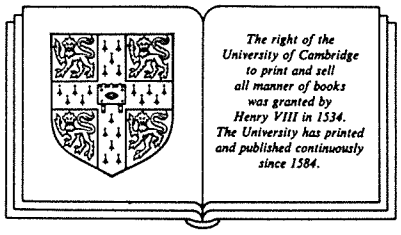
JOINT ASSOCIATION OF
CLASSICAL TEACHERS' GREEK COURSE
BACKGROUND BOOK

The World of Athens

AN INTRODUCTION TO
CLASSICAL ATHENIAN CULTURE



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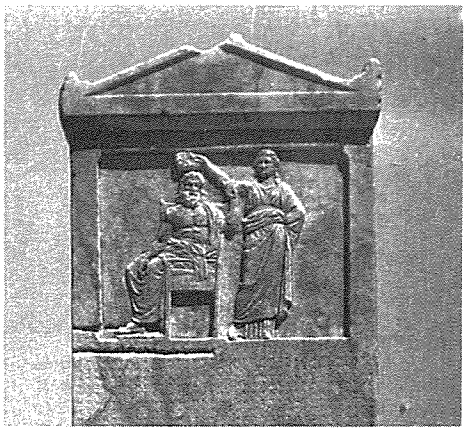
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5
Athenian democracy and imperialism

(1) Theory and practice of democracy

5.1 We are all democrats now, from the People's Democracies of the Soviet Bloc and China to the Western and Japanese democracies of the Free World. This makes it hard to appreciate that as recently as the eighteenth century 'democracy' was a dirty word, and even more difficult to think back to a time when there was no democracy anywhere in the world.

Democracy was an Athenian invention. It was traditionally ascribed to Kleisthenes (cf. H.I.11), but the reforms of 508/7 that go under his name were the result of forces beyond his individual control. Nor did the democracy spring from Kleisthenes' head fully formed. It continued to develop over the nearly two centuries of its existence from 508 to 322. Within this



5:1 Democracy places a wreath on the head of Dēmos, a personification of the people of Athens. 336.

period the democracy at Athens was twice interrupted, in 411 and 404, by oligarchic counter-revolutions fostered by the pressures of the Peloponnesian War (H.I.52; 57–8). Still, taken as a whole, the Athenian democracy represents one of the longest periods of popular self-government in human history, equalled among modern countries only by the United States.

5.2 That is a staggering achievement. It is important, though, to make a basic distinction between ancient democracy and the various modern versions of government that lay claim to the name. In antiquity government of the people by the people for the people was carried out directly by the citizens, whereas in modern democracies voters (who are not necessarily all citizens) elect representatives to take decisions on their behalf and have no direct access to political power on a day-to-day basis. Athens, in short, was a direct, not a representative, democracy.

5.3 One other point of terminology needs to be grasped firmly from the outset. The Athenians through Kleisthenes invented a system of democracy in 508/7, but the word 'democracy' was not invented until some time, perhaps more than a generation, later. Kleisthenes, in other words, could not have called himself a democrat even if he had wanted to. Instead, it seems that the contemporary description of his constitution was *isonomia*, equality under the law. This was an ideal that had obvious appeal for Athenians of all political hues, especially after the overthrow of tyranny, and carried no specific constitutional implications.

5.4 *Dēmokratia*, on the other hand, was ambiguous in a different and potentially explosive way. Literally it means the *kratos*, 'sovereign power', of the *dēmos*. But *dēmos* had a wide range of senses in fifth- and fourth-century Athens. It could mean the people as a whole, the entire adult male citizen body; *or* the common people, the poor majority of the citizen body, as opposed to the upper classes; *or* democracy as a constitution; *or* the democrats in contrast to those who favoured another form of government; *or* the democratic state of Athens; *or* the people of Athens in the *ekklēsia*; or, finally and rather confusingly, the local division, deme (see 4.16, 19ff.). Only the first two of these senses are relevant to the invention of the *dēmokratia*. Thus a supporter of the Kleisthenic system would naturally claim that it meant the rule of the people as a whole. But an opponent of the system, a conservative member of the Athenian upper class, for example, might well see it as the sectarian rule of the common people over their betters, the dictatorship of the proletariat.

5.5 The available evidence unfortunately does not reveal who invented the word *dēmokratia* nor when precisely it was coined. Aeschylus in his

Suppliant Women of (probably) 463 makes Theseus speak of the *dēmou kratousa kheir*, 'the sovereign hand of the *dēmos*', which may be a poetic equivalent; but *dēmokratia* itself is not found before Herodotus' *Histories* and [Xenophon's] *Constitution of Athens*, both of which were probably 'published' in the 420s. However, *dēmokratia* does not make an appearance in the passage of Herodotus where the relative merits of democracy and two other forms of government are discussed.

