

REVIEW ARTICLE

ATHENIAN DEMOCRACY: INSTITUTIONS AND IDEOLOGY*

I

It may seem unbelievable, but this is in fact the first book in German on Athenian democracy since Wilamowitz's *Aristoteles und Athen* of 1893, which was rather a commentary on various aspects of the recently discovered Aristotelian Ἀθηναίων Πολιτεία. True, in 1966 T. Tarkainen published *Die athenische Demokratie*; but that book was a translation of the Finnish original of 1959, and (written by a diplomat who had no knowledge of ancient Greek) it was not an original interpretation of the evidence but an account based on (e.g.) P. Cloché, *La démocratie athénienne* (Paris, 1951), and C. Hignett, *A History of the Athenian Constitution* (Oxford, 1952). Bleicken is an ancient historian who knows the sources and blends an exposition of accepted views with his own research. He is well known as an expert on Roman constitutional history, but I have the impression that in this book he has deliberately avoided drawing parallels with Roman institutions. It is a handbook on Athenian democracy intended both for professional historians and for the general reader. The book is organized as follows.

A historical account of the Athenian constitution (pp. 13–38) and democratic ideas (pp. 38–51) from Solon to Pericles is followed by a systematic account of the social (pp. 53–68), economic (pp. 68–81), military (pp. 81–97), religious (pp. 97–102), political (pp. 102–58), and financial (pp. 159–69) organization of the Athenian state from 462/61 to 322/21. The long and detailed description of the democratic institutions (pp. 102–58) is subdivided into sections on the ἐκκλησία—including the νομοθέται (!: pp. 102–20)—the βουλή—including the Areopagus (!: pp. 120–28)—the δικαστήρια (pp. 129–45), and the ἀρχαί (pp. 145–58). The first two, long chapters on the history and organization of the democracy (pp. 13–169) are followed by ten much shorter chapters on various institutional and ideological aspects (pp. 171–315). A presentation in chap. 3 of important democratic constitutional mechanisms (sortition, δοκιμασία, εὐθυναί, and political pay, pp. 171–90) leads, in chap. 4, to a discussion of the two basic democratic ideas: equality and liberty (pp. 191–215). Chaps. 5 and 6 include an account of judicial protection (pp. 225–29) and judicial control (pp. 246–53) of the constitution and offer some observations on political participation (pp. 231–43) and on the scope of Athenian democracy (pp. 217–25). The Athenians' own ideas about their democracy—favorable as well as critical—are reviewed in chap. 7 (pp. 255–79). The next three chapters treat the limitations (pp. 281–88), the fourth-century decline (!: pp. 289–94), and the achievements (pp. 295–98) of the Athenian democracy. After a brief account in chap. 11 of ancient Greek democracies outside Athens

* *Die athenische Demokratie*. By JOCHEN BLEICKEN. Paderborn–Munich–Vienna–Zürich: Ferdinand Schöningh, 1985. Pp. 432; 2 maps, 8 figs. in text. DM 78.

(pp. 299–303), the body of the book concludes with a comparison, in chap. 12, between ancient and modern democracy (pp. 305–15). There are no notes, but in a thirteenth chapter B. provides references to the principal sources and discusses, often extensively, other modern interpretations (pp. 317–96). The bibliography is up-to-date and surveys the work of more than 300 scholars (495 items!). I note that there is no marked preference for works in German; books and articles in French, English, and Italian are frequently cited and discussed. As a *Forschungsbericht* B.'s book surpasses all other accounts of Athenian democracy since Busolt and Swoboda's *Griechische Staatskunde*.

B.'s text covers more ground than most other books on the subject and treats thoroughly both the institutions and the ideology of Athenian democracy. Acute observations abound in all twelve chapters. The instructive section on the army and navy, for example, includes a judicious discussion of the ἐφηβεία, which, in the later fourth century, was open to all citizens (pp. 81–82, 343–44). It is stimulating to read B.'s description of how nervous and insecure the typical Athenian citizen must have been during the twenty-four hours that he served as ἐπιστάτης τῶν πρυτάνεων or τῶν προέδρων (p. 107); and I fully endorse his view that “Die Aussen- und Sicherheitspolitik war und blieb darum das Kernstück dessen, was vor dem Volk verhandelt wurde” (p. 117). In the section on sortition the secular and political aspects are clearly and correctly separated from the religious (p. 176). B. is properly skeptical of the supposed economic crisis of the fourth century (pp. 292–94), and in his comparison of ancient and modern democracy we find not only the usual, obligatory references to Mill, Tocqueville, Mosca, Pareto, and Schumpeter, but also some interesting remarks on Benjamin Constant's *De la liberté des anciens comparée à celle des modernes* (p. 313). It serves no purpose to prolong the list of agreements; for some disagreements, see below.

The *Forschungsbericht* in chapter 13 is interspersed with short surveys of the principal sources, each running to a couple of lines. There are very few discussions of the ancient evidence. When B. analyzes a problem he prefers to take issue with the modern historians rather than with the sources. This procedure is quite legitimate in a handbook, but it occasionally gives his account a curious twist. Sometimes a view explicitly attested in the sources is ascribed to a modern historian without reference to the evidence behind it; consider, for example, B.'s discussion of what a magistracy (ἀρχή) is (p. 146): “Moderne Historiker haben andere Kriterien zusammengestellt, so etwa die, dass der Beamte über 30 Jahre alt, durch Wahl oder Loss bestellt, im Dokimasie-Verfahren geprüft, mindestens eine Zeit von 30 Tagen im Amt und schliesslich rechenschaftspflichtig sein muss. Derartige Definitionen erwecken schon durch ihren umfangreichen Kriterienkatalog Misstrauen.” I note that all these criteria (apart from the age limit of 30, but with ἡγεμονία δικαστηρίου added as a further criterion not mentioned by B.) are explicitly brought together and discussed by Aeschines (3. 14–15; cf. 29). Thus, the “Kriterienkatalog” is not a modern anachronism but is solidly based on ancient evidence.

