was that war was the only way to achieve their objective of curbing Athenian power. As for *koinē eirēnē*, exceptions prompted by political and military considerations pervaded common-peace treaties throughout the fourth century. The terms of the King's Peace deferred to Athenian interests by agreeing that the islands of Skyros, Lemnos, and Imbros (vital to the Athenian grain route) were not to be included in the autonomy guarantee (Xen. *Hell.* 5.1.31). The territories of the king himself were also of course excepted: the Greek *poleis* of Asia Minor were to continue to be part of the Persian empire. Later common peaces were dogged by demands for such exceptions on the part of other states. The Thebans refused to participate in the first peace of 371 because the Spartans dismissed their claim to take the oath on behalf of all Boiotia (Xen. *Hell.* 6.3.19). After the battle of Leuktra and the Theban liberation of Messenia, the Spartans found themselves in the same situation: they could not bring themselves to be signatories to any peace treaty that recognized the Messenians as an independent state (Diod. 15.89.1–2; Plut. *Ages.* 35.2–3; Pol. 4.33.8–9).

Even when powerful states agreed to third-party conflict resolution or a common peace, they often intended such acquiescence to serve their own ends. Polybios' account of the negotiations that took place in the winter of 219/218 BCE, negotiations intended to bring about a peaceful settlement between Antiochos III and Ptolemy IV, suggests that Ptolemy's ministers were not acting in good faith: they were employing the smoke screen of mediation efforts (made by representatives from several Greek states) in order to delay hostilities until such time as Ptolemaic military strength had been boosted by secret measures undertaken simultaneously with the peace efforts (Pol. 5.63; Ager 1996: #52; Magnetto 1997: #51).

As for the behavior of states such as Sparta, Athens, and Thebes during the decades when Greece was experimenting with *koinē eirēnē*, any survey of the period discloses the selfish interests of the leading states and their efforts to manipulate circumstances in their own favor. Sparta's actions in the 380s BCE in particular are often pointed to as a notorious example of the failure of the King's Peace to provide for truly peaceful means of resolving conflict, and the facility with which it could be used as an instrument of domination. With no clear guidelines for just how the peace was to be maintained, Sparta was free to exploit the peace terms to pursue its own interests (Ryder 1965: 39–57; Jehne 1994: 48–56). Repeatedly invoking the autonomy clause, the Spartans forced the *polis* of Mantinea to dissolve into its constituent villages and mounted a military campaign against the *polis* of Olynthos on the grounds that it was infringing the autonomy of its neighbors (Xen. *Hell.* 5.2; Diod. 15.5, 15.19). The brazen seizure – and retention – of the Theban acropolis in the midst of this maneuvering demonstrates clearly that Sparta's actions in these years were not motivated by any selfless ideal of maintaining peace and autonomy for all the Greeks (see Jehne 1994: 53; Rhodes 2008: 20–22).

The truism that good fences make good neighbors holds good for ancient Greece, provided that we understand “good fences” to mean unambiguous borders with clear and widely accepted regulations for border traffic and access to resources, sanctuaries, and so on. The plethora of extant boundary demarcations attests to the importance the *poleis* of Greece attached to clarity in this matter, and the evidence cited before arbitral courts speaks to the emphasis placed on questions of putative legal rights to territory and longstanding historical claims. One of the factors bedeviling the long-term success of individual arbitrations was the constant irredentism discussed above in the case of Samos and Priene. Less famously, we hear of repeated cases of boundary arbitrations between the little Thessalian *poleis* of Melitaia and Narthakion carried out over the centuries (Piccirilli 1973: #35, 51; Ager 1996: #32, 79, 154, 156; Magnetto 1997: #31; see also Ager 1989, Baker 2000b). The frequent appeals for a new land settlement – generally made to every new power that raised its head – suggest that many boundary arbitrations were undertaken with cynical intent and that long-term resolution was hard to come by. There is another perspective, however, which should also be applied: so long as Melitaia and Narthakion were employing judicial means to settle their differences, they were not engaged in physical hostilities with one another. Processes undertaken cynically and selfishly rather than idealistically may still achieve their desired ends. Still, it would be overly simplistic to claim that consent to arbitration was representative of a peaceful mindset that always preferred to pursue pacific settlement of disputes. In the Hellenistic Age, Sparta too pressed its land claims by judicial means, at a time when it could no longer muster the military power simply to take what it wanted. But when it enjoyed a

brief upsurge in power, as under the reign of Kleomenes III, Sparta reverted to military aggression in order to pursue its territorial disputes with Messene and Megalopolis (Plut. *Kleom.* 4.1; Pol. 2.54.3).<sup>14</sup>

Irredentism also proved to be a complication with acceptance of common-peace treaties. At the time of the King's Peace in 387/386, each *polis* was granted the right to "possess its own territory." The thorny issues attending such a clause have already been discussed: who was to determine what territory belonged to each state? How far back were historical land claims to be recognized? These problems led to the new clause in the peace of 362/361 that each *polis* was to have what it held. Nevertheless, states such as Athens, pressing its eternal claim to Amphipolis, preferred a return to the original problematic clause. In negotiations with Philip II in 343 BCE, Athens lobbied not only for an expansion of the peace of Philokrates (346) to a common peace that would embrace the rest of the Greeks, but also for a modification of its terms to read "each to possess its own territory" ([Dem.] 7.18; Rhodes 2008: 24–27). By Athenian reckoning, Amphipolis belonged to Athens and always had, even though Amphipolis had been lost to Athens since 424 BCE.

By the fifth century, peace treaties could include obligatory arbitration clauses covering future disputes; similarly, the common-peace treaties of the fourth century ultimately developed obligatory guarantee clauses. The dilemma lay in the imprecision of these provisions. Such vagueness allowed for powerful states to exploit the guarantee clauses, in the case of the common peace, and to reject arbitration when the time came, in the case of arbitration clauses. It was not until the peace of 338/337 BCE, and the establishment of the *synedrion* of Greek representatives, that the will to maintain peace was matched by the establishment of a mechanism for doing so. Furthermore, although the *synedrion* seems to have been charged with the duty of providing for arbitration and the preservation of peace, it is significant that this treaty was established under the auspices of Macedonian hegemony. Martin Jehne (1994) surveys the history of the decades after the establishment of the league of Korinth, and demonstrates the importance of Macedonian strength in the continuing success of the peace (see Jehne 1994: 139–267). It may be that a multilateral collectivity, lacking a significant hegemonic power, was (and perhaps is) never enough for the secure maintenance of peace and of judicial mechanisms for the resolution of disputes. In spite of the existence of a contract such as a common peace, such a collectivity is still an anarchic system.