5.6 The passage purports to be a debate between three Persian aristocrats in about 522. In actual fact it is wholly Greek in its inspiration (cf. P.1–2), and the original version of the debate on which Herodotus based his was probably not composed until well into the fifth century. The passage is also the earliest example of political theory in history. In Herodotus' Persian Debate the speakers argue respectively for democracy (rule by all, here called *isonomia*), oligarchy (rule by some, in this case the few rich and well-born), and monarchy (rule by one, here hereditary kingship):

Otanes recommended that the Persians should bring their political affairs into the open.

'I think', he said, 'we should no longer have a single monarch; this is neither an agreeable nor a good form of government. How can it admit of proper adjustment when it allows one man to do what he likes without being answerable for it? Even the best of men put in that position is bound to overstep the bounds of normality. The advantages he enjoys breed pride, and envy is deeply engrained in human nature [cf. 3.9]. A man with these two faults is wholly evil . . . The worst feature of all is that he breaks down traditional law and custom, puts men to death without trial and subjects women to sexual violence. The rule of the people on the other hand has the most attractive of descriptions, rule by all (*isonomia*), and moreover does none of the things a monarch does. Offices are filled by lot, officials are answerable for what they do, and all questions are publicly debated. I propose therefore that we do away with monarchy and raise the people to power. For in the people everything is comprised.'

This was the opinion of Otanes. He was followed by Megabysdos, who recommended oligarchy: 'To be rid of the violence of a tyrant only to fall under the violence of an uncontrollable mob would be intolerable. A tyrant at least knows what he is doing, the people has no knowledge at all. How can it have, being uneducated and without sense of what is right and proper? It rushes mindlessly into public affairs like a river in flood. So leave democracy to the enemies of Persia, and let us give power to a chosen few of the best among us.'

This was the opinion of Megabysdos, and Dareios finally gave his in the following words: 'We have three alternatives before us, democracy, oligarchy and monarchy. The last of the three seems to me to be far the best. There can be nothing

better than government by the best man. With his abilities his control of the people will be above criticism, and the measures he takes against wrongdoers will have maximum secrecy. In conclusion, I ask where did we get our present freedom from and who gave it to us? Was it from democracy or oligarchy or monarchy? My view is that as we were given our freedom by one man we should preserve that kind of constitution; and quite apart from this, it is never an improvement to change our ancestral laws and customs so long as they work well.' (Herodotus, *Histories* 3.80ff.)

5.7 Apart from a few passages in Thucydides there are hardly any surviving statements of democratic ideals. The reason is that almost without exception our sources are out of sympathy with or actively hostile towards the Athenian democracy. The less extreme critics preferred the moderate constitution of Kleisthenes to the radical democracy ushered in by the reforms of Ephialtes in 462 (see H.I.27, 5.27). The more extreme critics dishonestly called for a return to the 'democracy' of Solon (which was not a democracy at all) or of Kleisthenes, or openly advocated some form of oligarchy. Either way, democratic theory, such as it was, has to be reconstructed in reverse from the attacks of its critics, together with Aristotle's *Politics*. But its two chief elements are clear. These were the beliefs that democracy alone guaranteed true freedom and that it guaranteed equality (cf. 7.14).

5.8 A final point about the evidence. The best known or at least the most famous period of the democracy is the second half of the fifth century. Yet so far as the machinery of the democracy is concerned, by far the larger portion of the available source material – inscriptions as well as literary sources – comes from and relates to the fourth century. This matters because, as already pointed out, the democracy continued to develop. The democracy of the 320s that is described in some detail in [Aristotle's] *Constitution of Athens* (*Athēnaiōn Politeia*) was not the democracy of Pericles. Our picture of the democracy at any stage before the 320s must always contain an element of hypothesis.

(2) The democracy in action

5.9 The structure and functioning of the Athenian direct democracy differed radically from those of our representative democracy. There were, for example, no government departments, no civil service, and only a limited archive system. Decisions were taken and executed directly by the Athenian People.

(i) Two meetings of the ekklēsia *(the Assembly)*

5.10 We begin with two accounts of the *ekklēsia*, a basic institution of the democracy, in action some seventy years apart. On each occasion Athens is at the crisis point of a war she is about to lose. Feelings are therefore running unusually high, and these meetings should not be taken as entirely typical. Neither of these accounts is from an unbiased source. They do nevertheless give a good impression of the immediacy of political proceedings in Athens and they introduce some of the most important features of the democracy.

