

## THE FIVE THOUSAND IN THE ATHENIAN REVOLUTIONS OF 411 B.C.

Two postwar studies have given a new direction to discussions of the oligarchic revolutions in Athens. In 1956 Mr G. E. M. de Ste Croix attacked the accepted doctrine that the régime which succeeded that of the Four Hundred, in the autumn of 411 (which I shall refer to as the intermediate régime), was one in which all political rights were restricted to men of hoplite status: instead he suggested that the basic rights (membership of the assembly and *δικαστήρια*) were restored to all who had enjoyed them before the democracy was overthrown, and that the privilege reserved for men of hoplite status was that of holding office.<sup>1</sup> Professor B. R. I. Sealey has advanced a stage further on this line of reasoning, and argues that this form of modified democracy is what was wanted also by those who campaigned in the spring of 411 for rule by the Five Thousand: then, as in the autumn, all citizens were to retain their basic rights, and the Five Thousand were to be the body of men eligible to hold office. This allows Sealey to play down dislike of democracy, as such, and to attach more importance in the agitation for reform to other motives, such as the desire to save public money by excluding from office men who could not afford to serve unless they were paid a salary.<sup>2</sup> My object here is to suggest that this new interpretation is mistaken. Much will have to be taken for granted on other issues, but it may be helpful if I first reveal my presuppositions in a brief note on the sources and the kind of narrative I would reconstruct from them.<sup>3</sup>

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Of our two principal informants, Thucydides wrote shortly—perhaps very shortly—after the events which he described. He was in exile when these events took place, and therefore had the advantage of not being directly implicated and the disadvantage of being dependent on what others told him. He has added to the bare facts a good deal of interpretation.<sup>4</sup> He was a writer proud of his ability to probe beneath the surface and to discern what was

This paper owes much to the comments of Professor A. Andrewes, Mr W. G. G. Forrest and Mr G. E. M. de Ste Croix on earlier drafts. I am grateful to them all, but especially to Mr de Ste Croix for his generous reception of this attack on his views.

<sup>1</sup> G. E. M. de Ste Croix, *Historia* v (1956) 1–23 (cited here as Ste Croix).

<sup>2</sup> B. R. I. Sealey, *Essays in Greek Politics* (New York: Manyland, 1967) 111–32 (cited here as Sealey).

<sup>3</sup> I concentrate here on constitutional matters. I do not, of course, imagine that other aspects of the revolutions are unimportant.

<sup>4</sup> For example: those responsible for oligarchic propaganda after Pisander's first visit to Athens really intended to seize power for themselves (viii 66.1); Phrynichus was activated by fear of Alcibiades and belief that an oligarchic government would not allow Alcibiades to return to Athens (viii 68.3); when divisions appeared among the Four Hundred, Theramenes and his supporters claimed that because they were afraid of Alcibiades and the Athenians at

Samos, and because harm might result if they tried to make peace with Sparta on their own, they wanted the constitution to be based on the Five Thousand, but their real motive was personal jealousy (viii 89.2–4); when discontent with the Four Hundred broke out openly, men called for the transfer of power to the Five Thousand, but they did this only for safety's sake and really wanted a restoration of democracy (viii 92.11—*cf.* below, 120).

Sealey, 129–30, claims that the personal motive ascribed to Theramenes in viii 89 is supported by Lys. xii. *Erat.* 66 but conflicts with the opposition in principle to extremist policies voiced by Theramenes in a speech in Xen. *Hell.* ii. 3.48 (*cf.* also *Ath* 28.5). (In fact, viii 89 ascribes the motive to a set of men headed by Theramenes and Aristocrates; Lysias in representing Theramenes as an opportunist contrasts him with Aristocrates.) Sealey supposes that we must choose between these views and that Thucydides' view is correct: I believe that there is room for both—though of course considerations of one kind may have counted for more with Theramenes, and perhaps much more, than the other.

'really' happening, what the 'real' aims of the men involved were; and though we may well think his judgment shrewd we must follow it with caution. It is of course true that men often have aims which they will not acknowledge in public; but most men act from mixed motives for much of the time, and (though they may have other aims too) are not often wholly insincere in the aims which they do profess in public. Concentration on one motive, to the exclusion of others, is to be suspected as much when indulged in by the best of ancient authorities as when indulged in by modern scholars. Thucydides' statements of what men 'really' wanted are not factual statements of the same kind as his statements of what they publicly said or did; and if we accept only those aims which he claims to have detected beneath the surface we may distort the truth no less than if we recognise only those professed aims which he disallows.

In contrast with Thucydides we have the *Athenaion Politeia*, written almost a century after the events, by a man who had access either directly or (more probably) at second hand<sup>5</sup> to contemporary documents: he reports a decree of Pythodorus, with a rider by Clitophon, appointing *συγγραφεῖς*;<sup>6</sup> the recommendations of the *συγγραφεῖς*, withdrawing the usual safeguards against over-hasty legislation and making arrangements for the new constitution;<sup>7</sup> the date when the boule of the democracy was dismissed, and the date when the Four Hundred entered office.<sup>8</sup> He also quotes two longer constitutional documents, which have given rise to much debate, and asserts that these were ratified by the *πλήθος* when Aristomachus was presiding.<sup>9</sup> Thucydides makes it clear that the proposals for constitutional reform caused considerable uneasiness among the citizens, and that the champions of the reform did their utmost to minimise the apparent extent of the reform they intended:<sup>10</sup> we should expect the documents underlying the account of the *Athenaion Politeia* to display this propagandist tendency.

Any attempt to reconstruct the truth behind these very different reports must start from an understanding of their nature: they are reports of the same decisions, the same events, made on the basis of different kinds of information.<sup>11</sup> Thus Thucydides' board of ten *ξυγγραφεῖς* is to be identified with the *Athenaion Politeia*'s board of thirty, including the ten *πρόβουλοι*; and on a matter of this kind the details in the *Athenaion Politeia* ought to be correct.<sup>12</sup> The assembly at Colonus, reported by Thucydides,<sup>13</sup> I believe to be the assembly whose resolutions the *Athenaion Politeia* reports in 29.4-5: there are omissions in both accounts,<sup>14</sup> but both point to a decision in principle that there should be a *βουλή αὐτοκράτωρ*

<sup>5</sup> Although much that the *Ath* gives us on the resolutions reads as documentary material, some of the documents appear to be excerpted rather than quoted in full, and the excerpting may not be the work of our author. The speech made by Antiphon when brought to trial under the intermediate régime was known to Thucydides (viii 68.2), and doubtless supplied material to fourth-century writers; on the appointment of the *συγγραφεῖς* *Ath* 29.2, conflicting with Th. viii 67.1, gives a version which had previously been given by Androtion, 324 F 43 (*cf.* also schol. Ar. *Lys.* 421), and Androtion's father may be the Andron who was a member of the Four Hundred but survived to attack Antiphon under the intermediate régime (decree *ap.* [Plut.] *X. Or.* 833 c, Harp. *Ἀνδρων*). In particular, the unparalleled piece of information in *Ath* 29.1, that Pythodorus was the formal author of a motion but the man who spoke to the motion was Melobius, most probably points to the existence of an earlier narrative used by the author of the *Ath*.

<sup>6</sup> *Ath* 29.1-3.

<sup>7</sup> *Ath* 29.4-30.1.

<sup>8</sup> *Ath* 32.1.

<sup>9</sup> *Ath* 30-32.1.

<sup>10</sup> Th. viii 48.3, 53-54.1, 66, 72, 86.3.

<sup>11</sup> I have few quarrels with the earlier account of G. Busolt (*Griechische Geschichte* iii 2 [Gotha: Perthes, 1904] 1456 sqq.); but the twentieth century has felt obliged to devise new answers without new evidence, and its major departures from that account, including those which he later accepted (*Griechische Staatskunde* i [Munich: Beck, 1920] 69-78) seem to me to be unjustified.

<sup>12</sup> In this I disagree with Miss M. L. Lang, who believes that Thucydides and the *Ath* each report different stages, which the other omits, in the whole course of events: *AJP* lxxix (1948) 272-89, *cf.* M. Cary, *JHS* lxxii (1952) 56-61, M. L. Lang, *AJP* lxxxviii (1967) 176-87.

<sup>13</sup> viii 67.2-68.1 *init.*, 69.1 *init.*

<sup>14</sup> Thucydides, having mentioned them in his earlier account of the oligarchs' propaganda (viii 65.3), and knowing that they in fact played no part

(i.e. with greater powers than the boule of the democracy possessed) of four hundred, and an assembly (with certain powers still guaranteed) comprising men of at least hoplite status, expected to number five thousand. After this assembly some work remained to be done: the *Athenaion Politeia* reports the appointment of *καταλογεῖς*, to draw up a register of the Five Thousand,<sup>15</sup> and *ἀναγραφεῖς*, to work out details of the constitution;<sup>16</sup> the Four Hundred were probably appointed in the manner described by Thucydides.<sup>17</sup>

The register of the *καταλογεῖς* was never published,<sup>18</sup> but the *ἀναγραφεῖς* produced two constitutional documents—one ‘for the future’ and one ‘for the immediate crisis’, the latter itself containing both ‘immediate’ and ‘future’ provisions.<sup>19</sup> I accept both as being in some sense authentic documents: the ‘immediate’ constitution was to be taken seriously, not as a full instrument of government but as a set of constitutional notes, giving information which the Athenians would need to know, for the remainder of 412/1 and (in its ‘future’ clauses) for the following year; the ‘future’ constitution is a theorist’s sketch, published to appease the opponents of extreme oligarchy and in fact never put into practice. The publication of these two documents together reflects differences of opinion among the oligarchs, some genuinely wanting to experiment with something like the ‘future’ constitution, others intending to adhere indefinitely to the ‘immediate’ constitution, in which all power lay with the Four Hundred.<sup>20</sup> According to the *Athenaion Politeia* these constitutions were ratified by the *πλήθος*,<sup>21</sup> but Thucydides’ narrative makes it seem most unlikely that there was another assembly after Colonus:<sup>22</sup> possibly the *Athenaion Politeia*’s source has misled it, and the body which ratified these constitutions was the Four Hundred.

After four months, disagreements within their ranks and a victory of the Spartan fleet led to the fall of the Four Hundred, and the Athenians voted *τοῖς πεντακισχιλίοις . . . τὰ πράγματα παραδοῦναι*. The resulting intermediate constitution was admired both by Thucydides and by the author of the *Athenaion Politeia*, but they give very little information about it.<sup>23</sup> I believe that this constitution was based on a boule (probably of five hundred but elected<sup>24</sup>) and a hoplite assembly, the assembly (as under the democracy) being the

in the régime of the Four Hundred, is virtually silent on the Five Thousand; the *Ath*, having a later account of them in the ‘immediate’ constitution (ch. 31), is silent on the Four Hundred.

<sup>15</sup> *Ath* 29.5 *fin.* We meet one of them in Lysias, xx. *Pro Polystrato*.

<sup>16</sup> *Ath* 30.1, 32.1 *init.*: they are said to be appointed by the Five Thousand (*cf.* below, n. 21).

<sup>17</sup> viii 67.3.

<sup>18</sup> Th. viii 92.11, 93.2, *cf.* 89.2 (all quoted below, p. 110). The implication of Lys. xxx. *Nic.* 8, that the list was published, is not necessarily to be trusted; on the evidence of the *Ath*, see below, n. 21.

<sup>19</sup> *Ath* 30–1.

<sup>20</sup> The last sentence of *Ath* 31 (*εἰς δὲ τὸν . . . οἱ ἑκατὸν ἄνδρες*) seems to belong not to the ‘immediate’ constitution of ch. 31 but to the ‘future’ constitution of ch. 30 (*cf.* M. Cary, *JHS* lxxii [1952] 57). Perhaps the two constitutions were issued together as we have them, and this sentence is an amendment proposed by a man who seriously wanted the *καταλογεῖς*, there and then, to begin to prepare for the introduction of the ‘future’ constitution. (But in the other references to the future in ch. 31 I would see an indication that other oligarchs intended to maintain the ‘immediate’ constitution for some time.)

<sup>21</sup> *Ath* 32.1: apparently at an assembly of the Five Thousand, by whom the *ἀναγραφεῖς* had been

appointed. According to Thucydides the list of the Five Thousand was never published (*cf.* above, n. 18); but this is not necessarily confirmed by the wording of *Ath* 32.3, 33.2. I favour the view that the resolutions at Colonus were carried in several stages and that, having decided that there was to be an assembly of Five Thousand, those present deemed themselves to be the Five Thousand for the purpose of taking such further decisions as were needed to bring the new constitution into effect; with this ‘evidence’ of their activity, the author could not deny that the Five Thousand had existed.

<sup>22</sup> viii 69–70.1.

<sup>23</sup> Th. viii 97.2, *Ath* 33 (extracts quoted below, p. 122).

<sup>24</sup> The decree of Demophantus *ap. And. i. Myst.* 96 emphasises that the boule of the restored democracy is *ἡ βουλή οἱ πεντακόσιοι οἱ λαχόντες τῷ κνύμῳ*: appointment of another Four Hundred is unlikely, and it will be enough if one of these conditions was not satisfied (*cf.* C. Hignett, *History of the Athenian Constitution* [O.U.P., 1952] 372; more cautiously, Ste Croix, 22 with n. 98). The fact that Alcibiades, before the fall of the Four Hundred, recommended that the boule of five hundred be restored (Th. viii 86.6, quoted below, p. 119) does not, of course, prove that the boule of the intermediate régime numbered five hundred.

sovereign body but the thetes (as resolved at Colonus) being excluded from all political activity. There was little connection between this intermediate constitution and the 'future' constitution of *Athenaion Politeia*, 30.<sup>25</sup> This constitution in turn was set aside, and full democracy was restored, in the summer of 410: a decree against the overthrow of the democracy is dated to the first prytany of 410/09.<sup>26</sup> Our narrative sources pass over this restoration in silence, and all our evidence for it is of this indirect kind.

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The Five Thousand, citizens of at least hoplite status, first appear in the oligarchic propaganda which circulated in the spring of 411. The assembly at Colonus approved in principle a constitution in which the Five Thousand would have a part to play: in fact they were allowed to play no part in the régime of the Four Hundred, but they were mentioned in the propaganda of the oligarchs early in the régime and in the complaints of the dissatisfied towards its close. The intermediate régime, set up on the fall of the Four Hundred, was one in which τὰ πράγματα were in the hands of the Five Thousand. Like Sealey,<sup>27</sup> and unlike Ste Croix,<sup>28</sup> I believe that 'the slogan of Five Thousand should be presumed to have the same meaning right through the agitations of 411': in particular, the original oligarchic propaganda<sup>29</sup> and the resolution setting up the intermediate régime,<sup>30</sup> as reported by Thucydides, surely point to the same constitutional scheme. I shall argue that the Five Thousand were to be the men entitled to exercise the political rights of citizens, and that those excluded from their number were to be excluded from all political rights.

I start from our two accounts of the assembly at Colonus. Thucydides says that the Four Hundred were to ξυλλέγειν the Five Thousand when they saw fit;<sup>31</sup> in the *Athenaion Politeia* the Five Thousand, since they had the right to make συνθήκαι,<sup>32</sup> must have been a body which was to hold meetings, and the author believes that they did hold at least two meetings, to appoint the ἀναγραφεῖς and to ratify the constitutional documents which they drew up.<sup>33</sup> When the *Athenaion Politeia* says in its account of the resolutions at Colonus, τὴν δ' ἄλλην πολιτείαν ἐπιτρέψαι πᾶσαν . . . μὴ ἔλαττον ἢ πεντακισχιλίους,<sup>34</sup> and Thucydides includes in the oligarchic programme worked out earlier, οὔτε μεθεκτέον τῶν πραγμάτων πλέοσιν ἢ πεντακισχιλίους,<sup>35</sup> it is therefore most natural to assume that these vaguer phrases refer to the constituting of the Five Thousand as the assembly, the residual sovereign body in the state.<sup>36</sup>

Most of the references to the proposed changes in Thucydides' 'prehistory' of the revolution are far from explicit, and cannot help us here. There is one text which seems to

<sup>25</sup> *Ath* 30.2 provides for an enlarged board of Hellenotamiae to handle both Athenian and Delian League funds, a change which took place in or shortly before 410 (see my *Athenian Boule* [O.U.P., 1972] 99 n. 4), and for the amalgamation of the two major boards of sacred treasurers, a change which took place probably in 406 (W. S. Ferguson, *Treasurers of Athena* [Harvard U.P., 1932] 4-7, 104-9, W. E. Thompson, *Hesp.* xxxix [1970] 61-3).

<sup>26</sup> *Ap. And.* i. *Myst.* 96-8. On the date of the restoration see B. D. Meritt, *Athenian Financial Documents of the Fifth Century* (U. of Michigan P., 1932) 105-7; I am not convinced by the arguments of J. Hatzfeld, *REA* xl (1938) 113-24, for an earlier date.

<sup>27</sup> Sealey, 125.

<sup>28</sup> Ste Croix, 9.

<sup>29</sup> viii 65.3.

<sup>30</sup> viii 97.1.

<sup>31</sup> viii 67.3. ξυλλέγειν must surely mean, to convene a ξύλλογος, or meeting (*cf.* Th. ii 22.1 [ξύλλογος], Xen. *Hell.* iii 3.8 [συλλέγειν]).

<sup>32</sup> *Ath* 29.5.

<sup>33</sup> *Ath* 30.1, 32.1 *init.*

<sup>34</sup> *Ath* 29.5.

<sup>35</sup> viii 65.3. The *Ath*'s minimum of 5,000 suits the propagandist tendency of the official resolutions (and compare the claim that Polystratus enrolled 9,000: Lys. xx. *Poly.* 13); Thucydides' maximum of 5,000 suits the earlier stages of oligarchic propaganda.

<sup>36</sup> *Cf.* also Lys. xx. *Poly.* 13, 16, with Ste Croix, 8-9.

point to Sealey's view: Pisander, on his first visit to Athens, when he met opposition to his proposals for constitutional change,

*ἔλεγεν αὐτοῖς ὅτι 'τοῦτον τοῖνον οὐκ ἔστιν ἡμῖν γενέσθαι, εἰ μὴ πολιτεύσομέν τε σωφρονέστερον καὶ ