The Development of Athenian Democracy

Summary

This article was originally written for the online discussion series "Athenian Law in its Democratic Context," organized by Adriaan Lanni and sponsored by Harvard University's Center for Hellenic Studies. Its purpose is to introduce, very briefly, the origins and development of Athenian democracy, from the 6th century BCE through the end of the 5th century. This is a companion-piece to the "Overview of Athenian Democracy," also written for the CHS's discussion series, which will be present as a component of *Dēmos: Classical Athenian Democracy* after the discussion series has taken place.

Introduction

This brief survey of the development and early history of Athenian democracy is a supplement to "Overview of Athenian Democracy," which appears elsewhere in this

series. The first paragraphs of that article describe how the Greek word *Dēmos* (pronounced "day-moss") has several meanings, all of them important for Athenian democracy. Dēmos is the Greek word for "village" or, as it is often translated, "deme." The deme was the smallest administrative unit of the Athenian state, like a voting precinct or school district. Young men, who were 18 years old presented themselves to officials of their deme and, having proven that they were not slaves, that their parents were Athenian, and that they were 18 years old, were enrolled in the "Assembly List" (the *pinakon ekklesiastikon)* (see Dem. 44.35; Aristot. *Ath. Pol.* 42.1).

Another meaning of Dēmos, to the Athenians, was "People," as in the People of Athens, the body of citizens collectively. So a young man was enrolled in his "dēmos" (deme), and thus became a member of the "Dēmos" (the People). As a member of the Dēmos, this young man could participate in the Assembly of Citizens that was the central institution of the democracy. The Greek word for "Assembly" is *ekklesia,* but the Athenians generally referred to it as the "Dēmos." Decrees of the Assembly began with the phrase "It seemed best to the Dēmos…," very much like the phrase "We the People…" that introduces the Constitution of the United States. In this context, "Dēmos" was used to make a distinction between the Assembly of all citizens and the Council of 500 citizens, another institution of the democracy (see below). So some decrees might begin "It seemed best to the Dēmos…", others might begin "It seemed best

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to the Council…", and still others might begin, "It seemed best to the Dēmos and the Council…."

So the Athenian Dēmos was the local village, the population generally, and the assembly of citizens that governed the state. The idea of the Dēmos was a potent one in Athens of the 5th and 4th centuries BCE.

It had not always been the case. The *Iliad* – the work of literature that was the shared text for all Greeks – describes a world whose values pre-date those of the Athenian democracy. One passage from it, especially, suggests that the idea of the "dēmos" changed dramatically in the years leading up to the 5th century. Here, the Greek general Agamemnon has decided, for no particularly good reason, to test the resolve of his army. The test consisted of him suggesting that they abandon their siege of Troy and go home. Evidently the Greeks failed, since with this suggestion they rose to their feet and ran joyously to their ships. The warrior Odysseus, who was party to Agamemnon's scheme, went about urging the men to return to their places:

> "Whenever he encountered some king, or man of
> influence
> he would stand beside him and with soft words try
> to restrain him:
> 'Excellency! It does not become you to be fright-
> ened like any

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coward. Rather hold fast and check the rest of the
    people....'
When he saw some man of the People [*dēmos* in
    the Greek – cwb] who was shouting,
he would strike at him with his staff, and reprove
    him also:
'Excellency! Sit still and listen to what others tell
    you,
to those who are better men than you, you skulker
    and coward
and thing of no account whatever in battle or
    council.
Surely not all of us Achaians can be as kings here.
Lordship for many is no good thing. Let there be
    one ruler,
one king, to whom the son of devious-devising
    Kronos
gives the sceptre and right of judgement, to watch
    over his people.'"
                           (*Iliad* 2.118-206; R. Lattimore, trans.)

The Homeric hero Odysseus did not favor putting rule into the hands of the Dēmos. What happened, then, to change the status of the Dēmos from that of a lowly mob, to be beaten down with a stick, to that of the ruling People of classical Athens?

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A Reformer and a Tyrant

In the earliest history of the Greek world, as far as anyone can tell, the political landscape consisted of small-time "kings" ruling over their own homes and immediate surroundings. In certain places, individual kings acquired power over larger territories, and influence over neighboring kings. This is what the world depicted in the Homeric epics looks like.