B. is one of the leading experts on Roman constitutional history. He has a very impressive knowledge of Greek history as well, though he does not display a mastery of all the details throughout. I have noted quite a number of slips and inaccuracies (which can easily be corrected in a second edition). As an example I

will list what I found on page 137, which is indeed exceptional in having no less than six (minor) errors.

"Jeder Prozess begann damit, dass die streitenden Parteien vor dem Beamten . . . erschienen": B. has omitted the first step, the *πρόσκλησις* (Dem. 34. 13, 53, 14). "Das Gericht tagte in einem abgeschlossenen, in aller Regel aber nicht gedeckten Raum": no, apart from homicide courts, most courtrooms had a roof (Ant. 5. 11).¹ "Bisweilen zogen die Beklagten, selten die Kläger, von ihnen gewählte Freunde und andere Fürsprecher (*synegoroi*, *syndikoi*) als Beistand hinzu": *συνήγοροι* called by prosecutors are frequently attested (cf., e.g., Andoc. 1. 94, 95, 133; Dem. 21. 64, 24. 10; [Dem.] 59. 15, Dem. 20 hypoth. 3, 25 hypoth. 2; Aeschin. 3. 52; Hyp. 3. 12, frag. x; Lycurg. frag. xi). "Für . . . Metöken sprach . . . der Patron": no, metics appeared in person both as plaintiffs and as defendants (Isoc. 17; Lys. 12; Din. frag. xlii; Dem. 21. 175; [Dem.] 59. 64; Harp., s.v. *πολέμαρχος*). "Ebenso wurde seitdem auf die Vereidigung der Zeugen verzichtet": except in homicide trials, witnesses were never sworn (Ant. 5. 12). "In allen privaten und in den meisten, wenn nicht allen öffentlichen Prozessen durfte jede Partei nach den beiden Reden einmal auf den Vortrag der Gegenseite antworten": true, in private actions both parties were allowed a rejoinder, but in public actions the parties spoke only once (Aeschin. 3. 197, Dem. 19. 213).

It is impossible in this review to deal with all the material that B. presents in his seminal book. I will concentrate, therefore, on three issues: B.'s account of the history of the Athenian constitution in chapter 1; his delimitation of the period (462–322) treated in chapters 2–12; and his views on equality as the basic idea of democracy.

B.'s first chapter is divided into three sections: (1) the development of the constitution from Solon to Pericles; (2) the origin of democratic ideas; and (3) the emergence of the concept "Demokratie" itself. B. gives a good account of many Solonian laws (pp. 16–20), and I must compliment him for viewing skeptically some of the constitutional reforms ascribed to Solon by many modern historians.

Consider, e.g., the council of four hundred. On pp. 14 and 18 the information about the council is treated as a tradition, perhaps to be trusted, perhaps to be rejected; on p. 31 the council is briefly referred to as a historical fact; on p. 121 the reader is again left in doubt whether there really was a council of four hundred; but in the notes on p. 319 (not included in the paperback edition) we are told that (*pace* Hignett) there is no reason to doubt that Solon instituted a council of four hundred, though this body was not probouleutic but served as a court of appeal.² I share B.'s hesitation: on some days I believe in a council of four hundred, on others I question its existence and function, and on weekends I suspend judgment. The information offered by *Ath. Pol.* 8. 4 may only reflect the contemporary controversy over the ancestral constitution (cf. *Ath. Pol.* 31. 1; Dem. 20. 90, 24. 148; Isoc. 15. 314); and Hdt. 5. 72. 1 (cf. *Ath. Pol.* 20. 3), concerning the βουλή that Cleomenes tried to dissolve, may refer to the Areopagus: Cleisthenes was himself an Areopagite, and after the Pisistratid members fled (or were expelled) in 510, he may well have dominated the Areopagus when Cleomenes invaded Attica.

I also agree with B. when he denies that κλήρωσις ἐκ προκρίτων in the election of archons was a Solonian procedure (pp. 148, 171). On the other hand, I am surprised to see

1. The widespread view that the Heliiaia was unroofed rests on a wrong etymology (Heliiaia < Helios) suggested by a scholiast in his interpretation of the pun at Ar. *Vesp.* 771–75; cf. M. H. Hansen, "The Athenian *Heliiaia* from Solon to Aristotle," *C&M* 33 (1982): 16–18.

2. B.'s suggestion that the council of four hundred was a "Berufungsinstanz für die Urteile der adligen Richter" may be a good guess, but it has no basis in any source.

B. assert—despite *Ath. Pol.* 7. 4 and without the slightest supporting evidence—that the θῆτες were barred from the ἐκκλησία (pp. 18, 44, 242). Finally, a quibble on terminology. B. gives the impression that θεσμός replaced νόμος (p. 20): “Die menschliche Satzung (*thesmos*), die den unwandelbaren *Nomos* ablöste.” All sources testify to the opposite development: e.g., in the republication of Draco’s law on homicide, we find the term νόμος in the preamble (of 409/8), whereas the term θεσμός is used in the text itself (of 621?); cf. M. Ostwald’s observations in *Nomos and the Beginnings of Athenian Democracy* (Oxford, 1958), pp. 55–56 (not included in B.’s bibliography).

