Directions in the Study of Athenian Democracy[1]

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Athenian democracy has fascinated students of ancient Greece ever since G. Grote in the first half of the nineteenth century played a crucial part in persuading the modern world that it was a good phenomenon rather than a bad one;[2] but more recently particular concerns of our own society have encouraged the view that it was not democratic enough — because it limited full citizenship to adult males of Athenian parentage, because it had slaves, and because in the fifth century it had an empire: as one American scholar has put it, 'By the standards of the late twentieth century, the Athenians were not very nice people.'[3] Because Athens in the fifth and fourth centuries B.C. is one of the best documented segments of ancient history, and our documentation includes both inscriptions and literary texts of various kinds, and among the literary texts are two works entitled *Athenaion Politeia* ('Constitution of the Athenians'),[4] there is by the standards of ancient history plenty of material to stimulate and sometimes to puzzle us. Inevitably people have varied in the kinds of question they have thought worth answering and the kinds of answer they have thought acceptable, and here I want to look at some of the questions and answers, and consider the present state of the subject.

I. The Nature of the Democracy

One approach, encouraged by the analysis of the working of the constitution in the later chapters (42–69) of the Aristotelian *Athenaion Politeia*, has been to study the institutional facts — about the citizen body, its size, and who was included and who was excluded; about the parts played by council, assembly, lawcourts and a very large number of officials in the mechanics of Athens' government. This was done by German students of "constitutional antiquities" (*Staatsaltertümer*) at the end of the nineteenth

1 Versions of this paper were read at the Centre for the Study of Greek and Roman Antiquity, Corpus Christi College, Oxford (as the first in a new series of annual lectures), at the Higher School of Economics, Perm, Russia (at a summer school for Russian postgraduate and postdoctoral students of ancient history), and at Tel Aviv University (where I was a Sackler Lecturer): my thanks to all who invited me, listened to me and discussed the subject with me. There is some, but I hope not too much, overlap between what I say here and Rhodes (2003).

2 Grote (1846–56); and before that (1826) (nominally a review of Clinton [1824]). See also Macaulay (1824a) = his (1898), 11. 334–51, and (1824b) = his (1898), 11. 365–93 (the latter a review of Mitford [1784–]); Bulwer(-Lytton) (1837).

3 Roberts (1994), 312.

4 [X.] *Ath.* (the "Old Oligarch"), edited by Marr & Rhodes (2008); [Arist.] *Ath.* (one of 158 Constitutions collected in Aristotle's school), commentary by Rhodes (1981), English translation by Rhodes (1984), Greek text edited by Chambers (1994).

century and the beginning of the twentieth,[5] and more recent work in this area has included a great body of material by M. H. Hansen, particularly but not only on the assembly,[6] and my own Oxford D.Phil. thesis on the council.[7] The fact that investigations of this kind have been pursued for more than a century does not mean that there is nothing more to be done: inscriptions newly discovered or re-edited can change the picture (for instance, M. J. Osborne re-edited all the relevant inscriptions to study the award of citizenship to non-Athenians[8]); and Hansen in his work on the assembly raised many questions which had never before been confronted so throughly and systematically: how often did the assembly meet? how many citizens attended? how many citizens made speeches and proposed motions? how were the votes taken? how much business was transacted and how long did the meetings last? This is not the only worthwhile way to study the Athenian democracy, but it is an important way: we cannot understand the democracy without understanding its mechanics, and Athens in the classical period — much larger than most Greek states, and with its fifth- and fourth-century leagues transacting much more, and more complicated, business — had constitutional mechanics of an elaborate and well-developed kind. There is in fact an article by Hansen, replying to critics who think the democracy should be studied in other ways, entitled 'On the Importance of Institutions in an Analysis of Athenian Democracy'.[9]

The Athenian *polis* covered about 1,000 square miles (2,600 km^2), and in addition to *polis*-wide institutions it had institutions of other kinds. From the time of Cleisthenes, at the end of the sixth century, it was divided topographically into ten *phylai* ('tribes'), thirty *trittyes* ('thirds' of tribes) and 139 *demoi* ('demes', local units). Where the units are to be placed on the map, how they were put together, what Cleisthenes' purpose was in putting them together as he did and how the anomalies in putting them together are to be explained, has attracted a great deal of attention. We now know where most of the demes were, but still not all; and we know largely how the different demes were represented in the council in the fourth and later centuries, but we still have no reliable information on that for the fifth (and, for instance, Piraeus, which in the fourth century had perhaps ten members of the council, was not yet Athens' harbour area in the time of Cleisthenes).[10] There have been two major studies of the demes, by R. G. Osborne and D. Whitehead.[11] Among older institutions which persisted into the classical period were the *phratriai* ('phratries', brotherhoods), fictive kinship groups which, since membership was hereditary, over time came increasingly to be actual kinship groups, and there has been a study of them by S. D. Lambert.[12] The once standard view that *gene* (often translated 'clans') were the major aristocratic extended families of early Athens was

5 Culminating in Busolt (1920/6).

6 See especially two works of consolidation, Hansen (1987) and (1999), and two selections from his many articles, Hansen (1983a) and (1989a).

7 Published version Rhodes (1972): the subject was suggested and the work was supervised by D. M. Lewis.

8 M. J. Osborne (1981–3).

9 Hansen (1989b) = (1989a), 263–9.

10 On these questions see particularly Traill (1975). On Cleisthenes' purpose and the anomalies, see below, p. 57 with n. 50.