The Athenians thought that the mythological hero Theseus was their first king, and they attributed to him the birth of the Athenian state. Before Theseus, the peninsula of Attica was home to various, independent towns and villages, with Athens being the largest. Theseus, when he had gained power in Athens, abolished the local governments in the towns; the people kept their property, but all were governed from a single political center at Athens. The Greeks called this process of bringing many settlements together into a political unity *synoikism* (See Thuc. 2.15.1-2). Whether or not Theseus had anything to do with this, the fact remains that, when the Greek world moved from prehistory into historical times, the Attic peninsula was a unified political state with Athens at its center.

During the 8th and 7th centuries BCE (the 700s and 600s), Athens moved from being ruled by a king to being ruled by a small number of wealthy, land-owning aristocrats. Aristotle's *Constitution of the Athenians,* a description of Athenian government, says that the status of "King"

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(*basileus*) became a political office, one of three "Rulers" or "Archons" under the new system, and Athens came to be governed by the King Archon, the War-Lord, and the Archon (this last sometimes called the Eponymous Archon, because the year was identified by his name). "Appointment to the supreme offices of state went by birth and wealth; and they were held at first for life, and afterwards for a term of ten years." Later, six other Archons were added to the role. These Nine Archons ruled the Athenians, along with the Council of the Areopagus, which consisted of all former Archons, serving on this board for life (See Aristot. *Ath. Pol.* 3).

In the latter part of the 7th century, perhaps in the 630s, an Athenian named Cylon won the double foot-race at the Olympic Games and became a celebrity. He used his earned fame to gather a group of supporters, seized the Acropolis, and attempted to make himself tyrant of Athens. The attempt was a complete failure and ended with Cylon and his party hiding by the statue of Athene, surrounded by an angry mob. Lured out by promises of their own safety, Cylon and his men were killed by members of the aristocratic family called the Alcmeonidae (see Paus. 1.40.1; Paus. 1.28.1; Paus. 7.25.3; Hdt. 5.71). This was a political crisis, both because of the attempted coup by an upstart and because of his murder by the arisocrats – he had claimed the goddess's protection, which ought to have been respected. Whether this crisis brought about subsequent political changes we cannot tell, but it certainly left

its mark on Athenian politics. The old families could not longer be confident in ruling at will forever, and the stain on the reputation of the Alcmeonidae lasted for hundreds of years – it would cause trouble for Pericles, an Alcmeonid, in the 5th century.

About ten years later, in 621 or 620 BCE, the Athenians enlisted a certain Draco to make new laws for them. According to Aristotle's description of these laws, the new Consitution gave political rights to those Athenians "who bore arms," in other words, those Athenians wealthy enough to afford the bronze armor and weapons of a hoplite (see Aristot. *Ath. Pol.* 4, although some of the details given there may have been invented during the 4th century BCE). Draco's laws were most notable for their harshness: there was only one penalty prescribed, death, for every crime from murder down to loitering (see Plut. *Sol.* 17.1). For this reason, later Athenians would find irony in the lawgiver's name ("Draco" means "serpent"), and his reforms have given us the English word "draconian".

Draco's laws did not avert the next crisis, which pitted the wealthy against the poor. Poor citizens, in years of poor harvests, had to mortgage portions of their land to wealthier citizens in exchange for food and seed to plant. Having lost the use of a portion of their land, they were even more vulnerable to subsequent hardships (see Aristot. *Ath. Pol.* 2.1-2). Eventually, many of these Athenians lost the use of their land altogether, and became tenant-farmers, virtually (or perhaps actually) slaves to the wealthy. The result-

ing crisis threatened both the stability and prosperity of Athens. In 594, however, the Athenians selected Solon to revise their laws.

Solon's laws, even though they did not establish a democracy as radical as what would follow, nevertheless became the template for all future Athenian government. It was common for Athenians, for the next 200 years, to describe subsequent legal innovations in terms of their fidelity to the "Solonian Constitution" (whether or not those innovations remotely resembled the laws of Solon). So, after the brief rule of the "Thirty Tyrants" at the end of the 5th century BCE, when the Athenians were restoring their democracy, the first thing they did was to re-affirm the Laws of Solon, using that as a base to reconstruct their damaged constitution (Andoc. 1.83-84).