As far as the history of Greece goes, we find numerous examples of hegemonic and regional powers operating to establish peace, whether as a third party or as the hegemon of a particular coalition. In 440 BCE, Athens acted as arbitrator in a dispute between Samos and Miletos, both members of the Delian league, and various Hellenistic kings (or their officials) arbitrated in disputes between *poleis* (Piccirilli 1973: #22; Ager 1996: #25, 26, 42, 54, 128, 138; Magnetto 1997: #20, 25, 40, 44, 48, 49, 57, 58, 75). The federal leagues of the Hellenistic period, while not hegemonic in the same sense, provided a collective security that was effective in resolving disputes between their own members (on the Achaian league in particular, see Harter-Uibopuu 1998). Non-Greek powers also operated as peacemakers. The king of Persia played an important role in the King's Peace and subsequent common peaces until the peace of 362/361 (Rung 2008). After about 200 BCE, Rome increasingly became the power of choice to resolve the disputes of the Greeks. Rome typically handed off the actual task of arbitrating

disputes between minor *poleis* to another Greek state, while reserving to itself the right to determine the outcome of major Hellenistic conflicts such as the Sixth Syrian War (Ager 1996: #122).<sup>15</sup>

The relative success of hegemonic powers in establishing and maintaining peace among second-rank and third-rank polities is linked to military might. Throughout history, keeping the peace has often meant making war. Military power does not necessarily have to be deployed in order to be effective: compellence diplomacy such as that wielded by Popilius Laenas against Antiochos IV was quite enough to make the point. But this observation about the effectiveness of hegemonic powers in making and keeping peace for smaller polities brings us full circle to earlier observations about such powers and their reluctance to allow the resolution of their own quarrels by outside parties. *Quis custodiet ipsos custodes?*

Babrius the fable collector tells a tale of undersea war and a failed attempt at mediation: “The dolphins were always in conflict with the whales. A crab came to them, intending to mediate – as if some nobody in the community could pacify the quarrels of battling tyrants!” (*Fable 39*). Aisop’s collection provides an even more biting version of the story, wherein a dolphin scornfully dismisses the would-be mediator (a gudgeon in this version): “We would rather go on fighting till we kill one another than have you mediating between us!” (Budé 95, trans. Handford; see Roebuck 2000: 84). King Agesipolis of Sparta expressed a similar sentiment when he rejected the proposal that Megara arbitrate between Athens and Sparta: “What a disgrace, for the leaders of the Greeks to know less about justice than the Megarians!” (Plut. *Mor.* 215c; Piccirilli 1973: #38).

Presumably the well-intentioned crab/gudgeon retired from this rebuff with injured pride, but little other ill effect. If the dolphins and the whales, Sparta and Athens, Antiochos and Ptolemy wanted to continue hostilities *ad infinitum*, then that was their affair. Small communities and humble creatures could continue to exist peacefully below the radar, at least in theory.<sup>16</sup> But the reality was that war between great and even not-so-great powers was disruptive for all, and while the Greeks were never believers in the notion of peace at all costs, their efforts to establish institutions that safeguarded and facilitated peace were real and significant contributions to the system of interstate relations.

## NOTES

- 1 For example Waltz (1979); Gilpin (1988); Lebow and Strauss (1991); Eckstein (2003, 2006); but see also Garst (1989); Doyle (1990); Welch (2003).
- 2 For extended discussions of the question of international law and legal pacts in ancient Greece, see Klose (1972); Baltrusch (1994); Capdeville (1997 – Crete specifically); Bederman (2001); Alonso (2007); Low (2007).
- 3 On Greek attitudes about peace and war, including the moral dimensions, see, among others, Bickerman (1944); Murray (1944); Lonis (1979, 1980); Karavites (1982, 1984); Holladay and Goodman (1986); Whitby (1991); Nakatogawa (1994); van Wees (ed., 2000); Chaniotis (2005); Raaflaub (2007a); de Souza and France (2008).
- 4 See Lonis (1980); Holladay and Goodman (1986); Nakatogawa (1994); Rhodes (2008); and chapter 31 in this volume.

- 5 For modern distinctions and definitions of third-party conflict resolution, see Berridge and James (2003).
- 6 Collected testimonia on and discussions of arbitration throughout the Greek world: V. Bérard (1894); Sonne (1888); Raeder (1912); Tod (1913); Piccirilli (1973); Bignardi (1984); Ager (1996); Magnetto (1997); Harter-Uibopuu (1998); Camia (2009). Roebuck (2001) deals with arbitration within the community. For examples of recent work on individual cases of arbitration and mediation, see Uibopuu (1995); Dixon (2001); Cavallo (2002); Eckstein (2002); Camia (2004); Freitag (2006); Taeuber (2006); Magnetto (2008).
- 7 See Piccirilli (1973: 30–35, #7), for discussion of the historical inconsistencies in this case.
- 8 See Piccirilli (1973: #21) for further testimonia on the Thirty Years' Peace.
- 9 For primary evidence and discussion of land disputes, see Bignardi (1984); Daverio Rocchi (1988, 2007).
- 10 On coercive diplomacy in both Greece and Rome, see Grant (1965); Missiou-Ladi (1987); Eckstein (2006).
- 11 Themistokles of Athens acted as arbitrator in a dispute between Korinth and Korkyra (Plut. *Them.* 24.1; Piccirilli 1973: #13); a panel of five Rhodian judges heard the interminable case of Priene and Samos (Ager 1996: #74; Magnetto 2008); and a court of 600 Milesian judges delivered a judgment on the territorial conflict between the Spartans and the Messenians (Ager 1996: #159).
- 12 For the controversy over the historical existence of this peace, see Cawkwell (1961); Ryder (1965: 136–139); Piccirilli (1973: #46); Jehne (1994: 82–90).
- 13 The standard monographs are Ryder (1965) and Jehne (1994). See also Larsen (1944); Sordi (1985); Canfora (1990, 1991); Whitby (1991); Dieter (1994); Zahrnt (2000); Alonso Troncoso (2003).
- 14 Plut. *Kleom.* 4.1; Pol. 2.54.3. For arbitrations involving Sparta, Messene, and Megalopolis, see Piccirilli (1973: #60, 61); Ager (1996: #45, 50, 135, 137, 159); Magnetto (1997: #48); Piérart (2001, 2007).
- 15 On Roman involvement with Greek processes of mediation and arbitration, see A.J. Marshall (1980); Bignardi (1984); Gruen (1984: 96–131); Baldwin Bowsky (1987); Ager (1991, 2009); Burton (2000); Eckstein (2006, 2008); Camia (2004, 2009).
- 16 Or for that matter to engage in their own battles: see Ma (2000) on the military activity of Hellenistic *poleis*.