11 R. G. Osborne (1985); Whitehead (1986).

12 Lambert (1993).

criticised in two French books which appeared in the same year, showing that they were primarily kinship bodies to which priesthoods were attached[13] — though I suspect that, to a greater extent than they allowed, in early Athens the families which supplied priests were the families which were socially and politically the most important. N. F. Jones has studied a wide range of institutions inside and outside Athens' primary constitutional mechanisms, concluding controversially that those outside the primary mechanisms made the division between adult male Athenian citizens and non-citizens much less sharp than is often maintained.[14]

In addition to the formal mechanics of the constitution, if we are to understand the Athenian democracy (as with any other régime) we need to understand how actual citizens actually behaved within the limits imposed by the mechanics, and this is what is considered more important by those who dislike study of the mechanics. W. R. Connor, for instance, wrote that

> the formal structure of the state is but the skeleton of her politics. The nerves, the tendons, the musculature of the body political is to be found in the organization of forces and often of interest groups within it. It is this structure, rather than the bare bones of the "Constitution", which gives vitality to a city and makes her history come alive.[15]

There have been many different approaches to this study of how actual Athenians actually behaved. A century ago, it was common to apply the analogy of modern political parties. In an article by A. B. West, for instance, we find 'the War Party', the 'Athenian Liberals' associated with Pericles, who 'formed a middle party, neither radically democratic nor ultra-conservative', 'the peasants', who 'were as good democrats as the proletariat of the city, but considerably more conservative', and so on.[16] In fact, while it is true that in the ancient texts we often find references to oligarchs and democrats, or (using varied terminology) the upper and lower classes,[17] there is hardly any evidence to suggest that in Athens men in the assembly voted on class lines. And it now seems surprising how long it took scholars to realise that, whatever Athenian political groupings were like, they were not like modern political parties with a programme, members and discipline.

An approach based on men active in politics and the connections between them, which had entered Roman history in the first half of the twentieth century, and anglophone Roman history with R. Syme's *Roman Revolution* in 1939,[18] did not reach Athenian history until the third quarter of the century. Two early exponents were R. Sealey and P. J. Bicknell,[19] and taken to extremes this approach seemed to suggest that,

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13 Bourriot (1976); Roussel (1976).

14 Jones (1999), on which see Rhodes (2003a), 59–60, 72. These institutions are now being studied by the Copenhagen Associations Project, directed by V. Gabrielsen (see its web site, http://copenhagenassociations.saxo.ku.dk/).

15 Connor (1971), 4–5.

16 West (1924), 124–7.

17 See especially for Athens [X.] *Ath. passim*, [Arist.] *Ath.* esp. 28; for Greece in general Th. 3. 82–3.

18 Syme (1939). Cf. earlier Gelzer (1912); Münzer (1920).

19 Sealey, various articles, some collected in his (1967); Bicknell, various articles, and his (1972).

far from there being such men as "oligarchs" and "radical democrats", political activity was simply a matter of manoeuvring to gain power, and nobody held any strong views on political issues for their own sake. Connor's *New Politicians* brought this approach into the main stream: he followed A. F. Bentley in believing that 'the study of political groups is the best way to understand how the government of a state operates', and he contrasted an old style of politics, based on ties of *philia* (friendship) within the upper classes, with a new style, beginning in the late fifth century, which spurned *philia* and appealed directly to the people.[20]

J. K. Davies' *Athenian Propertied Families* was intended as a contribution to this approach, by identifying an Athenian upper class, many of whose members but by no means all were politically prominent, comprising the men rich enough to perform those public services known as liturgies. In fact, in that book the labels of the party-political approach sometimes survived, so that we find (for instance) 'the Themistoklean Left', and 'how far to the Right [a] family had moved'.[21] But in *Wealth and the Power of Wealth* (not published until 1981 but based on the Introduction to the same D.Phil. thesis)[22] Davies began with his belief that democratic Athens was still controlled by an upper class, not 'from below, by members of the artisan class', and suggested that there were three phases in Athenian political history: a first, in which aristocratic families exercised power through the cults which they controlled, a second, beginning in the sixth century, in which rich men exercised political power through their wealth, and a third, beginning in the late fifth century, in which what counted most was rhetorical and administrative skill. In a study published much more recently, entitled 'Democracy Without Theory', acknowledging the influence half a century earlier of W. G. Forrest, he argued that Athens 'was not being driven by a conscious outreach towards any identifiable "democratic" goals or ideals; that the system which its inhabitants came to call *demokratia* was little more than a bodged-up set of responses to particular situations and crises', aimed primarily at preventing something undesirable from continuing or from gaining hold.[23]

I shall return below to the late fifth century, where both Connor and Davies located an important change, but first I must notice some other interpretations of political activity in Athens. J. Ober has provided the strongest expressions of the view which Davies rejected, that this was a democracy which was not dominated by any kind of ruling class but truly was controlled from below. His *Mass and Elite in Democratic Athens* argued that, thanks to the power exercised directly by the ordinary citizens in the assembly and the lawcourts, they did call the tune to which the élite politicians had to dance; and in an article first published in 1993 he (mistakenly, I believe) interpreted Herodotus' account of the events leading to the reforms attributed to Cleisthenes as implying that the resistance to Cleisthenes' rival Isagoras and his Spartan backers was not elicited by any leading figure but was a spontaneous reaction of the people.[24] In a similar vein, earlier, A. W. Gomme and G. E. M. de Ste. Croix had objected to the view

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20 Connor (1971), p. x, cf. Bentley (1908).