Solon took steps to alleviate the crisis of debt that the poor suffered, and to make the constitution of Athens somewhat more equitable. He abolished the practice of giving loans with a citizen's freedom as collateral, the practice that had made slaves of many Athenians (Aristot. *Ath. Pol.* 9.1). He gave every Athenian the right to appeal to a jury, thus taking ultimate authority for interpreting the law out of the hands of the Nine Archons and putting in the hands of a more democratic body, since any citizen could serve on a jury (Aristot. *Ath. Pol.* 9.1; Aristot. *Ath. Pol.* 7.3). Otherwise, he divided the population into four classes, based on wealth, and limited the office of Archon to members of the top three classes (Aristot. *Ath. Pol.* 7.3).

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Formerly, the Council of the Areopagus, which consisted of former Archons, chose the Nine Archons each year – a self-perpetuating system that ensured that the office of Archon was held only by aristocrats. Solon had all of the Athenians elect a short-list of candidates for the Archonship, from which the Nine Archons were chosen by lot (Aristot. *Ath. Pol.* 8.1); the office was still limited to citizens of a certain class, but it was no longer limited to members of a few families. How, precisely, laws came to be passed under the Constitution of Solon is not entirely clear, but there was an Assembly, in which every citizen could participate (Aristot. *Ath. Pol.* 7.3), a Council of 400 citizens chosen probably from the top three property classes (Aristot. *Ath. Pol.* 8.4), with the Areopagus being charged with "guarding the laws" (Aristot. *Ath. Pol.* 8.4). Regardless of the details, it does seem that the Archons were still a very important element of Athenian government, since (as Aristotle notes), in subsequent years, much political strife seemed to focus on them (Aristot. *Ath. Pol.* 13.2).

So Athens under Solon had many elements that would later be a part of the radical democracy – democratic juries, an Assembly and a Council, selection of officials by lot rather than by vote – while retaining many oligarchic elements in the form of property qualifications and a powerful Council of the Areopagus.

According to the *Constitution of the Athenians* attributed traditionally to Aristotle, Solon himself was from an aristocratic family, while his personal wealth put him in

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the middle-class of Athenians, and his sympathy for the injustices against the poor made him a champion of the people generally. This combination was a recipe for tyranny – tyrannies were common in the Greek world during the 6th century, as certain individuals made themselves champions of the poor in order to seize power – but Solon was no tyrant. According to Herodotus, after formulating these new laws for a new Athenian Constitution, Solon made the people swear to obey them, unchanged, for ten years, then went abroad from Athens to avoid being badgered into changing anything (Hdt. 1.29.1).

Solon's constitution did not solve all of Athens' problems, and the city descended back into a state of strife, with various factions, each with its own interests, vying for power (Hdt. 1.59; Plut. *Sol.* 29). This state of affairs continued from about 595 BCE down to 546 BCE, when an Athenian named Pisistratus, after several failed attempts, finally established himself as Tyrant over the Athenians.

[His failed attempts are interesting reading; see Hdt. 1.59-64, Aristot. *Ath. Pol.* 14-16. – CWB]

The reign of the tyrant Pisistratus seems to have been relatively benign. The 5th century historian Thucydides concluded his brief account of by by saying, "the city was left in full enjoyment of its existing laws, except that care was always taken to have the offices in the hands of some one of the family" (Thuc. 6.54.6). Like all tyrants, Pisistratus depended to a certain extent on the goodwill of the people for his position, and by ensuring that both rich and

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poor Athenians received fair treatment, he was able to rule for almost twenty years and die of natural causes (see Aristot. *Ath. Pol.* 17.1). After his death, his sons Hippias and Hipparchus continued the tyranny for another seventeen years. Hipparchus was assasinated in 514 BCE, and in 510 BCE the aristocratic Alcmeonidae family with an army from Sparta helping them, expelled Hippias and brought an end to tyranny in Athens (Hdt. 5.62; Thuc. 6.59.4).