In 406, towards the close of the Peloponnesian War, against the run of events Athens won the sea-battle of Arginoussai (H.I.55). Victory, however, was marred by the fact that Athenian survivors had not been picked up, and this had prompted Theramenes, a man of oligarchic sympathies, to institute proceedings against the overall commanders for dereliction of duty. An *ekklēsia* was held at which the commanders were permitted to speak, though more briefly than the law allowed, in their own defence. They claimed that rescue had been made impossible by a violent storm and they offered to produce witnesses to that effect.

With such arguments they were on the point of convincing the *ekklēsia*; many citizens were standing up and offering to go bail for them. However, it was decided that the matter should be adjourned to another meeting of the *ekklēsia*, for by then it was late and it would have been impossible to count votes, and that the *boulē* should draft a motion as to what sort of trial the men should have . . .

Then came the meeting of the *ekklēsia*, at which the *boulē* presented its motion on the proposals of Kallixenos [a supporter of Theramenes]: 'Resolved that, since speeches in accusation of the *stratēgoi* and speeches of the *stratēgoi* in their own defence have been heard at the previous *ekklēsia*, all the Athenians do now proceed to hold a ballot by tribes; that for each tribe there be two urns; that in each tribe a herald proclaim that whoever thinks the *stratēgoi* did wrong in failing to rescue those who won the victory in the naval battle shall cast his vote in the first urn; whoever thinks contrary, in the second urn; and that, if it be decided that they did wrong, they be punished with death and handed over to the Eleven and their property be confiscated, and a tithe thereof belong to the Goddess [*Athēnē*].'

. . . Next a summons was served on Kallixenos for having made an unconstitutional proposal; Euryptolemos . . . and a few others were the sponsors. Some of the People showed their approval, but the great mass shouted out that it was monstrous if the People were not allowed to do whatever they pleased . . . Then some of the *prutaneis* declared that they would not put the motion to the vote, since it was illegal. At this Kallixenos again mounted the rostrum and made the same complaint against them as had been made against Euryptolemos, and the crowd shouted that if they refused to put the motion to the vote they should be prosecuted.

This terrified the *prutaneis*, and all agreed to put the motion except Socrates . . . who said he would do nothing contrary to law.

Euryptolemos then rose and spoke in defence of the *stratēgoi* . . . After making this speech, he moved that the men should be tried in accordance with the decree of Kannōnos, each of them separately. The *boulē*'s motion, however, was that judgment should be passed on all of them together by a single vote. When there was a show of hands to decide between the rival motions, they decided at first in favour of Euryptolemos' proposal, but when Menekles alleged illegality under oath there was a fresh vote and the *boulē*'s motion was approved. They then voted on the eight *stratēgoi* who had taken part in the battle. The vote went against them, and the six who were in Athens were executed. Not long afterwards, however, the Athenians repented and voted that preliminary plaints be lodged against those who had deceived the People. (Xenophon, *Hellenika* 1.7.7–35)

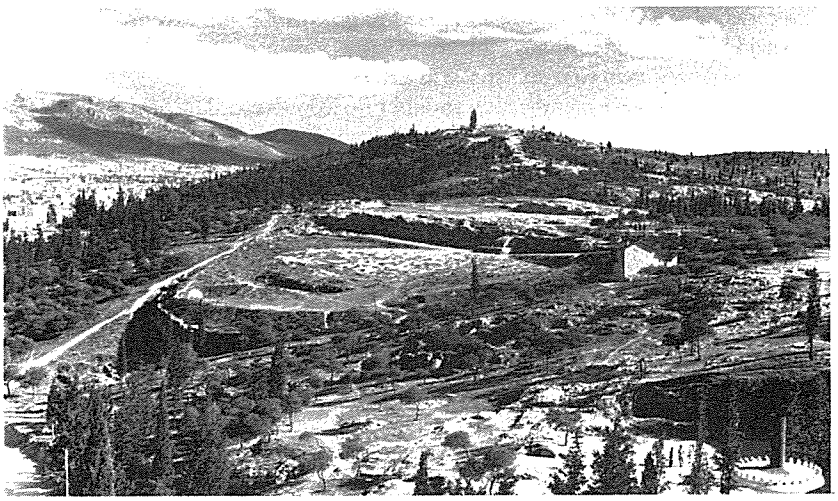
5.11 Sixty-seven years later, Athens was at war with King Philip II of Macedon (H.I.75, 81). Athens had once been an ally of Philip, by the terms of a peace which had been concluded between them in 346. But under the influence of Demosthenes, above all, the Athenians had been persuaded that Philip meant Athens harm and they had declared war on him again. One evening in November 339 news reached Athens that Philip had seized Elateia in central Greece and so was menacing Athens. This is how Demosthenes nine years later described the scene:

It was evening when the messenger arrived for the *prutaneis* with the news that Elateia had fallen. They were in the middle of supper but rose at once, cleared the stalls in the market-place and burnt the wicker screens, while others sent for the *stratēgoi* and summoned the trumpeter. The whole city was soon in an uproar.