21 Davies (1971); wealth and politics, p. xxxi; old labels, quoted from pp. 305, 229.

22 Davies (1981): quotation, p. 1; three phases, 88–131.

23 Davies (2003) (but first version of this paper written 1989), 323; cf. Forrest (1966), 103.

24 Ober (1989); (1993) = his (1996), (32–)34–52.

that we can think of a period when Pericles was directing Athens' policies; and M. W. M. Pope argued that Athens and other Greek cities were "acephalous", with decisions made collectively and individuals not given the credit or blame for those decisions and not able to do much to influence them.[25] It is certainly true that nobody, not even Pericles, occupied a "prime-ministerial" position in the assembly, and nobody, not even Pericles, could be sure that the assembly would always vote as he wanted — Thucydides' picture of Periclean Athens as 'rule by the first man'[26] was the product of wishful thinking — but Athenian published decrees regularly identify the proposer of the decree (not every city did that) and the officials associated with its enactment, and we can think of a period in which Pericles was predominant in the sense that not always but more often than not the assembly enacted decrees in conformity with policies he was associated with, though he was not often himself the proposer of the decree.[27] In ancient texts politicians complain that the ordinary citizens want to share the credit when things turn out well but not the blame when things turn out badly.[28]

This leads me to particular features of the classical democracy, "demagogues" and "sycophants", where ambiguity in the meanings of the Greek words has enabled scholars to write at cross purposes. The term "demagogue" (*demagogos,* 'people-leader') first appears in Aristophanes and Thucydides, applied to politicians of an ostentatiously populist kind, of whom both writers disapproved. The modern English word has kept that colouring, and (since the influence of Thucydides has been so great that leftward-leaning modern scholars who might be expected to react against his prejudices often fail to do so) most studies of Athenian democracy have considered demagogues to be one of its bad features. In fact, in the early fourth century the word lost that colouring and was used of political leaders more generally, though the colouring reappears in Aristotle and the *Ath. Pol.*[29] M. I. Finley in a well-known article argued that, far from being a fault, demagogues were an essential structural feature of a state governed by the citizens in the assembly, where many citizens attended but only a few would habitually play a leading role; but he was using the word in that broader sense, and not thinking of the particularly populist leaders.[30]

"Sycophant" (*sykophantes*, literally '<contraband>-fig-exposer') is a word applied — always unfavourably — to men who exercised the right of *ho boulomenos* (any citizen who wished) to prosecute in the lawcourts, sometimes with the implication that they did so in order to obtain the rewards offered in some cases to successful prosecutors, or payments from men with an interest in the case. R. G. Osborne noted that the term is commonly used in connection with a particular case brought by a particular prosecutor, without implying that there were men who made a profession of sycophancy, and that it involves an accusation of unreasonable hair-splitting as often as of prosecuting for gain; and he then in the spirit of Finley argued that volunteer prosecutors, even when

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25 Gomme (1945), 306–7; de Ste. Croix (1972), 315–7; Pope (1988), 289–96, answered by Rhodes (1995). See also, arguing for acephalousness in the fourth century, Harding (1995).

26 Th. 2. 65. 9.

27 See Rhodes (2000).

28 E.g. Pericles in Th. 2. 60. 7 – 61. 2, 64. 1.

29 For the different uses of *demagogos* by different writers see Rhodes (1981), 323–4.

30 Finley (1962); revised in his (1985), 38–75 with 177–9, and reprinted in several collections.

vexatiously prosecuting powerful men, were an important structural element in the democracy. F. D. Harvey, in reply, argued that Osborne had played down too far the hostile depictions of sycophants in the texts and the evidence that some men were accused of being habitual sycophants.[31]

Both cases call for the same kind of response. The assembly depended on a comparatively small number of very active politicians (though Hansen has shown that there was a much larger number of citizens who spoke or made a proposal occasionally[32]); from the time of Cleon onwards (a point to which I shall return) these tended to be men who did not regularly hold offices through which they could be held to account, and particularly in the last three decades of the fifth century some of them, "demagogues" in the sense of Aristophanes and Thucydides, were extravagantly populist both in the style and in the content of their speeches, and were evidently successful in their popular appeal but aroused opposition from some more conservative Athenians. The lawcourts depended almost entirely on volunteer prosecutors (we hear of a few cases but only a few in which there were official prosecutors); many of them on many occasions had honourable reasons for prosecuting, but there were some who were more frequent in prosecuting, and were less honourable in the charges which they brought and / or in their reasons for bringing those charges.

It is worth considering another aspect of the Athenian judicial process which has been debated recently. Some scholars, notably D. Cohen,[33] have maintained that the function of the courts was not so much to resolve disputes in accordance with the laws as to provide another forum in which members of the élite engaged in competition against their rivals for prestige and status, and that this explains why many lawcourt speeches contain material which by our own standards would be considered irrelevant. Others, including E. M. Harris, insist that the purpose of the courts was indeed to resolve disputes in accordance with the laws; and in supporting this view I have argued that, if we extend the notion of relevance to include the whole story of a dispute and not only the aspect of the dispute which may be technically at issue in a particular case, most lawcourt speeches do not depart from relevance as much as has sometimes been alleged.[34] And the frequency with which the courts met, even in the fourth century, when most private suits reached a court only on appeal, makes it clear that going to law was not simply a pastime of the élite but was widespread.[35] However, one departure from our understanding of the rule of law must be allowed: in the political realm the Athenians did not distinguish in the same way as we should between breaking the law and failures of other kinds, and charges such as proposing an unlawful decree or deceiving the people, often coupled with taking bribes, meant that politicians and generals were often prosecuted in connection with their public careers.[36]

And there is one long-running debate about the lawcourts which has now reached a position which I think should be acceptable to both sides: can it fairly be said, as has