Cleisthenes, Democracy, and Persia

After the end of the tyranny, two factions competed for power to reshape the government of Athens. One was led by Isagoras, whom calls a "friend of the tyrants" (Aristot. *Ath. Pol.* 20.1). The other was led by Cleisthenes, who was an Alcmeonid aristocrat (Hdt. 5.66.1). Isagoras won a minor victory by getting himself chosen as Archon in 508. But Cleisthenes, taking a page out of the tyrant's textbook, "took the People [Aristotle says 'dēmos'] into his party" and used the support of the lower classes to impose a series of reforms (Aristot. *Ath. Pol.* 20.1). Isagoras, using the example of recent history, called on the Spartan king Cleomenes to help him evict Cleisthenes from the city. While that had worked well for the Alcmeonidae earlier, it failed this time; when Isagoras and the Spartans occupied the city and tried to disband the government and expel seven hundred families, the Athenians rose up against them and drove them out (Hdt. 5.72).

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So Cleisthenes was free to impose his reforms, which he did during the last decade of the 6th century. These mark the beginning of classical Athenian democracy, since (with a few brief exceptions) they organized Attica into the political landscape that would last for the next two centuries. His reforms, seen broadly, took two forms: he refined the basic institutions of the Athenian democracy, and he redefined fundamentally how the people of Athens saw themselves in relation to each other and to the state. Since the Introduction to Athenian Democracy is devoted to its various institutions, so for the moment we can focus on the new Athenian identity that Cleisthenes imposed.

Cleisthenes's reforms aimed at breaking the power of the aristocratic families, replacing regional loyalties (and factionalism) with pan-Athenian solidarity, and preventing the rise of another tyrant.

Cleisthenes made the "deme" or village into the fundamental unit of political organization and managed to convince the Athenians to adopt their deme-name into their own. So, where formerly an Athenian man would have identified himself as "Demochares, son of Demosthenes", after Cleisthenes' reforms he would have been more likely to identify himself as "Demochares from Marathon." Using "demotic" names in place of "patronymic" names de-emphasized any connection (or lack thereof) to the old arisoctratic families and emphasized his place in the new political community of Athens (for demes, see Aristot. *Ath. Pol.* 21.4).

Each deme had a "demarch", like a mayor, who was in charge of the deme's most important functions (Aristot. *Ath. Pol.* 21.5): keeping track of new citizens, as young men came of age (Dem. 57.60), keeping track of all citizens from the deme eligible to participate in the Assembly (Dem. 44.35), and selecting citizens from the deme each year to serve on the Council (Aristot. *Ath. Pol.* 21.5).

The peninsula of Attica consisted of three more-or-less distinct geographical areas: the coast, the countryside, and the urban area around the city of Athens itself. Traditionally residents of these areas had their own concerns, and often conducted politics according to regional interests. To counteract this tendency, and to encourage Athenian politics to focus on interests common to all Athenians, Cleisthenes further organized the population. Each of the 139 demes he assigned to one of thirty *trittyes,* or "Thirds". Ten of the Thirds were coastal, ten were in the inland, and ten were in and around the city.

These Thirds were then assigned to ten Tribes (*phylai)*, in such a way that each Tribe contained three Thirds, one from the coast, one from the inland, and one from the city. Each of these ten Tribes sent 50 citizens each year to serve on the new Council of 500.

So, while local politics, registration of citizens and selections of candidates for certain offices, happened in the demes, the tribes were the units of organization that figured most prominently in the overall governing of Athens.

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Citizens from all parts of Attica worked together, within their tribes, to govern the city (Aristot. *Ath. Pol.* 21.3).

To prevent regionalism from creeping back into the system as people changed their address, Cleisthenes decreed that a citizen, once assigned to a deme, must retain that deme-affiliation even if he moved to another part of Attica (Aristot. *Ath. Pol.* 42.1). Evidence from the 5th and 4th centuries show many people living in the city of Athens, but identifying themselves with rural demes. In fact, even the rural demes often held their meetings in Athens itself (Dem. 57.10).

So, there was a tendency for deme-level politics to be dominated by people who had not moved into the city, but for national politics – service on juries, in the Council, and the magistracies – to be dominated by Athenians who, although members of demes located all over the peninsula, were full-time residence of the city and its immediate environs.