At dawn next day the *prutaneis* summoned the *boulē* to the *bouleutērion* while you all made your way to the *ekklēsia*; the whole body of citizens had taken their places before the *boulē* could proceed to business or propose a motion. Subsequently, when the *boulē* had arrived and the *prutaneis* had reported the news they had received the messenger was introduced and told his tale; the herald then put the question 'Who wishes to speak?' No one came forward. He put the question again a number of times, but there was still no response, though all the *stratēgoi* were there and all the active politicians, and though our native land was crying aloud for someone to speak for her salvation. It was I who answered her call on that day, and came forward to address you. (Demosthenes (*On the Crown*) 18.169)

(ii) Ekklēsia

5.12 The two principal bodies involved in these emergencies were the *boulē* (Council of 500), with its subcommittee of *prutaneis* ('Presidents'), and the *ekklēsia* ('Assembly'). All state emergencies landed first in the lap



5:2 The Pnyx of Athens where the assembly (*ekklēsia*) met.

of the fifty *prutaneis* who lived at state expense in the *tholos* on 24-hour call. It was their duty to summon a meeting first of the full *boulē* of 500 and then, if necessary, of the *ekklēsia* (cf. 1.33, 35; p. 207).

5.13 The *ekklēsia* when summoned (*ekklēsia* means a body that is 'called out') gathered on the Pnyx hill to the south-west of the *agora*, the civic centre of Athens (1.25, 29). Citizens over eighteen and duly enrolled on their deme register made up the *ekklēsia*, which was the decision-making organ of the democracy. In the fifth century the *ekklēsia* made laws as well as decisions of policy (*psēphismata*), but after the restoration of democracy in 403 the function of passing general laws (*nomoi*) was delegated to a smaller body of Lawmakers (*nomothetai*).

5.14 Under the constitution of the 320s, as described by Aristotle, the *ekklēsia* held four stated meetings in each of the ten civil months. It is not known whether this prescribed number was already laid down in the fifth century. The first meeting of the four was called the sovereign (*kuria*) *ekklēsia*, at which the grain supply, national defence and the continuation of officials in office had always to be discussed. Emergency meetings could be called at need. The *ekklēsia* always met early in the day, emergency or not, and at least from the late fifth century onwards loiterers in the *agora* were herded in with a red-dyed rope by the state police force of 300 Scythian slaves who were in charge of public order. The credentials of the

participants were checked, order was kept by the Scythians, purification offerings were made, a curse on traitors pronounced, and business began.

In his *Akharnians* of 425 Aristophanes, with typical comic licence, describes the start of an *ekklēsia* meeting from the viewpoint of a poor countryman who yearns for peace and return to his rural habitation:

> There's a sovereign *ekklēsia* this morning and the Pnyx here is deserted. They're chattering in the *agora*, edging this way and that to avoid the red rope. Even the *prutaneis* aren't here yet either. They'll be late and then they'll come jostling each other for the front row like nobody's business, flooding down in throngs. But as for peace they don't care a damn for that. O my city, my city! And I'm always the first to come to the *ekklēsia* and take my place; and then when I'm alone, I groan and yawn and stretch, fart and don't know what to do, longing for peace, looking out over my *dēmos*. So now I have come quite prepared to shout and interrupt and slang the speakers if any of them says a single word other than on the subject of peace. But here are the *prutaneis* arriving – now that it's noon. (Aristophanes, *Akharnians* 17ff.).

5.15 In the fifth century the chairman of the *prutaneis*, the *epistatēs*, was also chairman of the *ekklēsia*. The herald read out the agenda, and the people voted whether to discuss the items, as we saw in the trial of the *stratēgoi*. If they wished to do so, the herald proclaimed 'Who wishes to speak?' Speakers mounted the rostrum (*bēma*), and after the speeches a vote was taken by show of hands (hence Aeschylus' *dēmou kratousa kheir* (see 5.5)). In theory anyone could address the *ekklēsia*, but the matters to be discussed and voted upon had first to have been considered by the *boulē*, which in this respect acted at the *ekklēsia*'s steering committee.