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31 Osborne (1990) = (2010), 205–26(–28); Harvey (1990).
32 Hansen (1983b); (1983c); (1984) = his (1989a), 1–23(–24); 25–33(–72); 93–125(–127).
33 E.g. Cohen (1995).
34 E.g. Harris (2006); on relevance, Rhodes (2004).
35 Courts on 175–225 days a year, Hansen (1979).
36 On this see Knox (1985).

been said by many but denied by Hansen, that the courts were "representative of" or "embodied" the *demos*? In his latest contribution Hansen makes it clear that the Athenians themselves would not normally say that the courts were representative of or embodied the *demos*, because that word was associated particularly with the assembly, but they might say that the courts were representative of or embodied the *polis*, as the assembly also was an embodiment of the *polis*. It turns out that here we have been arguing about language rather than substance.[37]

In the Athenian democracy we are dealing with a system which differed significantly from those of modern states. The structure of tribes, *trittyes* and demes created by Cleisthenes, and the ban on reappointment to most offices, required participation by a large number of citizens, in a range of institutions, at *polis* level and at local level; and a high proportion of citizens must have served on the council or held some office at some stage in their life. Similarly lawcourts with large juries manned from a body of six thousand registered year by year required participation on a large scale. The ban on repetition, and appointment by lot, to most positions reflected a view that what mattered most was sharing the work out among the citizens, rather than finding the best men for the different jobs. The fact that the same men could hold different positions in different years, and that all could attend debates in the assembly, meant that, even though most men were new to the current year's job, there was a sufficient body of experience to keep the system working; and Ober in his latest book has explored (in great detail and in strange language) what was in fact already known, how by participating in this system and talking to neighbours and friends the Athenians educated themselves for life in the democracy.[38] (I shall not discuss it at length here, because I have already discussed it elsewhere, but that book is one instance of a strong tendency in the U.S.A., in which Ober has been prominent, to justify the study of Athenian democracy by finding lessons in it for our own world, where I think that the search for lessons is apt to distort the study.[39] And another subject which I shall not discuss here is the connection between drama and democracy, where I think it is better to think more generally of drama and the *polis*.[40])

But Athens was not acephalous. At any one time there were comparatively few men who frequently held offices, spoke and made proposals in the assembly and were involved in politically relevant lawsuits, who can be regarded as full-time, leading politicians. They had bodies of supporters, attached to them for different reasons (among which personal connections were as important as approval of their policies) and with differing degrees of loyalty; but there were also citizens who had some inclination to one leader rather than another but would think of themselves as independently-minded men who went to a debate expecting to be persuaded by the arguments.[41] At particular times one general line of policy might command more support than another, but not every decision would follow that line: in the debate on Corcyra in 433 the assembly inclined

37 Hansen (2010), esp. 516–9. For the view to which he objected see, e.g., Gomme (1951), 23 = his (1962), 177–93 at 188; MacDowell (1978), 40; Rhodes (1981), 489.

38 Ober (2008).

39 See Rhodes (2003a), 54–90.

40 For my views see Rhodes (2003b); (2011b).

41 See Rhodes (1986).

towards Corinth on the first day but committed itself to Corcyra on the second; on Mytilene in 427 Diodotus persuaded the assembly to modify the decision made at the instance of Cleon; on Sicily in 415 Nicias persuaded the assembly to reconsider but not in the event to annul the decision made at the instance of Alcibiades.[42]

II. The Development of the Democracy

I turn now from studies of how the democracy functioned to studies of how it developed; and I must start by insisting that what happened in Athens, although it was remarkable, was not totally unprecedented or unparallelled. As I. Morris in particular has emphasised, there was a general development in the Greek cities of the archaic period from rule by a hereditary aristocracy (of the families which had emerged from the dark age owning the largest quantities of good land), often though not always via a period of rule by a tyrant who had posed as a champion of men who for whatever reason were disadvantaged, to a state of affairs in which at any rate citizens rich enough to fight for their city as hoplites had some measure of political power.[43] Decisions by an assembly of whoever counted as full citizens, after *probouleusis* by a smaller council, and offices held for a short term and often subject to a limit or total ban on reappointment, became widespread, and there are precedents for Cleisthenes' new articulation of the citizen body to break traditional ties.[44] E. W. Robinson has even claimed that there were democracies in other cities before Athens, to which my reaction is that the phenomena on which he focuses existed but I am not sure that the word democracy is correctly applied to them.[45]

It could be disputed in antiquity and is still disputed now at what point we should say that the democracy in Athens began. Within Athens there was a tendency to look increasingly far back, until the democracy was sometimes attributed to the legendary Theseus (where what is remarkable is that the democratic Theseus of Euripides' *Supplices*, who is just one instance of a common tragic convention, came in the fourth

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42 Th. 1. 45; 3. 36–50; 6. 8–26. I see the appointment of Lacedaemonius among the commanders in 433 and of Nicias among the commanders in 415 as signs that the losing side in the debate was still strong enough to have one of its men appointed.

43 See Morris (1996).

44 In Sparta the Great *Rhetra* provided for *probouleusis* from *gerousia* to assembly (Plu. *Lyc.* 6), and a man could serve only once as ephor (not directly attested but no exception is known). Our earliest inscribed law, from Drerus in Crete, limits service as *kosmos* to one year in ten (Buck 116 = Meiggs & Lewis 2). Sparta's Great *Rhetra* combined local obes with the three tribes (Plu. *Lyc.* 6), in Corinth perhaps after the tyranny eight new tribes were created (Nicolaus of Damascus *FGrH* 90 F 60. 1–2 with Phot. πάντα ὀκτώ), and what Cleisthenes of Sicyon did to the tribes there may have been more drastic than renaming them (Hdt. 5. 68).