The Pisistratid tyranny is treated cautiously and judiciously, and I will restrict myself to two critical comments.

The contention that the aristocrats were deprived of all political influence (pp. 22, 27) does not square with the archon list (Meiggs and Lewis no. 6, mentioned by B. on p. 22), where we find that Hippias (526/25) is followed by Cleisthenes (525/24) and Miltiades (524/23). That Pisistratus had his residence on the Acropolis (p. 22) is a myth created not by ancient but by modern historians, who misinterpreted Hdt. 1. 59. 6 (as demonstrated by E. Kluwe, *Die Tyrannis der Peisistratiden und ihr Niederschlag in der Kunst* [Jena, 1966], p. 33 with nn. 4–9).

After recent attempts by Traill, Siewert, and Kinzl to reinterpret the political organization of Attica, it is impossible to give a straightforward and uncontroversial account of Cleisthenes’ reforms. But B. has done a good job.

His argument against regarding the τριτῦες as “Wehrbezirke” (pp. 322–23) is, in my opinion, sound; and in any case he has provided his readers with an instructive and readable description based on the traditional view that the τριτῦες were intended to combine demes with tribes, i.e., to mix citizens from different parts of Attica. The theory that the τριτῦες were important administrative units has no solid foundation. The council of five hundred was based on tribes and demes, the hoplite army on tribes alone; the τριτῦς-markers (ὄροι) are enigmatic, and the reference to τριτῦες at Dem. 14. 23 concerns a scheme that was never carried out. It is worth noting that the 30 συλλογεῖς were not appointed according to τριτῦες (*JG* 2² 1749. 75–76).

I am a bit disappointed by B.’s treatment of Ephialtes’ reforms; and the general reader (for whom the book is also intended) will repeatedly be baffled by what he reads (esp. on pp. 36–37, 42, 44, 219, 265, 325–26). The latter is not told that Ephialtes’ reforms probably took the form of ψηφίσματα passed by the ἐκκλησία (B. acknowledges this in a different context, p. 118) while 4,000 hoplites were on campaign in the Peloponnese and thus prevented from attending the assembly: B. states only that Cimon was away from Athens. The reader is not told that Ephialtes was murdered and Cimon ostracized in the aftermath, nor is it remarked that the powers taken away from the Areopagus were transferred to *three* different agencies: the ἐκκλησία, the βουλή, and the δικαστήρια (*Ath. Pol.* 25. 2). B.’s view that the principal reform concerned “das Rechenschaftsverfahren der Beamten” may be correct (p. 36), but the only source we have (*Ath. Pol.* 25) says that the reforms aimed at the protection of the constitution. B. cautiously confesses ignorance as to the motive for the reforms (p. 37); he might have contemplated his earlier observations that the Areopagites were ex-archons and that archons, though originally elected, were selected by lot (κληρωτοὶ ἐκ προκρίτων) after 487/86 (p. 33). It must have taken some twenty years before the distinguished members of the old council had been replaced by more ordinary citizens from the first two Solonian census classes. Thus, by 462/61 there was no longer the same basis for the respect that the

Areopagus had enjoyed previously, and the changed composition of the council may have been one reason for diminishing its powers.

On the other hand, I appreciate why B. concludes the historical section by mentioning Pericles' citizenship law, by which the body of citizens became a closed group (p. 38). Apart from a short period during the Peloponnesian War, the concept of citizenship remained unchanged from 451 to 322, and this fact supports B.'s view that the period from Ephialtes' reforms to the Macedonians' abolition of democracy after the Lamian War should be treated as a unit. Other considerations, however, make me think that B., by ending his historical account in 451 instead of 403, has created more problems than he has solved. His organization of the material deserves a closer examination.

II

At the heart of B.'s book is his systematic account of Athenian democracy from Ephialtes' reforms of 462 to the abolition of democracy in 322. It is somewhat surprising to see a historian offering a *synchronic* account of a period that spans nearly 150 years (p. 9 and *passim*). The synchronic approach might be defended in the case of Sparta, with its slowly changing society, but the Athenians were innovators (e.g., Thuc. 1. 70. 2–9, 3. 37. 1–5), especially in public law and constitutional matters (Dem. 20. 91, 24. 142; Isoc. 8. 50, 12. 144, 15. 82). A systematic account of Athenian democracy in the period 462–322 cannot help but underrate the rapid, constant, and deliberate development of democratic institutions and ideas.

B. is well aware of the problem, and he asserts that "wir dürfen in dem Jahre 404/3 kein Epochenjahr sehen" (p. 289; cf. p. 281). In chapter 9 (pp. 289–94) he faithfully lists a number of fourth-century reforms, though he believes that these did not change the structure of the democracy. The growing importance of the popular courts, for example, is first acknowledged (pp. 289–90; cf. p. 117), then explained away as follows (p. 290): "Die Übertragung von Geschäften an die Geschworengerichte ist vielmehr als eine Entlastung der Volksversammlung zu interpretieren, die nun nicht mehr in Geschäften zu ersticken brauchte und sich auf wichtige Fragen konzentrieren konnte." But this explanation is problematic: except for foreign policy, it was the important decisions that were transferred from the people to the jurors (legislation, jurisdiction in political trials), whereas the sessions of the ἐκκλησία were often filled with routine business (citizenship decrees, honorific decrees, details concerning cult, etc.). In the following paragraphs I will discuss some of the major changes that justify the view that a systematic account of Athenian democracy must be restricted to the fourth century, to be supplemented with a historical account covering the period from Cleisthenes to the end of the Peloponnesian War.

(a) Between Ephialtes and Demosthenes a basically oral society was transformed into a society in which literacy prevailed. In the age of Pericles the Athenians lived under the Solonian ἄρχονες, which did not, however, include empowering rules and regulations of governmental bodies (cf., e.g., K. von Fritz, "Nochmals das solonische Gesetz gegen Neutralität im Bürgerzwist," *Historia* 26 [1977]: 245–46). In 411 the Athenians did not even know for sure whether a written account of Cleisthenes' reforms existed and could be found (see *Ath. Pol.* 29. 3 with Rhodes' comment in the Penguin translation). In 403–399

the Athenians set up a newly revised law code that regulated both public and private affairs (Andoc. 1. 83–85) and included detailed rules for governmental bodies. In the fourth century all laws were written down and kept in the new Public Record Office in the Metroon (Lycurg. 1. 66). One section of the revised law code instructed the magistrates (not the jurors as well, as B. maintains, pp. 139, 141, 247; cf. Dem. 20. 118) to use written laws only and to disregard unwritten laws (Andoc. 1. 87). Pericles and his contemporaries never published their political speeches (Plut. *Mor.* 832D), but a century later Demosthenes did.

(b) “Die Volksversammlung als Suverän” (p. 103; cf., e.g., pp. 120, 129, 235) is a principle asserted by B. for the entire period he describes, but the sources show that it is a fifth-century phenomenon only. In Ar. *Eq.* 42 the sovereignty of the people in assembly is admitted by calling the master Demos Pyknites (cf. also Xen. *Hell.* 1. 7. 12, Ant. 3. 1. 1, Andoc. 2. 19–20); but in thousands of pages of fourth-century sources the ἐκκλησία is never singled out as “sovereign,” and whenever the term κύριος πάντων (or τῆς πολιτείας or τῆς πόλεως) is used about an institution (and not about the Athenian people in general: cf. Dem. 20. 107, [Dem.] 59. 88), it refers not to the ἐκκλησία but to the δικαστήρια (e.g., Dem. 21. 223–24, 24. 78, 118, 148, 57. 56, 58. 55, [Dem.] 59. 91; Aeschin. 3. 3–5, 20; Din. 1. 106; Arist. *Pol.* 1274a4–5; *Ath. Pol.* 9. 1).³ The changed view of the relation between the ἐκκλησία and the δικαστήρια reflects the reforms that occurred beginning in 403/2. When democracy was restored, the passing of all laws was transferred from the ἐκκλησία to boards of νομοθέται selected by lot from among the jurors (for the sources, cf. B.’s bibliography, p. 413, nos. 278–79); and after the ἐκκλησία was deprived of its judicial powers ca. 355, all political actions initiated in the ἐκκλησία were referred to a δικαστήριον.

B. tends to minimize the importance of such reforms. In his account of legislation by νομοθέται (pp. 118–20) he describes only one procedure, the annual review of laws in force (cf. Dem. 24. 20–23). The evidence, especially the epigraphical evidence (e.g., *Hesp.* 43 [1974]: 157–88; cf. B., p. 350), shows that the νομοθέται also passed the new laws. Nevertheless, B. states (p. 119): “Die Nomothésie . . . hat die Volksversammlung als ein gesetzgebendes Organ gewiss nicht ersetzt; vor allem neue Gesetze dürften weiterhin vor sie gebracht und von ihr entschieden worden sein.” Following Kahrstedt he adduces (p. 350) one example, the ψήφισμα at Dem. 44. 38, which in all probability is not a permanent provision but a specific regulation (cf. M. H. Hansen, *The Athenian Ecclesia* [Copenhagen, 1983], pp. 198–200). There is no evidence of any νόμος—new or revised—that was passed by the ἐκκλησία; and of the few attestations of permanent general ψήφισματα, almost all concern the emergency caused by the defeat in the final war against Philip of Macedon (cf. Hansen, *ibid.*, pp. 184–91). Thus, legislation in the true sense had in fact been transferred from the people in assembly to the νομοθέται. On the hearing of political trials B. notes (p. 117): “seit der Mitte des 4. Jahrhunderts richtete das Volk sogar nur in Ausnahmefällen.” For “sogar nur in Ausnahmefällen” read “niemals”; cf. M. H. Hansen, *Eisangelia* (Odense, 1975), pp. 51–53.

(c) The dissolution of the Delian League after the defeat in the Peloponnesian War points once again to 403/2 as a turning point in the history of the Athenian constitution. The democratic institutions and ideas under the empire were in many important respects different from those we meet under the revived, fourth-century democracy without the empire. In financial administration, for example, there is a long way from the φόρος paid by the allied cities and administered by the ἑλληνοταμίαι (pp. 162–63, 165) to the fourth-century budget administered by the βουλή and based on the μερισμός that took the form

3. B. sometimes holds that the sovereign was both the ἐκκλησία and the δικαστήρια; cf., e.g., p. 127.

of a νόμος passed by the νομοθέται (not mentioned by B., but cf. P. J. Rhodes, *The Athenian Boule* [Oxford, 1972], pp. 101–3).

(d) In the age of Pericles political leadership was monopolized by a small group of “aristocrats,” who exercised it by being elected στρατηγοί (pp. 111, 238). In the age of Demosthenes the political leaders were those who acted as ῥήτορες in the ἐκκλησία and in the δικαστήρια (p. 114). Many more citizens, some of them upstarts, took it upon themselves to address the political assemblies, and none of the leading ῥήτορες was elected στρατηγός. In contrast to passive political participation (listening and voting in the assemblies), active political participation (speaking and moving proposals) was not democratized until the fourth century (*pace* B., p. 114; see my discussion, “The Number of *Rhetores* in the Athenian *Ecclesia*, 355–322 B.C.,” *GRBS* 25 [1984]: 123–55). The turning point came ca. 400. Almost all the so-called δημαγωγοί were στρατηγοί (cf. *Ath. Pol.* 28. 3); moreover, we must not forget that Cleon was a man of property who had inherited his wealth from his father (see J. K. Davies, *Athenian Propertied Families, 600–300 B.C.* [Oxford, 1971], pp. 318–19) and that Cleophon was the son of a στρατηγός and may himself have been a στρατηγός (*pace* B., pp. 111–12; better, p. 348).

(e) In the fifth century ostracism was the principal weapon used against political rivals (pp. 32, 42, 210, 323–24). In the fourth century political opponents were invariably dragged before the people’s court; ostracism had fallen into disuse. Lycurgus paralyzed his opponents with εἰσαγγελίαι (pp. 116, 210); Demades was silenced for a period by being convicted in three γραφαὶ παρανόμων (pp. 116, 226), and Demosthenes was exiled by an ἀπόφασις drawn up by the revived council of the Areopagus and referred to a δικαστήριον (Din. 1. 4, 45, 107, 3. 14, Plut. *Dem.* 26; not mentioned by B.).

(f) From 462 to 404 the council of the Areopagus was reduced to a homicide court (p. 121), but in the course of the fourth century the Areopagus’ supervision of legislation, magistrates, and political jurisdiction was gradually “revived,” first in 403/2 (Andoc. 1. 84; cf. B., p. 292),⁴ then in the 340s (introduction of ἀπόφασις: Din. 1–3, Hyp. 1; *POxy.* 2686), and once again in the period after 338 (e.g., Din 1. 62, Lycurg. 1. 53, Plut. *Phocion* 16; cf. B., p. 292). The attempts to revive the Areopagus reflect a changed mentality and view of democracy. The growing criticism of contemporary democracy was balanced by a growing propensity to praise the past and to look back to an ideal democracy allegedly introduced by Solon or even by Theseus. B. wishes to connect the revival of the Areopagus with a revival of an oligarchic opposition and the democracy’s increasing exhaustion (p. 265). He does not observe that one of the reforms in question was proposed and carried by Demosthenes (Din. 1. 62) and that others were praised by Hyperides, Lycurgus, and Dinarchus.

(g) Membership in the four Solonian census classes (pp. 17–18) still mattered in the mid-fifth century, but a century later it was of no consequence. Thus, during the Peloponnesian War members of the first three classes served as hoplites in the army, whereas members of the fourth class, the θῆτες, served as light-armed troops in the army or as rowers in the navy (p. 81). By the time the ἐφηβεία was reformed in 336/35 (if not earlier) the distinction between hoplites and θῆτες had been obliterated (p. 82). All young Athenians who so wished became ephebes and were trained both as hoplites and as light-armed troops (*Ath. Pol.* 42. 2–5; cf. Lycurg. 1. 76), and there is no evidence that any distinction

4. B. writes: “Die Übertragung der Beamtenkontrolle und Gesetzesaufsicht auf den Areopag im Jahre 403 blieb zwar Episode.” But the remarkable dearth of relevant sources for the period ca. 400–355 casts doubt on the word “Episode”: from the available evidence we simply cannot tell whether the control entrusted to the Areopagus was an empty form or an important institution. Until the law on silver coinage of 375/74 was discovered and published in 1974, very few historians believed that νομοθεσία by νομοθέται was of any importance before the 350s. The powers given to the Areopagus in 403 may constitute an exact parallel.

was made between hoplites and θῆτες when citizens were called up to man a squadron. In the political field, the archonship became open to ζευγίται only in 458/57 (p. 147), but in the age of Aristotle even θῆτες were admitted to the highest offices (*Ath. Pol.* 47. 1, *pace* B., p. 147) if they ventured to be candidates and were selected by lot. B. describes the various reforms correctly but does not infer from them that the stratification of the citizen population had changed radically between Ephialtes and Demosthenes.

(h) In addition to the major changes and reforms discussed above, I will, without further comment, offer a (selected) list of other important innovations: the introduction of new forms of political pay (ἐκκλησιαστικόν and θεωρικόν; cf. p. 186); the transfer of the chairmanship, in both the βουλή and the ἐκκλησία, from πρυτάνεις to πρόεδροι (cf. pp. 105, 108; for “378/7” on p. 105 read “ante 379/8”: cf. W. K. Pritchett, “Lucubrations Epigraphicae,” *CSCA* 5 [1972]: 164–69); the creation of important financial magistracies filled by election instead of sortition (ὁ ταμίας τοῦ δήμου, ὁ ταμίας τῶν στρατιωτικῶν, οἱ ἐπὶ τὸ θεωρικόν, ὁ ἐπὶ τῇ διοικήσει; cf. p. 166); the reform of procedures for calling magistrates to account (δοκιμασία and εὔθυναί, not mentioned by B.); the reorganization of liturgies and taxation (συμμορίαί, οἱ προεσφέροντες; cf. pp. 162–63); the institution of compulsory public arbitration in most private disputes (διαίτηται; cf. p. 156).