# Epilogue

## *The Legacy of Greek Government – Something That Has “Never Occurred Again”?*

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*Uwe Walter*

### **Athens, Gettysburg, and Beyond – an Unfinished Journey**

On November 19, 1863, a cemetery was inaugurated at Gettysburg. Here the remains of many of the 40,000 men who had fallen in the battle earlier in the year lay buried. Edward Everett (1794–1865), statesman, orator, and distinguished classical scholar with a doctorate from Göttingen University in Germany, delivered the oration in front of an audience of thousands. At the height of the “Greek Revival,” he displayed the magnificence of Greek rhetoric, modeling his own oration on the great funeral speeches of Gorgias and the Thucydidean Perikles.<sup>1</sup> The speech lasted for two hours. He was followed by President Abraham Lincoln, who gave his “dedicatory remarks” in little more than three minutes. This Gettysburg Address (Wills 1992) clearly differed from the classical model in being short (272 words), to the point, and self-contained. Perikles, in proudly claiming Athens as the “School of Hellas” (Thuc. 2.41.1), had implicitly linked past, present, and future, whereas to Lincoln the sacrifice of the fallen was an appeal to complete an unfinished task: “that this nation, under God, shall have a new birth of freedom – and that government of the people, by the people, for the people, shall not perish from the earth.”

Everett, and in another sense even Lincoln, could draw on the speech of Perikles as composed by Thucydides (Thuc. 2.35–46) as a vivid source of inspiration because this speech is barely technical. Perikles’ praise of Athenian democracy does not refer to the city’s specific institutions and regularities, but rather to an ethos shared by all citizens. Neither assemblies, nor law courts, nor lottery figure prominently in this speech. Instead, Perikles emphasizes the citizens’ freedom, equality, self-confidence, engagement, and mutual respect. Public order and daily life seem tightly interwoven:

Our constitution does not copy the laws of neighboring states; we are rather a pattern to others than imitators ourselves. Its administration favours the many instead of the few; this is why it is called a democracy. If we look to the laws, they afford equal justice to

all in their private differences; if no social standing, advancement in public life falls to reputation for capacity, class considerations not being allowed to interfere with merit; nor again does poverty bar the way, if a man is able to serve the state, he is not hindered by the obscurity of his condition. The freedom which we enjoy in our government extends also to our ordinary life. There, far from exercising a jealous surveillance over each other, we do not feel called upon to be angry with our neighbour for doing what he likes, or even to indulge in those injurious looks which cannot fail to be offensive, although they inflict no positive penalty. But all this ease in our private relations does not make us lawless as citizens. Against this fear is our chief safeguard, teaching us to obey the magistrates and the laws, particularly such as regard the protection of the injured, whether they are actually on the statute book, or belong to that code which, although unwritten, yet cannot be broken without acknowledged disgrace.” (Thuc. 2.37, trans. R. Crawley)

Therefore, with the speech of Perikles being rather tangible and graphic, and yet still general, the reception of this ancient piece of rhetoric was already facilitated. Usually, however, reception includes simplification, isolation, (re)fashioning, appropriation, use, and abuse of certain past phenomena, whereas professional historians try to work out the complexity and specific features of their subjects. Like no other, German philosopher and classicist Friedrich Nietzsche (1844–1900) made this contrast clear by distinguishing history as a scientific discipline from history as a *Lebensmacht* (“life power”), with the capacity to bring out a monumental, an antiquarian, or a critical stance in man.

This contrast is doubtlessly widely exaggerated. Historians indeed frequently opt for their subject because it is of a certain importance and value to them – without necessarily having to be understood as an appeal to heroism. Further, revealing why a certain historical phenomenon is relevant and unique in an emphatic sense of the word requires parallelization and exaggeration. This is particularly true in the case of Athenian democracy, the evaluation of which was debated for a long time among historians for political and ideological reasons. Thus, George Grote (*History of Greece*, 1846–1856), a banker, politician, and disciple of James Mill, had promoted a favorable view of democratic Athens, and “since then it has been common, among his detractors as well as his supporters, to believe that Greek history in general, and Athenian democracy in particular, is not only a subject for academic investigation but is relevant to us in confronting the problems of our own world” (Rhodes 2003a: 32). Yet only in the 1980s did Athenian democracy begin to be widely viewed as positive (Roberts 1994) and even to serve as a standard according to which the characteristics and virtues of modern political systems could be measured. Drawing on the Hellenic metaphor of the “ship of state” (Thompson 2001), democracy therefore was described as an “unfinished journey” beginning with Kleisthenes in 508 BCE (Dunn 1992). Even the reasonable question of whether Athenian democracy has much in common with modern political systems is met with far more answers in the affirmative than two or three decades ago.<sup>2</sup> Actually, however, the “first democracy” poses a “challenge” (Woodruff 2005).

## Government Between Conflict and Institutional Stabilization: Hellenic Lessons

Democratic theory was revived in earnest in the late 1980s, when communist regimes were collapsing throughout Eastern Europe, and was accompanied by the founding

of the influential *Journal of Democracy* in 1990. The early 1990s witnessed a number of great exhibitions and conferences on the occasion of the 2,500th anniversary of the Kleisthenic reforms. It was a time when Bill Clinton became president and when democracy started its worldwide triumph, even leading some voices to announce the “end of history” (F. Fukuyama).<sup>3</sup> The compulsion brought about by a fixed date proved revealing. Admittedly, the Kleisthenic reforms were but one step on Athens’ long journey towards a citizen-state and fully developed democracy. They were fundamentally dependent on the developments of the sixth century (see Stahl and Walter 2009) and they could be brought to their full potential only when Athens had become a major maritime power in the wake of the Persian defeat, and when the assembly had become the political center of a small yet dynamic empire. But by focusing on Kleisthenes and his reforms, formal political institutions were appropriately recognized. The establishment of demes, new tribes (*phylai*) and the Council of Five Hundred laid the foundation for a new and valued sense of citizenship. Athenians now faced the outside world standing together as one in familiarity and solidarity, which enabled them to rise to political and cultural dominance throughout the Greek world.