5.16 This was the *boulē*'s most basic function. Its prior deliberation (*probouleusis*) determined whether and in what form a matter was placed on the *ekklēsia*'s agenda in the shape of a proposal for discussion (*probouleuma*); an example appears in the Xenophon passage (5.10). But the *ekklēsia* was free to amend any proposal it objected to. Many decrees surviving on stone record amendments, which usually add minor details to a *probouleuma* approved by the *ekklēsia*. (The Athenians inscribed their decrees on stone (*stēlai*) to provide a permanent public record that any citizen might consult if he wished (cf. 1.35)). The *ekklēsia*, moreover, could demand that items be placed on the agenda of the next meeting. There was never any question of the *boulē*'s being able to dictate to the *ekklēsia*, which here as elsewhere was sovereign.

5.17 Theoretically, as we have seen, all citizens could attend the *ekklēsia* and address it. But how many citizens would in practice attend, and who in fact spoke? The citizen population fluctuated in our period



5:3 *Ostraka* cast against Kimon and Themistokles in the 470s can be seen to have been inscribed on adjoining sherds of the same vase.

between about 20,000 and 50,000 (see 4.8). Yet in 411 it was claimed that no more than 5,000 had ever actually attended an *ekklēsia*, no matter how grave the business. True, it was in the interests of those making this claim to minimise the numbers alleged to attend, and the figure probably applies chiefly to wartime conditions when many citizens would be serving abroad; but there are reasons for thinking that 5,000 is not so very wide of the mark, at least for the fifth century. The Pnyx, as laid out in the fifth century, seems not to have been able to accommodate more than 6,000. (Ostracisms required a quorum of 6,000 voters, but these were held in the *agora*.) For an ordinary business meeting citizens would presumably not have been willing to make the long journey from outlying demes such as Sounion or Rhamnous and lose precious working time without financial compensation. Even urban dwellers seem to have needed the encouragement of the red-dyed rope.

5.18 In the fourth century, conditions were different. Around 400, pay for attendance at the *ekklēsia* was first introduced to compensate, partially, for loss of working time; by 392 it had been raised twice to three obols, and in Aristotle's day it was up to a drachma, with a drachma and a half for a sovereign *ekklēsia* (see 5.14). Between 400 and 330 the Pnyx area was enlarged to accommodate 6,500–8,500 citizens, and in 330 a massive enlargement enabled up to 13,000 or so to attend. Also in the fourth century we learn that certain measures, for example the ratification of a grant of honorary citizenship, required a quorum of 6,000. It seems therefore that in the fourth century, although the population was declining, 6,000 was a normal attendance figure, whereas in the fifth century it had been achieved only on exceptional occasions (the debate over the Sicilian Expedition, perhaps). Most of those who attended probably came from the city of Athens and Peiraieus rather than the country demes.

5.19 Even 5,000, though, was a mass meeting, and the physical task of addressing it must have caused problems. Then again the essential quality of a speaker in the *ekklēsia* was persuasiveness based on knowledge and foresight, and, as the rise of sophistic education suggests, persuasiveness demanded rhetorical skill and not simply a stentorian voice (cf. 7.16–19). Moreover, during the fifth century the business of running not only home affairs but also an empire made the *ekklēsia*'s task of decision-making far more complex. So for all these reasons it is understandable if the ordinary Athenian did not normally respond to the herald's question 'Who wishes to speak?'

5.20 Those Athenians who did respond would do so regularly and they became known as the *rhētores* (orators) or *hoi politeuomenoi* (the politicians). They were a definable group within the citizen body, though many of them are no more to us than names on an *ostrakon* (potsherd used for ostracism). In the fifth century the ten *stratēgoi* would frequently be *rhētores* as well as, or rather than, military and naval commanders; Pericles, for example, owed his influence with the *ekklēsia* in large part to his oratorical skills. But in the fourth century, the age of the specialist, a division of function hardened between *rhētores* like Demosthenes, who was never a *stratēgos*, and semi-professional commanders (cf. 6.24–5).