To help legitimize this new division, to give it the aura of antiquity, Cleisthenes named each tribe after a legendary hero of Athens; the selection of heroes was handled by the Oracle at Delphi, that is, by the god Apollo himself. The ten "eponymous heroes" and their associated tribes were: Ajax (Aiantis), Aegeus (Aigeis), Acamas (Akamantis), Antiochus (Antiochis), Erechtheus (Erechtheis), Hippothoon (Hippothontis), Cecrops (Kekropis), Leos (Leontis), Oeneus (Oineis), Pandion (Pandionis). Their statues stood in

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downtown Athens, watching over the place where important public documents were published on billboards.

All of these reforms constituted a remarkable re-shaping of Athenian society along new lines. Old associations, by region or according to families, were broken. Citizenship and the ability to enjoy the rights of citizens were in the hands of immediate neighbors, but the governing of Athens was in the hands of the Athenian Dēmos as a whole, organized across boundaries of territory and clan. The new order was sealed as citizens adopted their deme-names into their own names, and as the god Apollo, speaking from Delphi, endorsed the new tribes.

But, with the Dēmos newly unified and the authority of the older, more arisocratic system undermined, the danger of tyranny remained. Some relatives of Pisistratus survived, wealthy and still influential, in Athens, and (a new threat) the Great King of Persia was increasingly interested in bringing the Greek world into his empire. What was to stop a prominent citizen from gaining support with promises of power, and then either assuming tyrannical rule or inviting Persia to set him up as a client king?

Cleisthenes sought to avert this danger by means of his most famous innovation: ostracism. Every year the Assembly of Athenian citizens voted, by show of hands, on whether or not to hold an ostracism. If the Dēmos voted to hold one, the ostracism took place a few months later, at another meeting of the Assembly. Then, each citizen present scratched a name on a broken piece of pottery; these,

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the scrap paper of the ancient world, were called *ostraka* in Greek, which gives us the word for the institution. If at least 6000 citizens voted with their ostraka, the names on the pot shards were tallied, and the "winner" was obliged to leave Athens for a period of ten years. He did not lose his property or his rights as an Athenian citizens, but he had to go (see Aristot. *Ath. Pol.* 22.6; Aristot. *Ath. Pol.* 43.6).

The earliest subjects of ostracism were associates of Pisistratus and his sons (Aristot. *Ath. Pol.* 22.6), but in later years the Athenian used the process to remove the leaders of various factions, both men who were regarded as champions of the democracy, such as Themistocles – ostracized sometime around 470 BCE (Thuc. 1.135) – and those who tended to favor more aristocratic controls on the power of the people, such as Cimon – ostracized around 461 (Andoc. 4.33). The most famous ostracism was that of Aristides, an aristocrat known for being fair-minded. The story goes that an illiterate farmer, not recognizing Aristides, asked the prominant man to write "Aristides" on his ostrakon for him; Aristides complied, advancing his own ostracism by helping a fellow citizen. For the full story, which contains even more ironies that I have given here, see Plut. *Arist.* 7; Aristot. *Ath. Pol.* 22.7.

To be the subject of an ostracism was actually something of an honor, if an inconvenient one. It meant that a man was deemed too influential, too capable of persuading his fellow citizens, to be allowed to participate in the democratic processes of governing Athens. The list of ostracized

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Athenians constitutes a "Who's Who" of the early history of the democracy. In fact, the institution fell into disuse after 416 BCE, perhaps because of the ostracism of Hyperbolus; this man, according to the historian Thucydides, was ostracized "not because anyone feared his power or influence, but because he was a useless wretch and a disgrace to the city" (Thuc. 8.73). The law of ostracism seems never to have been repealed, but it was never used again.

Cleisthenes reformed Athens at the very end of the 6th century. The reforms were radical and, it seems, thoughtful. That this new social order and political system took hold may have been largely due to what happened in the first decades of the 5th century. In 490, an expeditionary army from Persia landed in Attica, intending to repay the Athenians for helping the Greeks of Asia resist Persian rule. The Athenians, led by Miltiades, defeated the Persians against steep numerical odds (for the battle of Marathon, see Hdt. 6.102, Hdt. 6.107-117; Paus. 1.25.2; Paus. 1.32.3).

The victory for the newly democratized state was doubly significant, since the Persian expedition had brought Hippias, the son of Pisistratus, intending to install him as tyrant over the Athenians (Hdt. 6.107). This victory, and the even more unlikely victory against a larger Persian expedition ten years later, established democratic Athens as a leading power in the Greek world.