But placing such intrinsic value on governmental institutions raises dissenting voices as well. Moses Finley (1981) called politics “a fundamental Greek innovation,”<sup>4</sup> dismissing government as a run-of-the-mill-thing: “Every society of any complexity requires a machinery for laying down rules and administering them, for performing community services, military and civil, and for settling disputes” (M.I. Finley 1981: 22). In such a formal sense, Greek government indeed is of no more significance than that of other premodern states. In fact, pharaonic Egypt or ancient China probably were much more sophisticated in this respect than the average Greek *polis*. Yet Finley misses a decisive point here: the highly sophisticated Athenian democracy, and indeed politics in general, could not have existed without a suitable web of leadership, institutions, and administration. Democracy, in turn, held this web tightly together. Jochen Bleicken in his magisterial narrative (1994: 411–413) has asserted this very point: undoubtedly the greatest and most inventive feature of Athenian democracy lies in the creation and maintenance of a body politic of equal citizens. Even if egalitarian concepts (e.g., the equal status of aristocrats) had been known to Greeks and other peoples before, Athens was the first and for long the only state in which such a body of tens of thousands of citizens emerged. Here, the idea of equality was not only theoretically present, but an institutionally fixed part of public policy. Thus, a number of formal regulations ensured the political significance of equality: the selection of office-holders by allotment, payment for jurors at court, representation of all parts of Attika in the Council of Five Hundred, the large number of offices, the prohibition against repeatedly holding certain offices and thereby creating oligarchic structures, and each citizen’s right to become politically active and to bring forward a proposal. Each citizen also was a member of communities within the polis, such as the demes and the *phylai*, and therein experienced political equality on a virtually daily basis. In addition, all Athenian *archai*, all norms of communal life, reveal the will to perpetuate the idea of equality and the active political participation of as high a number of citizens as possible by any means. Here, political equality and active political contribution are exposed as being elements of one concept which thereby included the individual citizen’s responsibility for the welfare of the community. Participation in politics and in public life were part and parcel of this democracy, and were so intertwined

with it and implemented to such a degree that it can still operate as a model today – and not least in light of the political apathy in our representative democracies. The public expression of politics can also be viewed as a result of the notion of equality. Thus, what ancient and modern critics alike found most repulsive or at times amusing were those features which were most peculiar to Athenian democracy: the Athenians' sedulity (*polypragmosynē*), the pushing and shoving in the *agora* and the Pnyx, the constant speeches, debates, and sarcasm, and the seemingly inexhaustible energy of the masses even in bitter times of war. Not only were the debates in the assembly and court public matters, but so also was any private political expressions by citizens. With the notable exception of some aristocratic clubs, there were no organizations in which political deliberations could be withheld from the public sphere. Even today, such a degree of publicity and commitment, which enables the formation of opinion without drawing on political parties, "is not achieved and probably never will be" (Bleicken 1994: 412, trans. from the German original). On the other hand, the widespread sentiment that Athens' lack of institutionalized government and parties rendered any long-term continuity of policy impossible can easily be disproved. Thus, the establishment of the Delian league and the second Athenian empire, the subsequent mobilization against Philip II of Macedon and the more general maintenance and expansion of democracy bear witness to "a skilful pursuit of major objectives for long periods" (M.I. Finley 1981: 31), as even contemporary opponents were forced to admit (cf. Ps.-Xen. *Ath. Pol.* 1.1).

Now it certainly would be inappropriate and misleading to refer solely to Athens, as this *Companion* deals with Greek government as a whole. On the other hand, there are good reasons to focus on Athens time and again. First, there is the amount of evidence which, although fragmentary and problematic, is much richer than our material on any other city-state. But there is also an intellectual fascination, resulting from the sheer consistency with which the Athenians remolded their political sphere from the late sixth century on over a course of 150 years to establish a "government of the people, by the people, for the people." Still, the focus must not rest solely on Athens. Greek history shows that political or even democratic institutions and procedures cannot be created from scratch. Where they have no historical foundation, they will not take root. In modern-day Iraq, Afghanistan, and Somalia, just as in Antiquity, the challenge of nation-building requires a variety of prerequisites which can be created neither easily nor quickly. Among these are mostly contingent factors which form the basis for the development of certain attitudes, expectations, rules, and routines. After the firm organization of government and economy of the Mycenaean era had passed, the communities of the late Dark Ages – petty, unstable and characterized by mobility as they were – developed "a strong principle of equality" (I. Morris 1996, citing Robert Dahl). At the same time, the loss of a centralized structure and the vastly scattered settlements, estates, and economic resources later led to the establishment of perpetually unstable and vulnerable elites, who were thus prone to conflict. There were always social disparities, and these became more pronounced and apparent when the Archaic Age (from c.750 BCE) witnessed the emergence of an aristocratic lifestyle. The term *aristokratia* implies a claim to social and political superiority in a double sense (*aristos*, "the best", and *kratein*, "to rule, to prevail"). But Greek aristocrats never proved themselves able to force the free peasantry into permanent dependence. In Athens, this possibility was discarded by Solon. Thus, from the outset the *polis* always featured two opposite poles, the aristocracy and the