(i) Apart from all the attested reforms, the dearth of fifth-century sources relating to political institutions makes it extremely difficult to give a systematic account of Athenian democracy in the age of Pericles. In many cases the description rests on fourth-century sources that refer to contemporary institutions, and it is only by a dangerous extrapolation that these sources can be used to describe how the democracy worked in the age of Pericles. Consider, for example, the rule that the assembly was convened four times each prytany (= 40 times each year): the source is *Ath. Pol.* 43. 4; but with no supporting fifth-century evidence B. assumes that the rule applied in the age of Pericles as well (p. 104).

In short, I believe that a synchronic account of Athenian democracy must be restricted to the period from 403/2 to 322/21. On the other hand, it is one of the most remarkable aspects of Athenian democracy that—with two brief oligarchic interludes—it lasted almost two hundred years (p. 297); and there are indeed several important institutions that remained unchanged for the entire period that B. describes. One example, already noted, is admission to the citizen body; for Pericles’ law of 451/50 transformed the Athenian citizenry into a legally defined descent group, a closed population that jealously guarded its privileges (pp. 242–43) and whose definition—apart from a few years during the Peloponnesian War—was unchanged from 451 to 322/21.

Similarly, Athenian democratic ideas seem to have been more stable than the institutions of the democracy. Several key concepts—δῆμος, δημοκρατία, ἐλευθερία, ἰσηγορία, ἰσονομία, παρρησία, πραότης—appear to have remained basically unchanged for more than a century. In view of this continuity, I believe that it is easier to treat the period 451–322 synchronically if one focuses on ideology, not institutions. But here, for once, B. stresses change rather than stability, arguing (in chap. 4) that the basic democratic ideal changed from equality (*Gleichheit*) to liberty (*Freiheit*). B.’s seminal account of equality deserves to be discussed in some detail.

III

In Athenian democratic ideology the two key concepts were equality (ἰσονομία, ἰσηγορία, and other compounds with ἰσο-) and liberty (ἐλευθερία). Following

Raaflaub and others, B. argues that equality was *the* basic democratic value ("die der Demokratie Grundidee"; cf. pp. 32, 191, 263, 312) and preceded liberty (pp. 50–51, 204–5). It was prominent already in the age of Cleisthenes (pp. 32, 47), whereas liberty came later and was not singled out as the principal watchword of democracy until the 420s (pp. 204, 212). What is the evidence for this sequence?

Sources that shed light on Athenian political thought begin to appear in the 420s, and from the very beginning both equality and liberty are well attested as the slogans preferred by the democrats (Hdt. 5. 78; [Xen.] *Ath. Pol.* 1. 6–12; Eur. *Supp.* 352, 402–8; Thuc. 2. 37; Democr. frags. 102, 226, 251 D.-K.). The dearth of evidence antedating 430 is not surprising. There is no historian before Herodotus, no orator before Antiphon, no political pamphlet before the Old Oligarch, no political philosophy before Democritus, no comedies before Aristophanes, and no information to be expected from inscriptions. Tragedies by Aeschylus and Sophocles, poems by Pindar and Bacchylides, and scattered fragments (mostly in verse) are all we have to go by (note that B., p. 330, has some very judicious remarks on the inadequacy of our sources). In essence, the case for the priority of equality rests on three items: (1) a drinking song composed in the years after the expulsion of the tyrants that praises Harmodius and Aristogiton for having made Athens *ισόνομος* (*Scol. anon.* 10 Diehl τὸν τύραννον κταγέτην ἰσονόμους δ' Ἀθήνας ἐποιησάντην); (2) the absence of any indisputable attestation of *ἐλευθερία* as a democratic slogan before 430; (3) Herodotus 3. 80, where Otanes, the champion of popular rule, emphasizes *ισονομία* as the principal value but does not mention *ἐλευθερία* (Herodotus, of course, belongs in the 420s, but it is often assumed that the constitutional debate at 3. 80–82 represents an early stratum in his work or faithfully represents an early stage of political thought). I have the following comments.

(1) *Scolia* were performed in aristocratic symposia, and the song for Harmodius and Aristogiton may well have been composed in the years 510–8, before the Athenians thought of popular rule.⁵ (2) The lack of sources completely undermines arguments from silence applied to the archaic and early classical period. Note, too, that in a forthcoming study W. R. Connor will argue that the City Dionysia were instituted not by the tyrants, as commonly believed, but by the Athenian democrats after 507/6, and that the festival celebrated Dionysus as the champion of *ἐλευθερία*. If Connor is right, the case for the priority of equality disappears. (3) The attempts to date the substance of Hdt. 3. 80–82 much before 430 are, in my opinion, unconvincing. The passage purportedly recounts a debate that took place in Susa in 522 B.C., but all historians agree that it reflects Greek political thought; and having moved the passage from Persia to Greece, we must also move it in time, from the ascension of Darius I to the age of Herodotus. It is wishful thinking to assume that Herodotus used Cleisthenic terminology in the speech he attributes to Otanes;⁶ nor is there any basis for the view that the passage was composed earlier than (e.g.) Book 5. The date is the 420s, when *ἐλευθερία* is well attested in numerous sources; its omission at 3. 80 is of no consequence. In short, there is no way of saying whether equality preceded liberty or vice versa. What we do know is that both liberty and equality

5. Cf. K. Raaflaub, *Die Entdeckung der Freiheit* (Munich, 1985), pp. 116–17, with full bibliography. In Alcmaeon frag. 4 we cannot tell whether *ισονομία* (used metaphorically) originally stood in a democratic or aristocratic context.