5.21 *Rhētores* spoke in the *ekklēsia* as individuals or leaders of small groups of likeminded politicians. There were no political parties as we understand them in the direct democracy of Athens. Within these informal groupings certain men will have been the best speakers and hence their spokesmen. Aristocratic traditions still counted for something in leadership in the fifth century, but these became increasingly weakened. The career of Kleon, a non-aristocrat who made his fortune from slave-run manufacture rather than landowning, marks a turning-point (H.I.37). He and men like Hyperbolos, Androkles and Kleophon were labelled 'demagogues' by the more conservative Athenians such as the comic playwright Aristophanes. *Dēmagōgos* means literally 'leader of the *dēmos*', and since the Athenian democracy was at one level government by mass meeting they were an indispensable part of the democratic structure; Pericles was no less a 'demagogue' in this sense than Kleon. But by calling Kleon and others like him 'demagogues' Aristophanes meant to imply that they were mis-leaders of the People, who pandered to the *ekklēsia*'s baser whims. Thucydides, over-simplifying, laid the blame for Athens' defeat in the Peloponnesian War at the door of the 'demagogues'.

5.22 Concerning the length of an *ekklēsia* meeting we are not well informed, but it seems that even normal (as opposed to emergency) meet-

ings usually occupied less than a full day. Since the *ekklēsia*'s principal business was foreign policy, meetings would be shorter during the winter months outside the sailing season, and shorter still if rain stopped play. Comparative evidence from the Cantons of Switzerland today suggests that it is perfectly possible for 6,000 people, all with the right to speak, to discuss and vote, by a show of hands, on a dozen motions in the space of two to four hours. In practice, perhaps, votes in the Athenian *ekklēsia* were only counted if the decision was close or if, as may have happened in the trial of the *stratēgoi* in 406, a secret ballot by pebble (*psēphos*) was held.

(iii) The boulē *(Council of 500)*

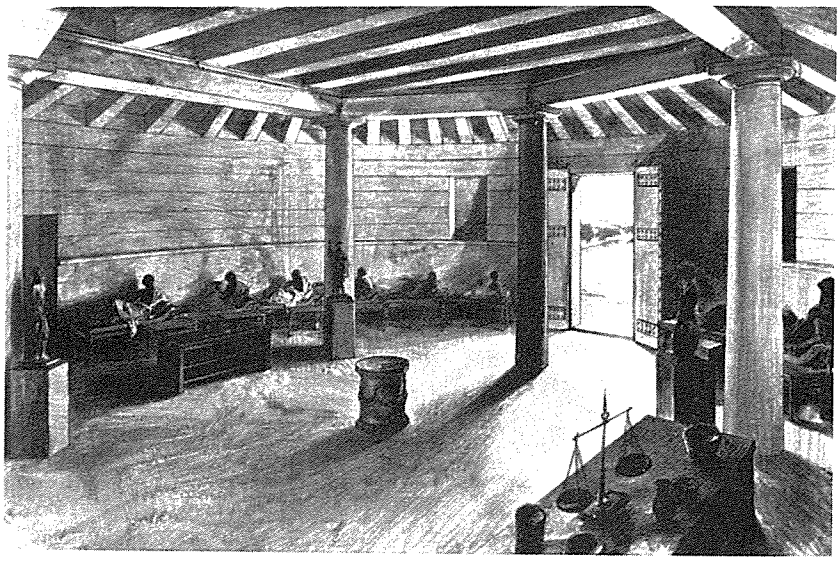
5.23 The way in which the *boulē* was recruited and operated shows the care the Athenians took to keep comparative amateurs in this body and so prevent its acquiring political power independent of the *ekklēsia*'s control. *Bouleutai* (s. *bouleutēs*) ('councillors') had to be Athenian citizens aged thirty or over. They served for one year at a time and could not serve more than twice in all. They sat in the Council House (*bouleutērion*) in the *agora*, except on annual festival days, and the public could observe their proceedings. Some time before 411, when the *boulē* was temporarily abolished by an oligarchic counter-revolution, pay was introduced for *bouleutai* in accordance with the democratic principle that no citizen should be debarred from participating in government by poverty. We do not know how much the pay then was, but it was probably not less than the three obols paid to jurymen (5.47).

5.24 The 500 consisted of fifty men from each of the ten 'tribes' (*phulai*), artificial divisions of the citizen body designed to ensure that citizens from all districts of Attica were equally represented. This tribal system was a democratic innovation by Kleisthenes and replaced the four ancient kinship tribes which had been dominated by leading aristocratic families (see H.I.5; 11). Candidates for the *boulē* were chosen by the democratic process of the lot at *dēmos* level, each *dēmos* being required to contribute a fixed number of *bouleutai*. The lowest number was three, the highest twenty-two, and it may be the case that in the smallest *dēmoi* practically every citizen will have had to have been a *bouleutēs* once in his life. The civil calendar was divided up into ten 'months'. Each of the ten tribes provided each month the fifty *prutaneis* (see 5.12); the tribe 'in prytany' was the one which had been appointed by lot to preside for that month. The *epistatēs* ('chairman') of the *prutaneis* was selected daily, again by lot, and could serve as such only once ever. There was therefore a better than

70% chance of each member of the *boulē* becoming *epistatēs*, since there were 35 or 36 days in each month of the civil calendar. On the day of the trial of the *stratēgoi* in 406 (5.10) it is possible that the *epistatēs* was none other than Socrates – remarkable if true, because his membership of the *boulē* at that time was the only public office he ever held in all his long adult life.