peasantry, each with its own norms and standards. In such a setting, government could hardly be installed from above or from outside. Rather, the political agents had to agree on a functional system of rules again and again. Constant negotiation was further necessitated as the social bonds of Archaic and Classical Hellas generally were prone to instability. Unclear hierarchies, competing claims to authority, and a high potential for conflict, within the polis as well as between neighboring communities, were typical of life in Hellas. Political agency, therefore, had to focus on the generation of stability and on integration. Still, there were repeated attempts at monopolizing power. Upon closer examination, the citizens' strong political participation on the one hand, and the high potential for conflict on the other, prove to be the two sides of the same coin. *Stasis*, the perpetual polarization or fracturing of the community which could lead to open civil war (see Gehrke 1985; Hansen and Nielsen 2004: 124–129; van Wees 2007a: 1–40), and the struggle for a share of the material and immaterial spoils of the community were mutually dependant phenomena. In a sense, the *polis* was similar to a joint stock company (Ampolo 1996: 322–324) with the citizens resembling the major and minor shareholders: they all were part of the same company and everyone was gaining some profit, yet this did not prevent great shareholders from seeking to expel their competitors, coalitions being formed, or the minor partners uniting to keep the greater ones in check. In this light, the conflicts in Athens after the fall of the tyrants, which eventually lead to the Kleisthenic reforms, turn out to be a quarrel between major shareholders – but, with Sparta, also involving an outside agent planning a hostile takeover. A temporarily inferior participant then successfully allies with the numerous minor shareholders: the rival is expelled, the acquisition prevented, and the minor shareholders are given an expanded share of votes in the newly arranged Athens-corporation.<sup>5</sup> Ultimately, success on the market proves that the corporation does well (Hdt. 5.78). On the other hand, political participation was especially valued when many matters of importance were to be decided. In such cases, of course, the goal was the best possible result, that is, a high dividend. However, as Murray (1988: 440) put it: “Greek societies are in fact the first known to us to have concentrated their attention not on the skills of efficient government and the execution of decisions, but on the actual process of decision making itself. . . . The immediate aim of politics was to discover or to aid in the creation of a general will to action.” The emphasis was thus on this “general will to action.” This unity of will is documented in the prescripts of decrees of the assemblies which are epigraphically preserved in a number of Greek *poleis*. One of the oldest of such documents comes from the seventh century BCE and begins thus: “It was resolved thus by the city” (Rhodes 2007: #44). At Athens, decrees by the assembly always scrupulously list the petitioner, the current *archōn*, the tribe (*phylē*) responsible for the council, the council’s scribe, the head of the assembly who changed daily and, if required, the proponent of any amendment – and they always begin with the words “Resolved by the Council and People” (R&L 20). This was not just a mere formula, but the manifestation of a deeply rooted ideal: “political institutions were always seen as serving the community as a whole, in principle if not in practice, and there seems often to have been a basic assumption that all members of the community should have equal political rights” (Murray 1988: 465). Then as today, investment in institutions would not suffice to create a stable political sphere. Rather, these institutions also have to function, which they only do if certain routines are established. In Archaic Greece, this was widely achieved, not only in Sparta

(the Great *Rhētra*) and Athens (the laws of Drakon and of Solon), as written statute laws emerged in many states after around 650 BCE. Judging from fragmentary writings, inscriptions, and other evidence, it is therefore reasonable to claim that the principles and goals of Greek-type government appeared in a few states and spread to a greater number of others. These laws display certain shared patterns and paved the way for the “first democracies” (Robinson 1997). Spartiates were to assemble “from time to time” (Plut. *Lyk.* 6.1), the council at Chios to convene regularly (Rhodes 2007: #346). Judges were to judge, office-holders to hold office (rather than being idle: *Fornara* 47, ll. 42–45; 63, ll. 29–35; Rhodes 2007: #349) – yet only within fixed boundaries. The tenure of major offices now and then was a critical issue (Rhodes 2007: #44; Arist. *Pol.* 5: 1307a40–b19). But this comes as no surprise since offices were sought by aristocrats as a means to gain fame, as well as supporters and money. In the early laws, publicity and collective commitment were at least as important as the actual contents. Changes could depend on procedures incorporating the entire citizenry (Rhodes 2007: #348). In some cases, the statute even was taken as a fundamental fixed law, any change of which was forbidden, even if such change should be according to the public will.<sup>6</sup> But even in the short term, fixation by means of an inscription, visible to the public on the *agora* or on the walls of a temple, in combination with other comparable texts, created a public political sphere in which the norms of the *polis* fermented over time (Hölkeskamp 1994, 1995). This monumental form of fixed laws was all the more present in the public mind, since it was a rare form of expression in a community that was otherwise used to oral communication (Ruzé 1988). On a document from a rather petty Cretan community dating from about 500 BCE both forms of communication are still combined: mentioned is one Spensithios, furnished with a number of privileges, whose function it is “to record for the city in Phoinikian (or red) letters anything concerning the public affairs, sacred as well as human, and to memorize these (*mnamoneuein*)” (SEG 27.631). The published laws, treaties, and resolutions, combined with public space and buildings, created a visible complex of places which was brought to life by corresponding activity. Sparta followed a different course. It knew no written laws (Plut. *Lyk.* 13.4), and sociopolitical integration was rather accomplished by strict education, the standardization even of the mode of speaking, and by the intense communal life of full citizens. Concentration of power was an important part of the development of a *polis*. Especially during the sixth century BCE, the way was often paved by tyrants like the Kypselids in Korinth or figures like Pheidon of Argos, Polykrates of Samos, and Peisistratos of Athens. Through reforms, buildings, and sacred festivals, they created internal points of reference for their *poleis*, while their activity in matters of foreign relations set aims for the community. Yet, their position always remained precarious. Only in Sicily, therefore, were quasi-monarchical systems established over a long period.<sup>7</sup> In the other parts of the Greek world, personalized forms of governance increasingly were viewed as illegitimate. Although occasionally single persons actively reformed parts of a *polis*' polity, these arbitrators and lawgivers only had as much influence as they were given, and enjoyed it only until the job was done.

In contrast to many states in the Ancient Near East, religious functions offered no starting point for long-term power-building. The most central religious function was the sacrifice, which generally could be performed by any male person. No social group thus managed to monopolize religious activities and resources – prayer, sacrifice, oracles – and conditions did not allow for any influential let alone dominant priesthood to evolve.

At the same time, the Greek world lacked the prerequisites for the development of a “rationalized religion” (Max Weber). There were no religious specialists who as a group could have created an authoritative theology and compulsory ethics, which would serve to align the lives of the members of the community. Religious authority was mostly weak and it did not come to dominate other social aspects. As Jacob Burckhardt put it:

Here the priests are nothing else but citizens who are entrusted to receive the offerings at their respective temple and to deliver the appeals of the pious, occasionally of the entire community, to the gods according to the correct ritual. They are far from being a clergy to their city and there is not the slightest need for them to be interrelated. (1898/1956: 2.130, trans. from the German original).

Such weakness of religion was a major factor for the political development. There was no religious support for justice or law. Order could not be secured by religious means.

The Greek citizenries organized their government by themselves very early,<sup>8</sup> and poets and sages began almost as early to ponder the idea of ‘good order’ (Itgenshorst, forthcoming). Some of the resulting arrangements and laws were copied here and there, while some guiding principles even came to prominence. Yet a world of more than a thousand very different *poleis*, which knew no political center and no center of knowledge (apart from the Delphic oracle, which had a rather different focus), could develop neither any distinct political order nor any rigid way of thinking. Instead, communication and contest, theoretical and practical experiments dominated the scene. Poets and *sophoi* quoted, answered, and contradicted each other. Early on, it was discovered that there were fundamentally different ways of life, that “a small and orderly *polis* on a rock is better than foolish Niniveh” (Phokylides, fr. 4, sixth century BCE) and that one’s own system should be “neither anarchy nor tyranny” (Aisch. *Eum.* 696). Maybe as early as in Pindar, but at least in Herodotus, a number of different types of constitution (monarchy, aristocracy, democracy) are contrasted, each of them being legitimized in its own way.<sup>9</sup> This form of communication generally favored a specific way of thinking: action and thought were not bent on seeking compromise. Rather, conflicts and contradictions were emphasized; arguments were elaborated and not held back in the expectance of consensus. It became a widespread habit to analyze complex constellations and to expose contrasting fundamental positions, to give reasons for standpoints or disprove them. For lack of intellectual hierarchies, knowledge was exchanged and generated in a competitive sphere. Social authorities barely hampered such intellectual discourse – much less than they did in Rome, for example. It was an ideal among Hellenes to consider a speaker’s strength of argument rather than his social rank. This is the reason behind the Hellenes’ delight in forceful arguments, even if the conclusions were staggering at times, if not dreadful.

The principle of majority voting (see Timmer 2009) was an immediate political consequence of this disposition. It resulted from agonistic attitudes in thought and word, so that votes usually were preceded by controversial debates. Controversies are undeniably threatening to any political community; they tend to divide people and to evoke hostility. An alternative may be found in a consensus process, as it is practiced, for example, by some North American Plains Indians or by the East African Masai. This may work, but it requires a substantial investment of time and does not preclude the possibility of a schism. Further, focusing on consent has a cultural consequence: the

speakers take pains to level any differences and to conceal or to deny alternatives. On the other hand, controversial debates followed by a ballot quickly bring conflicting positions to the point and clarify any premises, even if these were unspoken. Such debates do not encourage ornate but rather strict and precise rhetoric: the opponent's argument is to be disproved, while the speaker's own position has to be presented as superior. The members of the Athenian assembly constantly practiced the negotiation of contradicting opinions and thereby cultivated tactics of argument, proof, and refutation. Finally, the conclusion was reached by the majority's vote. This procedure is no Greek invention: it was also practiced elsewhere, albeit rarely (Flaig, 2012). Yet in the Greek *polis* it was exercised to an unparalleled extent, on every institutional level and concerning every public matter. In contrast, modern political systems cultivate a hybrid form. In the run-up to elections and in basic debates, alternatives are explicated and parties seek to win over the majority. Yet governance is often equivalent to the search for some compromise which allows everyone involved to save face.

In ancient Greece, the principle of majority voting allowed the members of the *polis* to quickly form opinions, come to a decision, and implement it. Yet it was nonetheless fraught with danger: if a minority group was permanently passed over, this could jeopardize the general consensus and peace. The city-states therefore essentially relied on symbolically integrating the entire citizenry through festivals, rituals, and gestures. Civic rituals were meant to secure this consensus through all defeats and setbacks; they stood against the danger of *stasis*, the constant violent disintegration of the community. Rituals could be explicitly used as arguments against *stasis*, as was done in Athens during the civil war of 403 BCE:

Fellow citizens, why do you drive us out of the city? Why do you wish to kill us? For we never did you any harm, but we have shared with you in the most solemn rites and sacrifices and the most splendid festivals, we have been companions in the dance and schoolmates and comrades in arms, and we have braved many dangers with you both by land and by sea in defense of the common safety and freedom of us both. In the name of the gods of our fathers and mothers, in the name of our ties of kinship and marriage and comradeship – for all these many of us share with one another – cease, out of shame before gods and men, to sin against your fatherland, and do not obey those most accursed Thirty, who for the sake of their private gain have killed in eight months more Athenians, almost, than all the Peloponnesians in ten years of war. (Xen. *Hell.* 2.4.20-21, Loeb trans.)

Aischylos' *Eumenides* provides virtually the clearest documentation of how institutions and laws, places (specially where these were connected with tradition and monuments: see Hölkenskamp 2004), civic spirit, and the principle of the majority vote formed a decisive whole. Thus speaks the goddess Athena before the first voting in the newly established Areiopagos at Athens:

Hear now my ordinance, people of Attika, as you judge the first trial for bloodshed. In the future, even as now, this court of judges will always exist for the people of Aigeus. And this Hill of Ares, the seat and camp of the Amazons, when they came with an army in resentment against Theseus, and in those days built up this new citadel with lofty towers to rival his, and sacrificed to Ares, from which this rock takes its name, the Hill of Ares: on this hill, the reverence of the citizens, and fear, its kinsman, will hold them back from doing wrong by day and night alike, so long as they themselves do not pollute the laws with evil streams;

if you stain clear water with filth, you will never find a drink.... Stand in just awe of such majesty, and you will have a defense for your land and salvation of your city, such as no man has, either among the Skythians or in Pelops' realm. I establish this tribunal, untouched by greed, worthy of reverence, quick to anger, awake on behalf of those who sleep, a guardian of the land. I have prolonged this advice to my citizens for the future; but now you must rise and take a ballot, and decide the case under the sacred obligation of your oath. (Aisch. *Eum.* 681–710, Loeb trans.)