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One final major reform to the Athenian constitution remained before the government of Athens took the shape it would hold, more or less, for the next 150 years. In 462, an Athenian named Ephialtes led a movement to limit the power of the Council of the Areopagus. The role of this Council, sometimes called simply the "Areopagus", in the fully-formed democracy is discussed below, but to understand Ephialtes' reforms we need to see, briefly, its place in Athenian government before Ephialtes.

The Court of the Areopagus, named after the Hill of Ares in Athens, was an ancient institution. It features in the mythological history of Athens, as portrayed in Aeschylus' tragedy Eumenides, in which the goddess Athene puts the *Eumenides,* or *Furies,* on trial on this Hill of Ares at Athens (Aesch. *Eum.).* Aristotle says that in the time of Draco, the legendary first lawgiver of Athens, "The Council of the Areopagus was guardian of the laws, and kept a watch on the magistrates to make them govern in accordance with the laws. A person unjustly treated might lay a complaint before the Council of the Arepagites [the members of the Areopagus], stating the law in contravention of which he was treated unjustly" (Aristot. *Ath. Pol.* 4.4). The Areopagus was an aristocratic institution, composed of men who were of noble birth (Isoc. 7.37). It was composed of men who had held the office of archon (Plut. *Sol.* 19.1; Plut. *Per.* 9.3). Members of the Court of the Areopagus, the Areop-

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agites (*Areopagitai)* held office for life (Aristot. *Ath. Pol.* 3.6). According to Aristotle, before the time of the lawgiver Solon – the middle of the 6th century BCE – the Areopagus itself chose the men who would be archons, and thus future members of the Areopagus (Aristot. *Ath. Pol.* 8.1). Selection of archons was by wealth and birth (Aristot. *Ath. Pol.* 3.6), and so the Court of the Areopagus preserved itself as a body of the aristocrats of Athens.

Solon changed method by which Athenians became archons – forty candidates were elected, and from these forty, nine archons were picked by lot (Aristot. *Ath. Pol.* 8.1). Under the laws of Solon, the Court of the Areopagus retained its role as overseer of the constitution; it could punish citizens, fine them, and spend money itself without answering to any other governing body; and it oversaw cases impeachment (Aristot. *Ath. Pol.* 8.4). Aristotle describes the government of Athens under Solon as a blend of elements – the courts were democratic, the elected archons were aristocratic, and the Court of the Areopagus was oligarchic (Aristot. *Pol.* 1273b).

The Court of the Areopagus seems to have enjoyed a return to its former glory immediately after the Persian Wars. Aristotle tells the story of how, during the chaos of the Persian invasion in 480 BCE, the Council of the Areopagus took a leading role in organizing, and financing, the evacuation of all Athenians to Salamis and the Peloponnese, which raised the body's status considerably (Aristot. *Ath. Pol.* 23.1). He goes on to say that the Council of

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the Areopagus enjoyed preeminence in Athens for almost two decades, until the time when Conon was archon, and Ephialtes brought about his reforms in 462 BCE (Aristot. *Ath. Pol.* 25.1).

According to Aristotle, Ephialtes brought about a reform of the Court of the Areopagus by denouncing the Court before the Council and the Assembly (Aristot. *Ath. Pol.* 25.4). So the reform was not, finally, the work of Ephialtes alone, but an act of legislation by two of the more democratic institutions in Athens. Aristotle connects this event to a newfound feeling of power among the common people of Athens following the Persian Wars, when the less wealthy citizens by serving in the navy had saved the city. He makes the connection between naval victories and the reform of the Court of the Areopagus explicitly in his *Politics* (Aristot. *Pol.* 1274a), and the *Constitution of the Athenians* that survives under Aristotle's name strongly suggests the connection as well (Aristot. *Ath. Pol.* 27.1).

By 462 BCE, when Ephialtes made his reforms, the archons (the future members of the Court of the Areopagus) were chosen by lot, not by vote (Aristot. *Ath. Pol.* 22.5). It is possible that this change made the institution seem less prestigious, and thus worthy of holding fewer powers. This interesting suggestion is from P.J. Rhodes, *A Commentary on the Aristotelian* Athenaion Politeia (Oxford, 1993).