45 Robinson (1997). I suspect, for instance, that the *demokratiai* in the Ionian cities in 492 (Hdt. 6. 43. 3) involved constitutional government as opposed to tyranny, not democracy as opposed to oligarchy, though Herodotus uses them to support the authenticity of the Persian debate in 3. 80–3.

century to be accepted as serious history).[46] In modern scholarship Solon, Cleisthenes and Ephialtes have all had their champions:[47] I should identify Ephialtes' reform as the one which had the conscious intention of making Athens more democratic (and it is certain that from then on Athens was self-consciously democratic), but more important than the correct identification of one crucial occasion is the recognition that the democratic Athens of the mid fifth century and after was the result of a long series of developments.

Draco gave Athens its first written laws, and so made it easier to challenge powerful men who maintained that the law was what they said it was. Solon increased the body of written laws, made a class of dependent peasants the absolute owners of their land, and in various ways weakened the traditional aristocracy. However, in his poems he wrote that another man in his position 'would not have restrained the *demos*', 'I gave the *demos* as much honour as is sufficient for it' and 'This is how the *demos* would best follow its leaders';[48] Aristotle's *Politics* and the *Ath. Pol.* rightly remark that he should not be thought to have intended all that was afterwards built on his foundations.[49] The Pisistratid tyrants by their position inevitably further weakened the aristocracy, and they strengthened the city of Athens as the centre of power for the whole of Attica. Cleisthenes through his new articulation of the citizen body and the institutions attached to it created a system which (as I remarked above) required large-scale participation by the citizens and so educated them in political activity. However, I am one of those who think that he used words with the *iso-* root (denoting equality or fairness) rather than *demokratia*, and that what he envisaged was a system in which the upper class would still play a leading role, as Solon had envisaged it earlier, but with the Alcmaeonid family well placed in the new system as it had been badly placed in the old.[50] Themistocles' new navy and the growth of the Delian League made Athens a state in which, much more than in most others, even the poorest citizens contributed to the state's success. So my view of Ephialtes (and the further developments in the 450's) is that by transferring power from the Areopagus to bodies more representative of the *demos* he took a crucial and intended final step, but one that was possible only because what had gone before had made the Athenians ready for it.

It is clear from Thucydides that in the polarisation of the Greek world between Athens and Sparta which developed after their breach in the time of Ephialtes Athens came to be associated with democracy and Sparta with oligarchy;[51] we see instances of this in the constitution imposed on Erythrae in (I believe) the late 450's, and in the constitution aping that of Athens which we find in operation in Miletus in (I believe) 434/3, and the Old Oligarch remarks on occasions when Athens supported oligarchs as

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46 See Ruschenbusch (1958) = his (2014), 59–80 (rather too mechanical in concluding who was considered the founding hero when); Rhodes (2014)..

47 See especially Raaflaub *et al.* (2007), in which different contributors state the case for each.

48 Sol. frs. 37. 6–7, 5. 1, 6. 1 West *ap.* [Arist.] *Ath.* 12. 5, 12. 1, 12. 2.

49 Arist. *Pol.* 2. 1274 A 5–21, [Arist.] *Ath.* 9. 2.

50 On the purposes of Cleisthenes' elaborate system see especially Lewis (1963) = his (1997), 77–98, and the reviews in his (1997), 99–109.

51 E.g. Th. 1. 19, 3. 82. 1.

exceptional.[52] However, closer investigation has shown that, while the Athenians did from time to time support democrats in allied states or impose democratic constitutions on them, this was something which they did only from time to time, when opportunity and provocation offered, and not systematically as an essential part of their imperial policy.[53]

In Athens in the fifth century many people were proud that they had 'never had it so good';[54] but in the fourth century many looked back wistfully to the more glorious days of the fifth. That view that 'in the past we were greater and our leaders were greater' could be combined with Thucydides' view that the leaders who followed Pericles were inferior to him; and so, typically, the list of aristocratic and democratic leaders in the *Ath. Pol.* begins with the remark that 'while Pericles was leader of the *demos* things were not too bad in the political sphere, but after Pericles' death they became much worse'.[55] Modern scholars have again been happy to accept Thucydides' judgment; and Connor with his change from reliance on upper-class *philia* to direct appeals to the people, and Davies with his change from power based on wealth to power based on expertise, still draw a line about the same point. Recently there have been suggestions that a line should not be drawn there at all, but that the essential nature of Athenian political life was very much the same before and after Pericles' death. C. Mann argued that from the time of Cleisthenes leaders had to conform to the demands of the *demos* (as Ober would agree), and friends and wealth did not guarantee political success; he locates a change after 420, with Alcibiades harking back to the archaic aristocrats and tyrants, and the stability of the democracy breaking down.[56] T. P. Hooper similarly argues that throughout the fifth century family, property and societies within Athens could not be mobilised sufficiently to bring about political success, but that from Cleisthenes' reforms or their aftermath the symbiosis between mass and élite which Ober found in the fourth century already applied.