6. Cf. M. H. Hansen, "The Origin of the Term *Demokratia*," *LCM* 11.3 (1986): 36.

were slogans used by the Athenian democrats beginning ca. 430. Both may have been used in the age of Cleisthenes, but we do not know they were. Neither is indisputably attested as a democratic slogan before ca. 430.

But even if equality was the first concept to be developed by the Athenian democrats, we do not have to assume it was still “die der Demokratie Grundidee” in the period 430–320. B. acknowledges that in the later period ἐλευθερία came to matter more than ἰσονομία (p. 205), and he places the shift from equality to liberty in the fifth century rather than in the fourth (pp. 204, 212). Let me make two observations that tend to confirm the priority of ἐλευθερία in the period covered by the sources. In the Athenian navy several triremes were called Δημοκρατία (*IG* 2² 1604.24, 1606.59, 1620.32, 1623.326) or Ἐλευθερία (*IG* 2² 1604.49, 1607.85, 1627.202, 1631.488), and Παρρησία, to be connected with liberty, is attested once (*IG* 2² 1624.81); but there is no attestation of any trireme called Ἰσονομία or Ἰσηγορία. Similarly, the term ἰσονομία is not attested in any of the extant speeches delivered in the ἐκκλησία or before a δικαστήριον. The only two attestations of the term in Attic rhetoric come from Isocrates’ essays *Areopagiticus* (7. 20) and *Panathenaicus* (12. 178).

In a section entitled “Die Verwirklichung der Gleichheit in der politischen Praxis” (pp. 208–12) B. first analyzes certain of the democracy’s institutions (e.g., sortition, rotation, ban on iteration), then tries to identify the ideology behind the institutions. He concludes that the institutions in question must have sprung from the idea of equality and thus reflect the crucial importance of equality for Athenian democracy. This is problematic: although rotation, for example, is perfectly compatible with the idea of equality, it is in some sources connected first with liberty and only secondarily with equality (cf. Arist. *Pol.* 1317a40 ὑπόθεσις μὲν οὖν τῆς δημοκρατικῆς πολιτείας ἐλευθερία. . . . ἐλευθερίας δ’ ἔν μὲν τὸ ἐν μέρει ἄρχεσθαι καὶ ἄρχειν; but cf. also 1332b25 ἀναγκαῖον πάντας ὁμοίως κοινωνεῖν τοῦ κατὰ μέρος ἄρχειν καὶ ἄρχεσθαι. τό τε γάρ ἴσον ταῦτὸν τοῖς ὁμοίοις). Thus, the same institution can be connected both with liberty and with equality, and I find it impossible to say which was prior to, or more important than, the other.

After the long section on the history of equality in classical Athens B. asks what equality meant to the Athenians. He notes correctly that equality in ancient Athens was a political concept that never spread to the social and economic spheres (pp. 206–8);⁷ equal distribution of wealth, especially of land (ἀναδασμός γῆς), was a hot topic in other Greek cities, not in Athens after the Solonian reforms (p. 206). But what then is political equality, and what did ἰσονομία or ἰσηγορία mean to the Athenians? Let me begin with the notion equality (*Gleichheit*) and examine whether this concept fits the Athenian compounds with ἴσο-

There are two different types of political equality. According to one view all men are essentially equal (= alike), and therefore all are entitled to an equal share of everything. According to the second view all men must have equal opportunities: none should have a headstart, all must begin the race from the same starting line. The first type is a de facto equality that justifies a de jure equality. The second type is a de jure equality that (incidentally) is perfectly

7. Note, however, that the social aspect of democratic equality is indisputably stressed at Dem. 3. 26; cf. 23. 206. The passage (not mentioned by B.) deserves some discussion but cannot, I believe, cancel the impression we get from the silence of all our other sources: in Athens, as B. correctly states, equality was political, not social.

compatible with a de facto inequality. The first type is attested in the American Declaration of Independence of 4 July 1776: "all men are created equal" (but cf. Lincoln's modification in his Springfield speech of 1857: the "authors of that noble instrument did not intend to declare all men equal in all respects"). The obvious illustration of the second type is the first article of the French Declaration des droits de l'homme et du citoyen of 29 August 1789: "les hommes naissent et demeurent libres et égaux en droits."⁸

B. never says which type of equality the Athenian democrats advocated, and one gets the impression that he finds the distinction between the two types irrelevant to a discussion of ancient Athenian democracy (cf. p. 194: "Die Vorstellung, dass alle Menschen untereinander gleichen Wert und gleiches Recht haben . . ."). My reading of the sources, however, suggests that the Athenians were well aware of the distinction and that it constituted one of the main points in the debate over democracy. The critics of democracy, principally the philosophers, imputed to the democrats the de facto interpretation of equality (see Arist. *Pol.* 1301a28–35, and cf. also Pl. *Menex.* 239A). But the democrats themselves preferred to stress the other aspect of equality, that all men must have equal rights in order to have equal opportunities (see Thuc. 2. 37. 1, and cf. also, e.g., Eur. *Supp.* 438–41, Isoc. 16. 38).