By means of Ephialtes' reforms, according to Aristotle, the Council of the Areopagus was "deprived of the superintendence of affairs" (Aristot. *Ath. Pol.* 26.1). When Aristotle

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describes the Council of the Areopagus as it was in the 4th century, over a hundred years after Ephialtes, he says that it had authority over trials of murder, wounding, death by poison, and arson, but that other similar crimes – involuntary manslaughter, murder of slaves or foreigners, accidental killings, or killings in self-defense – come before other courts, the Court of the Palladium or the Court of the Delphinium (Aristot. *Ath. Pol.* 57.3). The Areopagus also conducted investigations of political corruption, presenting its findings to the Council and Assembly for any further action (see Aeschin. 1.83, Aeschin. 1.81, Din. 1.4). From this, then, we can perhaps get a sense of how Ephialtes diminished the role of the Areopagus; the aristocratic body that once had the power to nullify laws and remove candidates from office was reduced to a murder court and investigative body, albeit a highly respected one.

The Fifth Century: Democracy stumbles twice

The 5th century BCE was marked by the extended conflict – sometimes "cold" and often overt – between Athens and Sparta, but involving most of the Greek world and the Persian Empire as well. That history is readily available elsewhere. For our purposes, there are three things especially worth mentioning from the period.

First was the generalship of Pericles. The office of "General", or *Strategos,* was one of the few in the Athenian democracy that was elected, rather than chosen randomly

by lot; the reasons for this should be obvious (Aristot. *Ath. Pol.* 44.4). It was also the only office which an Athenian could hold for multiple successive terms. And, the Generals – there were ten in each year – enjoyed certain powers that made this office (at least potentially) a platform from which an Athenian could wield extraordinary influence over the affairs and policies of the city. A general could introduce business for discussion in a meeting of the Assembly on his own authority, without going through normal channels (the evidence for this comes from inscriptions: *SEG* 10 86.47; *IG* II² 27; the "normal channels" are discussed below).

Pericles was elected repeatedly to the office of Strategos during the period from 454 to 429 BCE (though not for every year during that period, which is interesting). From within this office, he was able to address the Athenians meeting in their Assembly on matters he deemed important, and to persuade them toward policies of his own devising. The two most noteworthy results were the so-called "Periclean Building Program", which produced the monumental architecture we see today on the Athenian Acropolis, and the expansion of Athenian imperialism. The latter, eventually, brought about a war between Athens and Sparta that, in one form or another, lasted (at least) from 431 BCE until Athens' defeat in 404 BCE.

The historian Thucydides, himself an Athenian General who helped pursue the war against Sparta, offers this characterization of Pericles' leadership: "Pericles indeed, by his

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rank, ability, and known integrity, was enabled to exercise an independent control over the Dēmos – in short, to lead them instead of being led by them; for as he never sought power by improper means, he was never compelled to flatter them, but, on the contrary, enjoyed so high an estimation that he could afford to anger them by contradiction. Whenever he saw them unseasonably and insolently elated, he would with a word reduce them to alarm; on the other hand, if they fell victims to a panic, he could at once restore them to confidence. In short, what was nominally a democracy became in his hands government by the first citizen." (Thuc. 2.65.8-9). What is most important to remember, though, is that Pericles was merely one of ten elected Generals. His "policies" came into effect merely because his office afforded him a platform from which to address the Dēmos, and his evident talents as a speaker allowed him to persuade the Dēmos to adopt his ideas as their own.

In 415, after an interlude of relative peace in the war between Athens and Sparta, the Dēmos of Athens undertook an invasion of Sicily. This adventure was an utter disaster, resulting in the destruction of an Athenian fleet and an army of Athenian citizens either killed outright or doomed to work to death in the quarries of Syracuse. In the aftermath, certain citizens took steps to move the government of the city away from the radical democracy that – they thought – was leading the city to ruin. Their first step was to work, through constitutional channels, to establish a

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small body of "Preliminary Councilors", who would limit the topics that could be addressed by the more democratic Council and Assembly (Thuc. 8.1.3-4).