I happily grant that the difference between Pericles and the politicians of the next generation was not as great as Thucydides supposed. However, while in a system in which the final power of decision rested with a citizen assembly there had to be some kind of symbiosis between political leaders and ordinary citizens, I am not sure even in the fourth century that the élite had to dance to the tune of the *demos* to the extent which Ober claims, and I still think that the nature of the symbiosis could have changed between the early fifth century and the late fourth. Cimon's use of his wealth did not succeed in buying him success against Pericles, but it was a kind of attempt which later politicians did not make (in general politicians who had means of influence which they could exploit did try to exploit them, though to an extent which Hooper calls "merely instrumental"). The prosecution of Miltiades by Xanthippus in 489, that of the generals

52 M&L 40 = *IG* i^3 14; *Milet* 6. 3. 1218; [Xen.] *Ath.* 3. 10–11.

53 See Brock (2009).

54 H. Macmillan, British Prime Minister, in a speech on 20 July 1957: 'Let's be frank about it: most of our people have never had it so good.' This was not a simple boast, but he continued, 'What is beginning to worry some of us is, "Is it too good to be true?" or perhaps I should say, "Is it too good to last?" '. See Hennessy (2006), 533–4.

55 Th. 2. 65. 10; [Arist.] *Ath.* 28.

56 Mann (2007); Hooper (2011).

who acquiesced in the treaty of Gela in 424 and that of Aeschines by Demosthenes in 343 cannot necessarily be conflated as examples of the same relationship between élite and mass.

And there are still ways in which the last three decades of the fifth century do seem to bring us a new kind of politics. First, there is the ostentatiously populist manner of Cleon and men like him:[57] that seems to have been a passing phenomenon; at any rate there is no evidence for anything comparable in the fourth century. More enduringly, though it is sometimes hard to get behind the mud thrown at enemies, it does seem to be true that in the middle of the fifth century, the first generation after Ephialtes, most political leaders still came from the enlarged aristocracy which had dominated Athenian politics from the time of Solon onwards, but from the generation of Cleon onwards both democratic leaders and oligarchic leaders were inevitably still rich men — only rich men could afford the time to be front-rank politicians — but were men from families which had not been prominent before, and they did not establish new dynasties but new political leaders arose in each generation.[58] The aristocratic Alcibiades was exceptional in this respect as well as in his conduct. And previously leading politicians had been holders of the leading offices, the archonship until the early fifth century and the generalship in the middle of the century; but, while Cleon had to serve as general when Nicias called his bluff in connection with Pylos,[59] from the generation of Cleon onwards the leading politicians did not necessarily hold the major offices but relied rather on their ability to make persuasive speeches in the assembly and the lawcourts (and sometimes collaborated with military leaders who were less active politically). That in turn led to institutional changes, since the mechanisms of accounting which applied to office-holders did not apply to men who simply proposed motions which were adopted by the assembly as a whole: the first datable *graphe paranomon*, for proposing an unlawful decree, was in 415, and it is probably a reflection of the revision of the laws at the end of the fifth century when the fourth-century law of *eisangelia* ('impeachment' for major offences) includes in its catalogue of offences 'or, being an orator (*rhetor*), speaks contrary to the best interests of the Athenian *demos*, taking bribes'.[60] It does seem to me still to be true that there were important changes in the character of the Athenian democracy in the last decades of the fifth century.

Another question of enduring interest is how the democracy of the fourth century, after the oligarchies of 411–410 and 404–403, differed from that of the late fifth. For the *Ath. Pol*. the democratic restoration of 403 was the last identifiable "change" in the constitution, after which there was a downward spiral of demagogy and the power of the masses continually increased.[61] Most scholars have found that view of the fourth century hard to accept. R. Sealey and M. Ostwald both thought that in the fourth century Athens achieved the rule of law, in contrast to the populist ochlocracy of the time of Cleon. Hansen thought that, by separating law-making from decree-making and by making the

57 [Arist.] *Ath.* 28. 3, cf. the characterisations of Cleon by Aristophanes and Thucydides.

58 Davies (1981), 120–6, noting that in the fourth century there were not political dynasties but there were military dynasties.

59 Thuc. 4. 27. 5 – 28. 4.

60 *Graphe paranomon*, And. 1. *Myst.* 17; law of *eisangelia*, Hyp. 4. *Euxenippus* 7–9.

61 [Arist.] *Ath.* 28. 4, 41. 2.

lawcourts more powerful than the assembly, the Athenians deliberately made the restored democracy more moderate than the previous democracy.[62] I have distinguished between institutional changes of the early fourth century, such as payment for attending the assembly, the creation of a new board of *proedroi* to preside in the council and assembly, and the increasingly elaborate allotment of jurors to courts, which can be seen as continuing the spirit of the fifth-century democracy, and later changes, such as a method of appointment which allowed the principal state secretary to be slightly more of an expert, the powerful elected treasurer first of the theoric fund and later *epi tei dioikesei* ('in charge of administration'), and the development of *apophaseis* on judicial and other matters from the Areopagus to the assembly, which look more like departures from democracy as the late fifth century would have understood it.[63]

Recently a fruitful suggestion has been made by R. G. Osborne, on which I have tried to build: that after the oligarchies of the late fifth century there was a change in the "discourse".[64] In the fifth century, as the Old Oligarch regretfully acknowledged, apart from minor tinkering it would not be possible to improve the constitution without abolishing the democracy; those who disliked the democracy had to aim for oligarchy or tyranny, and 'not the same form of democracy' in 411 were weasel words used by men who were in fact planning to introduce the oligarchy of the Four Hundred.[65] During the period of the oligarchies men of varying political shades identified the kind of régime which they wanted with Athens' traditional constitution (*patrios politeia*), and that argument was finally won by the democrats, who called the restored democracy of 403 the traditional constitution.[66] In the fourth century, memories of the oligarchic régimes were so unpleasant that everybody active in politics, and even Isocrates in his study,[67] professed loyalty to the democracy, but it became possible to combine that professed loyalty with suggestions that the democracy had been better in the past and could be improved in the present. This, I think, as much as the unpleasant memory of the oligarchies, as much as the legislative changes which made it harder for the democracy to vote itself out of existence again, explains the stability of democratic Athens in the fourth century when many other states were far from stable.