## Freedom and Politics Beyond Individualism: Hellenic Questions

If ancient Hellas is to be of any use to the modern democracies of the West, this cannot be accomplished by way of its monumental history. The only possible beam of light which ought to be cast upon ancient Greece and to shine back at us is a (self-)critical one. This, however, first calls for the return to an old problem. Nearly two hundred years ago, Benjamin Constant (1767–1830) broke with the civic humanism which had dominated the political reception of Antiquity since the Renaissance. Previously, Jean-Jacques Rousseau (1712–1778) had called for a republican civic religion, claiming that only this idea could save modern societies in the great territorial states from moral disintegration. Only shortly afterwards, in revolutionary France, a republican cult of ancient civic virtue had helped to justify extremes acts of violence. Under the influence of liberal economic ideas, Constant now expressed a strict antagonism between an ancient concept of communitarian freedom, and a modern sense of individual freedom, which he thought more appropriate for a territorial state, governed by means of a representative democracy (Constant 1819). If the Greeks did indeed discover liberty, the liberty they discovered was of a peculiarly ancient form – political and civic, public, subjecting the citizen to the authority of the *polis* community. The liberty of the moderns, according to Constant, was totally different. It was social rather than political, applied to women as well as men, and privileged private, individual rights more than public duties (Cartledge 2000: 16). Yet the radical individualism and the resulting centrifugal tendencies experienced in modern democracies have long since proven fraught with problems. Challenging paradigms like the rational choice theory, some political scientists rediscovered their Aristotelian roots by returning to the question of how to achieve the good, just, and stable polity. Of course no one intends to go back to slavery, pederasty, and bloody sacrifices, but the more our citizenries disintegrate to form groups defined by differing lifestyles, religious identities, and particular interests, the more difficult it becomes to reach any decisions expressing the majority's will. If the community of citizens crumbles, the very concept of a common good becomes meaningless. On that note, the progressive ancient historian Oswyn Murray (b. 1937) puts the ancient notion of freedom back on the agenda (Murray 1985: 210):

There is certainly an important sense in which the conception of the autonomy of the individual apart from the community is absent from Greek thought: the freedom of the Greeks is public, externalized in speech and action. This freedom derives precisely from the fact that the same man belongs to a deme, a phratry, a family, a group of relatives, a religious association; and, living in this complex world of conflicting groups and social

duties, he possesses the freedom to choose between their demands, and so to escape any particular dominant form of social patterning. It is this which explains the coexistence of the group mentality with the amazing creativity and freedom of thought of classical Athens: the freedom which results from belonging in many places is no less a freedom than that which results from belonging nowhere, and which creates a society united only in its neuroses.

Such a critique of present tendencies through the lens of ancient concepts can be taken even one step further. In the long run, the idea of freedom from any ties with one another as well as from the past is a negative vista. Yet the Greek experience teaches us that freedom is not merely the sum of individual rights, but rather a political condition. The absolute authority of a constitution that a political community has adopted or bestowed upon itself is perceived with an enormous pride, which is expressed again and again through the opening formula of decrees of the Athenian assembly – a lesson that should make us feel ashamed.<sup>10</sup> Whether we like it or not, this Athenian model is a standard by which any genuine political freedom must be measured, including those offered by representative democracies.

The Greeks further show us that unrestrained individual freedom is no freedom after all because it is uncompromising. In the worst case, it turns against others and prevents the individual from maturing through social intercourse. Responsible action requires the presence and understanding of other people. Only an existence within a public sphere allows a person to have an actual presence, to be seen and heard. By acting and speaking, individual human beings reveal who they are, actively show their personal uniqueness, and enter a milieu in which they were otherwise invisible. Through word and deed, people are distinguished, rather than simply classified along accidental lines like age, education, wealth, and so on (Arendt 1958).

Homer created a striking reversal of the political and social sphere in the image of the monstrous, man-eating Cyclopes: “Neither assemblies for council have they, nor appointed laws, but they dwell on the peaks of lofty mountains in hollow caves, and each one is lawgiver to his children and his wives, and they reck nothing one of another.” Polyphemos thus is “a savage man that knew naught of justice or of law” (Hom. *Od.* 9.112, 5.215, trans. A.T. Murray). Such “autonomy” in the sense of high-handedness is a characteristic feature of tyrants. Thus calls the chorus to Kreon: “guided by your own laws [*autonomos*] and still alive, unlike any mortal before, you will descend to Hades” (Soph. *Ant.* 820–821, trans. R. Jebb). Where every individual is autonomous, living according to its own rules, society is impossible.

According to this idea, society and democracy are not threatened solely by tyrants and dictatorships. Under the ideology of unchained capitalism, the independence of the rationally selective market player has been declared the norm. At the same time, the “absolute market” bears the potential to eliminate any political legitimacy, as it replaces the political decision, reached conjointly through discourse, with the judgment of anonymous players. Yet the Greek approach to politics teaches us a different lesson. Humans are free to the degree in which they obey laws that were made by themselves. The laws of the market, on the other hand, are nameless masters that can neither be questioned nor revised. To obey such laws would have been slavery to an ancient Greek. Such diagnosis is far from being socialist: the equal disposal of property or social prestige was never considered by the citizens of a *polis*. Rather, the citizenry created

a distinctly political space. Here, and only here, all inequalities were meaningless. The *polis'* public sphere is characterized by the community of equals who act and speak in public. Political action is action within the *polis* and for the sake of the *polis*. From the ancient Greeks we may learn the worth of the political sphere: it is a necessary condition for liberty, but it may be endangered by excessive economic and social inequalities. The words of Aristotle are strikingly relevant to our times in which an uncontrolled market threatens to divide society into those prospering and those sinking into poverty:

The truly democratic statesman must study how the multitude may be saved from extreme poverty; for this is what causes democracy to be corrupt. Measures must therefore be contrived that may bring about lasting prosperity. And since this is advantageous also for the well-to-do, the proper course is to collect all the proceeds of the revenues into a fund and distribute this in lump sums to the needy, best of all, if one can, in sums large enough for acquiring a small estate, or, failing this, to serve as capital for trade or husbandry, and if this is not possible for all, at all events to distribute the money by tribes or some other division of the population in turn. (Arist. *Pol.* 6 1320a33–b3, trans. H. Rackham)

Regaining the political sphere requires redefining it more precisely and more rigorously. As Cynthia Farrar put it with regards to Athens (1988: 1): “Democratic politics enabled all citizens, rich and poor, to express and pursue their own aims. Democratic politics also prompted citizens to construe their aims politically, and to reflect on their actions in terms of general, relatively abstract considerations.” The Greek *polis* knew no specialized experts, and this is not simply because the ancient world was less technologically advanced.