Shortly thereafter, in 411 BCE, the Athenians brought an end to their democracy and instituted an oligarchy by, first, appointing ten "Commissioners" who were charged with re-writing the constitution of Athens (Thuc. 8.67.1). Aristotle says that there were twenty of these, and that they were in addition to the ten Preliminary Councilors already in office (Aristot. *Ath. Pol.* 29.2).

These Commissioners proposed a new Council, consisting of 400 men, with service limited to the wealthier citizens. Five men would be selected as "Presidents", and these would choose 100 men for the new Council, and each of those 100 would choose three others, thus creating the Council of "400", or 405 in reality (Thuc. 8.67.3; Aristot. *Ath. Pol.* 29.5). This new government claimed that a Council of 400 was "according to the ancestral constitution" (Aristot. *Ath. Pol.* 31.1). This Council of 400 would have the power to choose 5000 Athenians who would be the only citizens eligible to participate in assemblies (Thuc. 8.67.3; Aristot. *Ath. Pol.* 29.5).

Thucydides describes how this new Council of 400 collected an armed gang, confronted the democratic Council, paid them their stipends, and send them home (Thuc. 8.69.4; Aristot. *Ath. Pol.* 32.1).

This oligarchic government lasted only four months before it was replaced by another government in which the

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power was in the hands of 5000 Athenians – more democratic, but still a far cry from the radical democracy defined by Cleisthenes (Aristot. *Ath. Pol.* 33.1). That government, in turn, lasted only a short time before "the People quickly seized control of the constitution from them" (Aristot. *Ath. Pol.* 34.1).

The democracy was restored, but only briefly. In 404 BCE, the Spartans caught the Athenian fleet on the beach at Aegospotamoi ("Goat Islands") and destroyed it. After a period of seige, while the Spartans blockaded the harbors of Athens, the city surrendered, and its fortunes fell into the hands of the so-called Thirty Tyrants. These were Athenians selected by the Spartans to form a puppet government by the Spartans. (For the end of the Peloponnesian War, see Plut. *Alc.* 36.4-37.3; Plut. *Lys.* 9.4-11; for the establishment of the Tyrants, see Plut. *Lys.* 15.5; Paus. 1.2.2; Paus. 3.5.1; Paus. 9.11.6; Xen. *Hell.* 2.3.11)

Like the Oligarchy of 411, the tyranny of the Thirty lasted only one year before pro-democracy forces regained control of the city's affairs (Plut. *Lys.* 21; Xen. *Hell.* 2.4.2). After the tyrants were overthrown and the city returned to democratic rule, Athens once again compiled and codified its old laws with this decree, which summarizes the accumulated law and tradition of the first century of the Athenian democratic experiment: "On the motion of Teisamenus the People decreed that Athens be governed as of old, in accordance with the laws of Solon, his weights and his measures, and in accordance with the statutes of Draco,

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which we used in times past. Such further laws as may be necessary shall be inscribed upon tables by the Law-Givers elected by the Council and named hereafter, exposed before the Tribal Statutes for all to see, and handed over to the magistrates during the present month. The laws thus handed over, however, shall be submitted beforehand to the scrutiny of the Council and the five hundred Law-Givers elected by the Demes, when they have taken their oath. Further, any private citizen who so desires may come before the Council and suggest improvements in the laws. When the laws have been ratified, they shall be placed under the guardianship of the Council of the Areopagus, to the end that only such laws as have been ratified may be applied by magistrates. Those laws which are approved shall be inscribed upon the wall, where they were inscribed aforetime, for all to see" (Andoc. 1.83-84). The Athenians also passed a law of general amnesty, to prevent an endless cycle of retribution for wrongs committed on both sides of the recent civil strife (see Xen. *Hell.* 2.4.43).

An inscription (*IG* I³ 105) survives that records a law limiting the Council's authority. After two anti-democratic revolutions, this law says that in matters of war and peace, death sentences, large fines, disenfranchisement (that is, loss of citizenship), the administration of public finances, and foreign policy the Council cannot act without the approval of the Assembly of the People.

With this restoration, Athens reestablished a radically democratic government. The following description of the

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institutions of Athens will focus on the democracy as it was in the 4th century, in its fully developed form, attested by the best evidence.

(The story of the end of Athenian democracy is told, briefly, at the end of the "Overview of Athenian Democracy.")

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<small_caps>Secondary Works Cited</small_caps>

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