Demosthenes after he had become obsessed with Philip of Macedon tended to identify democracy with external freedom, in particular freedom from domination by Philip, rather than with an internal state of affairs, and so while using the word *demokratia* he in practice accused his opponents of being unpatriotic, and they accused him of being undemocratic in the usual sense of the term. In the law threatening the Areopagus with suspension if the democracy were overthrown, I see Demosthenes' opponents warning him that the revival of the Areopagus with which he was associated was undemocratic, rather than a sign that the democracy was under threat from Philip;[68] and when the democracy was abolished in 321 after Athens' defeat in the Lamian War I

62 Ostwald (1986); Sealey (1987); Hansen, e.g. his (1999), 300–4.
63 Rhodes (1979/80), 305–23.
64 R. G. Osborne (2003) = his (2010), 267–87(–88); cf. Rhodes (2010).
65 [Xen.] *Ath.* 3. 8; Th. 8. 53. 1.
66 See Fuks (1953); Rhodes (2011a), 16–22.
67 E.g. Isoc. 7. *Areop.* 56–78.
68 *Agora* xvi 73 = Rhodes & Osborne 79 = *IG* ii^3 320 (see R&O commentary).

believe not that anybody in Athens was strongly opposed to the democracy, or that Antipater in Macedon cared how Athens was governed, but that thanks to Demosthenes opposition to Macedon had come to be associated with democracy.

Another kind of change in the fourth century has been argued for by C. E. Taylor: that there was a greater degree of political participation by less rich citizens, and by citizens from demes distant from the city.[69] It is in principle likely that, with a smaller citizen body after the Peloponnesian War,[70] the Athenians found it harder to fill even a smaller number of positions than they had had in the heyday of the Delian League; and it is interesting that they chose to ignore the ban on office-holding by *thetes* rather than to relax the ban on reappointment to most offices.[71] On the other hand the difference in the nature and quantity of the evidence between the fifth century and the fourth is such that I do not think her suggestion about men from more distant demes has a secure basis. But we should accept another of her suggestions, that election favoured men from the city as allotment did not,[72] since to be elected men had to be widely known to the citizen body at large and not only to men from their own locality.

I add an archaeological footnote. Except where there is documentation, as there is (for instance) for the buildings on the Athenian acropolis in the second half of the fifth century, buildings cannot be dated precisely; but there have been various attempts to link Athenian public buildings with developments in Athens' political history. The older council house, on the west side of the agora, can be dated archaeologically *c.* 500, and that is credibly linked with Cleisthenes' new council of five hundred.[73] Adjoining it, the *tholos*, which was the headquarters of the *prytaneis*, the body of councillors from one tribe who served as standing committee for a tenth of the year, is dated soon after the Persian Wars, and I myself suggested that, since the *prytaneis* are first attested in the 450's, they were instituted at the time of Ephialtes' reform and the *tholos* was built then.[74] Some scholars have been very willing (to my mind, too willing) to see the influence of democracy everywhere: J. M. Hurwit, for instance, has claimed that 'between 508 and 490, the democracy deliberately and thoroughly put its stamp upon the religious spaces of Athens'; on the other hand, J. Whitley in his *Archaeology of Ancient Greece*, in spite of a chapter entitled 'The Archaeology of Democracy: Classical Athens' and repeated mentions of democracy in that chapter's section headings, is in fact in his text much more cautious about making connections of that kind.[75]

There was a good deal of work on Athens' public buildings in the years around 400, and recently J. L. Shear has tried to assign more precise dates to these and explore the implications. On the acropolis the Erechtheum, on which work began about the time of the Peace of Nicias in 421 and was suspended perhaps after the failure in Sicily in 413, was resumed in 409/8: Shear sees that resumption as an act by the restored democracy to

69 Taylor (2007a).
70 Cf. below, p. 62 with n. 81.
71 *Thetes*, [Arist.] *Ath.* 7. 4, 47. 1; reappointment, 62. 3. It is possible that in the fifth century the exception of a second year in the council was not needed.
72 Taylor (2007b).
73 See Camp (2010), 60–3.
74 Rhodes (1972), 18–19. Camp (2010), 48–50, retains the excavators' date of *c.* 465.
75 Hurwit (1999), 121–5 (quoting 121), cf. 132; Whitley (2001), 327–75 ch. 13.

reclaim the acropolis after the oligarchies of 411–410 — but if the suspension was due not to the oligarchs but to the democracy before 411 then the resumption was not of particularly democratic significance.[76] The second phase of the assembly-place on the Pnyx, reversing its orientation, was built about this time: Plutarch attributed it to the Thirty, and Shear accepts that; but it has reasonably been doubted whether the Thirty were sufficiently interested in the assembly or had the time to do this, and the work is perhaps better attributed to the restored democracy after 403.[77] In the agora a new council house was built, and the old became a depository for records; buildings for the lawcourts, perhaps the first specifically for that purpose, were erected in the north-east of the agora, and a mint for bronze coins in the south-east (no mint for silver coins has yet been found). Shear dates the new council house 410–404, after the old had been contaminated by the submissive council of 412/1 and the Four Hundred,[78] and sees in that and the publication of the revised code of laws at the Stoa of the Basileus the beginning of a development of the agora as a space specifically for the citizens.[79] The court buildings and the mint she dates after 403, and she sees here further steps in the changing of the nature of the agora, as part of the second restoration of democracy.[80] Her dates may be right, though they cannot be proved right; but since the *basileus* was already based in the agora before 411, and the *axones* containing the laws of Draco and Solon were probably already in the Stoa, the (old) council house and the *tholos* were in the agora, and some of the courts met in the agora though not in dedicated buildings, I suspect she is exaggerating the change in the civic character of the agora which she sees at the end of the fifth century and the beginning of the fourth.