## Back to the Future? Hellenic Suggestions

In several ways the governmental principles at work in the Greek citizen-states, and especially in Athenian democracy, may be of more use than merely pointing out some distinctive problems of our times. “Greek democracy’s reputation now shines brighter among historians and political theorists than at any other time in the modern age” (Farenga 2010: 395). We also see more clearly now than before that vital participatory systems require more than just a solid institutional frame. They further require education and a specific civic habit which cannot be abstractly defined, but rather has to be acquired again and again. “Indeed, Athenian drama, philosophy, and history reveal that the Athenians were acutely aware of the risks inherent in the attempt to combine freedom and order, and for this very reason civic virtue was actively promoted” (Farrar 2007: 186). Civic virtue (for a reconceptualization, see Balot 2009) is created not so much by declarations and theory, but more by daily routines of communication and arrangements, as well as through mutual control and “competitive honoring” (Liddel 2007: 161). As early as in 1994, Al Gore predicted “a new Athenian Age of democracy”<sup>11</sup> made possible by the internet. It remains to be seen to what extent the World Wide Web can create some form of communication that is self-organized and versatile, yet focused on central issues and independent from the necessarily oligarchic parties and classic mass media.

At the very least, such a model of a renewed deliberative democracy which generates participation in a vast communicative network of active citizens from all social classes was a characteristic feature of Barack Obama's election campaign in 2008. Obama further linked his policy to the ancient model by restoring the supreme importance of the great public speech which served to promote a self-confident optimism.<sup>12</sup> Of course, President Obama also stands for the – trivial, actually – insight that government of the people, by the people, for the people does not work without political leadership.

A very specific proposal was recently made by Cynthia Farrar who, as a trained classical scholar, directs a project on deliberative and local governance at Yale. According to her diagnosis, current democracies do not suffer from a lack of stability, but rather from a lack of effective participation.

On the contrary, it seems: our commitment to one kind of equality – individual rights and human potential – gets in the way of our ability to achieve another – political capacity and access to power. Our understanding of equality has enabled us to span large differences while preserving order and retaining citizen loyalty. But will the belief that every citizen has an equal stake in the polity survive the growing awareness of inequalities generated and reinforced by the differential exercise of mobility and choice, the increasingly entrenched power of those with wealth and education, and the actions of governments ever more detached and remote from the will and self-understanding of citizens? (Farrar 2007: 186)

In order to bring about a change in this matter, it will not suffice to expand ballot initiatives and referenda, which may solely cause a concentration of particular interests. It therefore was suggested to create a genuine popular branch of American government on the national level, “using random selection, deliberation in small groups, payment, and, in some instances, mandated participation.” Thus, a genuine democratic sphere may be created which complements, but does not replace, representative organs. A corresponding experiment has already been carried out in the Canadian province of British Columbia. A randomly selected, yet representatively composed group of citizens hosted hearings and discussions on electoral reform and participation and drafted a referendum on these issues.

These Athens-like contrivances are well worth taking seriously. They could add a genuinely popular voice to decision making.... Part of the challenge is to create a form of community through political processes. Collective identification, equal power, citizen competence, and accountability could be promoted through the institutionalization of mechanisms of deliberative democracy in which every citizen of a local area has an equal chance to participate. Because it matters that these citizens can come to see themselves as connected, and not primarily as transients for whom exit is an easy option. (Farrar 2007: 187)

This certainly is only one of several worthwhile possibilities. Rousseau, to be sure, was convinced that the concept of democracy in itself, if taken seriously, overstrains every possible political order: “Were there a people of gods, their government would be democratic. So perfect a government is not for men.”<sup>13</sup> But as long as we are on our way towards the next best form of government, it is advisable to take a rest from time to time and listen to the ancient Greeks.

## NOTES

- 1 The importance of (Greek) Antiquity in the early United States is considered in many studies. Among others, see R. Meyer (1984); Rahe (1992); Richard (2008, 2009); Winterer (2002); Pearcy (2005).
- 2 Hansen (1989b; cf. 2005) held the opinion that ancient Greek democracy was quite close to its modern counterparts. For an up-to-date overview, see Liddel 2009.
- 3 See, for example, Euben *et al.* (1994); Ober and Hedrick (1993, 1996); I. Morris and Raflaub (1997); Boegehold and Scafuro (1994). Kagan (1991) has a strange excrescence of this alignment.
- 4 This position was carried forward by C. Meier (1990; see also 1998). The thought is not new, of course; see, for example Ehrenberg (1950: 515): “The Greeks were the first political people in the history of mankind, for they were the first to create states purely as communities of citizens in which the administration and the making of policy were the right and the duty of these citizens.”
- 5 Yet Aristotle points to the fact that political communities cannot be based upon treaties, whereas the relations within an alliance may very well be (*Pol.* 1280b6–1281a10).
- 6 For example, M&L 32, ll. 33–37 (Halikarnassos, c.460 BCE): “As to this law, if anyone wishes to invalidate it or to make a proposal by vote so as to repeal this law, let his property be sold and (the proceeds) be consecrated to Apollo and the man himself be in exile forever.” A curse protecting the text from damages survives in M&L 13.
- 7 Yet, it must be remembered that at Syracuse a democracy was established which in any case lasted for two generations (466–405 BCE), making the city a double of Athens among the Western Greeks. On democracies outside Athens, cf. now Robinson (2011).
- 8 On the institutional framework, see Ehrenberg (1969), and, more recently, Gehrke (2009). Hansen and Nielsen (2004) offer a comprehensive collection of data and classifications.
- 9 Pind. *Pyth.* 2.86–88: “For every form of law a straight-tongued man excels, whether in a tyranny [i.e., one ruler] or where the turbulent army guards the city [i.e., many] or where the wise [i.e., the few].”
- 10 This overall scheme is splendidly illuminated by the Athenian decree which settles the revision of the laws in 403 BCE (Andok. 1.83–87; Rhodes 2007: #211).
- 11 Al Gore, Information Superhighways speech, March 21, 1994. Available at: <http://vlib.iue.it/history/internet/algorespeech.html>, accessed May 30, 2010.
- 12 Historical analogies mostly are flawed as soon as they are carried beyond a certain point. Yet the policy of the George W. Bush administration (2001–2009) in many points resembles that of ancient Sparta. Political discourse is largely scorned. Instead, imperative rhetoric, laconic martial formulas (“Mission accomplished!”) and unconditional patriotism are favored. The government’s own norms and concerns were absolutized to the brink of solipsism. In the realm of domestic affairs, the government often made use of the instrument of intimidation and fear, spreading allegations of threats from foreign enemies and, effectively, justifying measures to secure military dominance.
- 13 *The Social Contract*, book III, ch. 4, trans. G.D.H. Cole.

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