The one-man-one-vote principle (Eur. *Supp.* 353 ἰσόψηφος; cf. Thuc. 6. 39. 1, Arist. *Pol.* 1317b5–18a26) does imply some kind of de facto equality: all men are so intelligent and valuable as human beings that they can (and ought to) be given an equal share in political decisions. But it is not this aspect of equality that the democrats stressed. From among the "equal rights" they tend to focus on ἰσὺς, the equal right to give advice in the political assemblies. ἰσὺς implies that all have an equal opportunity; but far from all citizens avail themselves of their ἰσὺς (see Eur. *Supp.* 440–41; cf. Dem. 19. 99, 22. 30), and the advice given by some citizens is obviously more valuable than that offered by others. Each citizen must have an equal opportunity to demonstrate his excellence, and each deserves awards according to his merit. This is the line taken by Pericles (Thuc. 2. 37. 1) or Athenagoras (Thuc. 6. 39. 1); and it is abundantly attested by the innumerable honorary decrees that—even more than the theoric payments—were "the glue of the democracy." The basic idea behind honorary decrees, which the Athenians passed in greater number than any other city, is de facto inequality. All men must have an equal opportunity to offer their advice, but only those who give the best advice deserve to be honored for their efforts (cf. Dem. 20. 16). In the Athenian democracy initiative was stimulated by ambition (φιλοτιμία) and competition, neither of which is fully compatible with de facto equality.

In political theory, as B. notes, there is often an inherent opposition between equality and liberty: "die Freiheit als ein Gegenbegriff zur Gleichheit" (p. 313, describing John Stuart Mill). He also emphasizes (correctly) that this opposition was completely absent from the debate over democracy in classical Athens; but I am not persuaded by the explanation he offers (*ibid.*): "Der Grund wird darin zu

8. Cf. *Aspects of Human Equality*, ed. L. Bryson et al. (New York, 1956); G. Sartori, *Democratic Theory* (Detroit, 1962), pp. 326–52.

suchen sein, dass die starke Zentralgewalt und das politische Programm fehlten." I would like to suggest a different explanation. The clash between liberty and equality develops only if equality is taken in its *de facto* meaning: if all ought to be treated equally in every possible respect because they are all alike, there is no longer liberty for anybody to develop and assert his merits. If, on the other hand, equality is understood in the sense "equal opportunity," there is no opposition between liberty and equality: all men must be free and have equal opportunities to develop their various talents.

The two concepts tend to coalesce; cf. Arist. *Pol.* 1317b16 ἡ ἐλευθερία ἢ κατὰ τὸ ἴσον. I noted above that rotation (τὸ ἐν μέρει ἄρχειν καὶ ἄρχεσθαι) is connected sometimes with liberty, sometimes with equality. In Eur. *Supp.* the right of all to address the people is described first as liberty (438), then as equality (441). Similarly, in the private sphere, freedom of speech (παρρησία) is linked with liberty in Pl. *Resp.* 557B but with equality in [Xen.] *Ath. Pol.* 1. 12. The interplay of the two ideals is duly noted by B. (cf., e.g., p. 204) but deserves more emphasis.

There is another, related question: was equality invoked to explain why sortition was more democratic than election? Here B. is admirably cautious. In his section on equality he says that sortition was intended to achieve "die Ausschaltung von Sonderinteressen" (p. 209), and a connection between sortition and *de facto* equality slips into the text only briefly (p. 177). The problem is, once again, that only critics of democracy tend to connect sortition with equality (cf. Pl. *Leg.* 757B, Isoc. 7. 20–21), whereas the democrats themselves seem to have recommended sortition, not because it is the obvious method of election when all are alike, but because it protected the powers of the people (Hdt. 3. 80. 6) and counteracted corruption (*Ath. Pol.* 63–66).

We should conclude that *de facto* equality was never an integral part of Athenian democratic ideology and that the various aspects of equality invoked by the democrats were conceived as insuring a kind of *de jure* equality by which all citizens obtained equal opportunities.

B.'s chapter on the ideological foundations of Athenian democracy offers many valuable observations, e.g., on ἰσονομία (= both equality before the law and political equality, p. 193) and on the Solonian στάσις-law (which he correctly rejects as a fourth-century fabrication, pp. 211, 374). I have, however, two quibbles on points of detail: *pace* B., pp. 198–99, the trial of Socrates was not warranted by Diopeithes' decree;⁹ and *pace* B., pp. 196, 235, 237, 370, the system of συμμορίαί was never transferred from taxpaying to political debates in the assembly. When Demosthenes (2. 29 = 13. 30) scorns the Athenians for conducting politics by συμμορίαί, each led by a ῥήτωρ and a στρατηγός, he is speaking metaphorically, not literally, as several details combine to show (e.g., εἰσφορά symmories were in fact led by ἡγεμόνες, not by ῥήτορες and στρατηγοί).

In conclusion, B.'s book is a valuable contribution to our understanding of Athenian democracy. It sometimes commands agreement, at other times it invites contradiction. It is certainly to be warmly welcomed as a learned, stimulating, and provocative book, worthy of debate.

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9. Cf., e.g., D. M. MacDowell, *The Law in Classical Athens* (London, 1978), p. 201.