III. Some New Directions

I end by noting some recent work, which shows that it is still possible to throw new light on the Athenian democracy. To understand the Athenian democracy it would be helpful to know how many citizens and other residents there were at different times and how wealth was distributed among them. For the citizen population I think there is growing agreement on up to 60,000 before the Peloponnesian War (earlier, people believed in lower figures) and about 30,000 after.[81] For the distribution of wealth, two articles have been published recently which reach similar conclusions: that in 322 the richest 4–7% of the citizens owned 27–43% of the property and the poorest 25% owned 1–2%: this is about what evidence for comparable societies would lead us to expect, less unequal than some modern societies, but more unequal than some earlier studies suggested.[82]

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76 *IG* i^3 474: see Shear (2011), 123–8.

77 Plu. *Them.* 19. 6: believing, Shear (2011), 177–80; disbelieving, Moysey (1981).

78 Thuc. 8. 69. 1 – 70. 1, cf. [Arist.] *Ath.* 32. 1.

79 Shear (2011), 113–22; Camp (2010), 58–9, dates the new council house 'at the end of the 5th century'.

80 Shear (2011), 264–74; Camp (2010), 119–22, 155–6, dates the court buildings 'late 5th and 4th centuries' and the mint 'end of the 5th century'.

81 See, for instance, Hansen (1988), 14–28; (1986).

82 Wees (2011) (whose figures I give), Kron (2011), 129–38 (the richest 1–10% owned 31–60%); contr. Foxhall (1992), R. G. Osborne (1992) = his (2010), 127–37(–38).

Work is proceeding on Athens' inscribed decrees and laws from 403 onwards, for the first part of a new edition of *Inscriptiones Graecae* ii. S. D. Lambert, who is responsible for 352/1–322/1, has been an exceptionally assiduous contributor, and in addition to a large body of articles on the technicalities of particular texts he has been looking at the more general implications of his texts for fourth-century Athenian history. In one of his more general studies he notes that from the 340's the Athenians made greater efforts to encourage laudable behaviour by the citizens and began to inscribe decrees which honoured not merely exceptional citizens (that began with Conon, after the battle of Cnidus in 394) but ordinary office-holders: as the power of Philip of Macedon grew, the Social War in the 350s demonstrated the weakness of Athens' Second League, and Athens' decline from the glory days of the past became more evident, carrots as well as sticks were needed to induce citizens to do their duty by the city. Lambert remarks that this 'marks a significant staging post on the road from the democratic collectivism of the high classical *polis* to the emphasis and reliance on individual euergetism which is such a marked feature of hellenistic political culture'. As the League declined, Athens' grain supplies became less secure, and that fact as well as the fact of general shortages in the 330s and 320s leads to decrees honouring grain traders. And in the 330s and 320s there is a new emphasis on drama, with the editing of standard texts of the three great fifth-century tragedians, the building of a new, monumental Theatre of Dionysus and decrees honouring foreigners who contributed to the festivals: this Lambert sees as marking a shift from a *polis* relying on its political and military power in the present to one relying primarily on its cultural influence grounded in past achievements.[83]

Lambert has been working also with J. H. Blok on Athenian religion and citizenship. In most respects there is not much that is distinctively democratic about the religion of democratic Athens; but Lambert has shown that priests established before the mid fifth century were appointed from the members of particular *gene*, but priests established after were appointed from all qualified Athenians; and priests established before were appointed for life but (with the possible exception of the first known instance of the new kind, the priestess of Athena Nike) priests established after were appointed for one year, like most secular officials.[84] Blok has linked this change with Pericles' citizenship law of 451/0, which limited citizenship to men with an Athenian mother as well as an Athenian father, suggesting that the purpose of the law was to ensure that all Athenian citizens should be truly Athenian and therefore fit to hold priesthoods and other offices as the members of the *gene* were.[85]

Lambert (with one of the articles I have cited) and Blok are both among the contributors to a recent French conference and the book resulting from it, centred on Cleisthenes and Lycurgus but acting as a manifesto for the view that what we should

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83 Lambert (2011). Many of Lambert's *prolegomena* are republished in his (2012).

84 Lambert (2010); cf. earlier Parker (1996), 125–7.

85 Blok (2009). I have argued that the empire provided more opportunities for marriages between citizens and foreigners and that there was a desire to ensure that thiose who enjoyed the benefits of citizenship were genuine Athenians ([1981], 332–4); Watson (2010) has argued that it was only at the time of Pericles' law that Athens created a separate status for metics, and that citizen numbers had been increasing at a rate which was considered unacceptable. These explanations are not incompatible.

study is "le politique", *ta politika* or the *politeia* in the broadest sense, and not just "la politique", political machinery and political activity in a narrow sense.[86] In principle I am strongly in favour; but we do need to remember, as I have suggested on some points above, that not everything which on our evidence seems characteristic of democratic Athens was necessarily peculiar to or original to democratic Athens, let alone a product specifically of Athens' democracy.

With that I shall end, but I hope I have shown that Athenian democracy is still a lively subject, and still a subject on which new evidence and new approaches can bring new understanding.

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