5.25 So far as our evidence goes, the *boulē*'s chief function was to be the steering committee of the *ekklēsia*. It could not initiate policy. Apart from preparing the *ekklēsia*'s agenda, it was essentially an administrative body, seeing to it that the decisions of the *ekklēsia* were duly carried out. The *boulē*, or rather its various boards and subcommittees (we know of about ten in Aristotle's day) therefore administered the necessary financial and other transactions and, together with the courts, exercised a general supervision of the responsible officials. One example will illustrate. Here is part of Aristotle's description of the *boulē*'s responsibility for Athens' major military arm, the navy (cf. 6.42):

> The *boulē* is in charge of the completed triremes, the tackle stores and the shipsheds, and builds new triremes . . . The triremes are constructed under the supervision of a board of ten members of the *boulē*. The *boulē* inspects all public build-

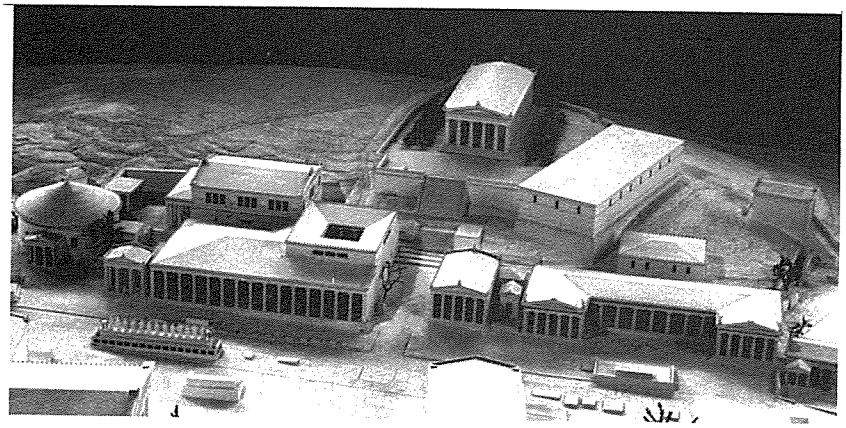


5:4 The interior of the *tholos* on the west side of the *agora*; it was here that the *prutaneis* lived during their presidency.

ings, and if it decides that someone has committed an offence, it reports him to the people, and hands him over to the jury court if they find him guilty. ([Aristotle], *Constitution of Athens* 46.1–2)

*(iv) The Areopagus (*Areios Pagos, *'Crag of Arēs')*

5.26 The Areopagus council, so named from the crag of Arēs between the Acropolis and the Pnyx where it had met from time immemorial, was the oldest permanent organ of the Athenian *polis*. It had in fact been the governing body under the aristocratic and oligarchic regimes that preceded the democracy. The nine *arkhontes*, who from the time of Solon were elected from his top two property groups (*pentakosiomedimnoi* and *hippeis*), automatically became members of the Areopagus after their year of office (H.I.5, 8). Before the reforms of Kleisthenes (who was *arkhōn* 525/4), the *arkhōn*ship had been the chief office of the Athenian state; but under the democracy its power and prestige were progressively diminished. The chief *arkhōn* continued to give his name to the civil year (for example, the year we call 403/2 was referred to by Athenians as 'the *arkhōn*ship of Eukleides'). But in 501 the new office of *stratēgos* began to take over some of the *arkhōn*'s functions (see 5.29); in 487 *arkhontes* ceased to be elected but were chosen instead by the democratic device of the lot; finally in 458/7 the *arkhōn*ship was thrown open to the third of



5:5 A model of some of the buildings on the west side of the *agora*, including (from left to right) the round *tholos*, the *bouleutērion* at the back and the Royal Stoa at the left. The temple of Hephaistos and Athēnē sits above on Market Hill.

Solon's property groupings, the *sdeugitai*, and in practice even the *thētes*, the lowest property grouping, could hold the office.

5.27 This loss of prestige inevitably affected the Areopagus, whose position under the democracy became increasingly anomalous. It was a hangover from a past epoch, yet it retained some considerable political powers. It was 'guardian of the laws': that is, the body ultimately responsible for the Athenian law-code, and it held the scrutiny of officials after their term of office or their impeachment during their term. This anomaly was put right by the reforms of Ephialtes in 462/1 which created the radical democracy (as opposed to the moderate democracy of Kleisthenes). The powers of the Areopagus were redistributed among the *ekklēsia*, the *boulē* and the jury-courts (H.I.27). Ephialtes himself paid for his reforms with his life, but the reforms remained in force.

5.28 Nostalgic conservatives like Isokrates attempted to boost its importance in the fourth century, but the strictly political power of the Areopagus was ended in 462/1. It has been argued that Aeschylus was among those who approved the reforms of Ephialtes; this is how he makes Athēnē speak at the trial of Orestes in his *Eumenides* of 458:

> Hear now my ordinance, men of Attica, who pronounce judgment at this first trial ever held for bloodshed. Henceforth, even as now, this court of judges shall abide unto the people of Aigeus for ever. And . . . on this Crag of Arēs Reverence, in the hearts of my citizens, and Fear her kinsman shall withhold them from doing wrong . . . And I counsel my citizens to maintain and hold in reverence neither anarchy nor tyranny, nor to banish fear completely from the city. For who among men is righteous that fears nothing? Stand then in just awe of such majesty . . . This tribunal I do now establish, inviolable by lust of gain, august, quick to avenge, a guardian of the land, vigilant in defence of them that sleep. (Aeschylus, *Eumenides* 681ff.)

As this foundation myth was meant to show, after 462/1 the Areopagus retained its function as a court. In addition to cases of deliberate homicide (other forms of homicide were treated by the *ephetai*), it tried cases of arson and some forms of sacrilege. For example, it investigated the status of Phanō, illicitly married to the democracy's chief religious official; and it tried men accused of damaging the sacred olive trees, from whose fruit was pressed the special oil given in magnificent amphoras as prizes at the Panathenaia (2.49). In 403 the Areopagus was entrusted with the supervision of Athens' newly revised law-code in deference to the judicial experience of its members (see below for the judicial functions of the *arkhontes* after 462/1).

(v) Officials (arkhai)

5.29 In the sixth century the *arkhontes* had been the senior officials of the Athenian state. But in 501 the Athenians created the new office of the ten *stratēgoi*, one from each of Kleisthenes' new tribes. A democratic innovation, it illustrates both the development and the character of the democracy. For some years its role in relation to the office of the war *arkhōn* (*polemarkhos*) was ambiguous, and this ambiguity was neatly and near-fatally exposed by the battle of Marathon in 490. Miltiades, the prime mover of Athens' famous victory, was a *stratēgos*, but the war *arkhōn* Kallimakhos still had an expensive memorial set up to him as if he had been in undisputed overall command of the army (H.I.13). It is not surprising therefore that the *arkhōn*ship was downgraded soon after Marathon, as we saw; and it was as *stratēgos* that Themistokles, Kimon and Pericles held sway over the *ekklēsia*.

5.30 With the Peloponnesian War, though, there came a further change. Athens' leading general, Demosthenes (not to be confused with the orator, his fourth-century namesake), was outshone in political leadership by the 'demagogues'. Kleon, it is true, did act as *stratēgos*, but at first almost by accident, and he never showed any real capacity for military command. (H.I.41). Nikias was almost the last to achieve success both as *stratēgos* and as politician. In the fourth century the distinction between the *stratēgoi* and the politicians became absolute, e.g. Demosthenes was never a *stratēgos*, and yet his authority over the *ekklēsia* and lawcourts was unparalleled, whereas Phokion was *stratēgos* forty-five times but had to bow to Demosthenes' policies.

5.31 Unlike almost all Athenian *arkhai* under the democracy, the *stratēgoi* were appointed by election (by the *ekklēsia*) and not by the lot. The Athenians had the sense not to sacrifice efficiency to democratic principle in an era when they were at war three years in every four. Besides, the *stratēgoi*, unlike all other *arkhai*, could hold office as often as the electorate wished and in successive years. Pericles, for example, was *stratēgos* fifteen times running between 443 and 429. If a *stratēgos* spoke in the *ekklēsia* he could expect to be listened to, but it was his speech, not his office, that decided whether or not his advice was accepted. If the policies he advocated proved unsuccessful, he would quickly lose the *ekklēsia*'s ear and perhaps his life. Being *stratēgos* could be a risky business; even the great Pericles was fined (and perhaps deposed from office) in 430 (cf. 3.9–10).

5.32 The fining of Pericles illustrates another cardinal principle of the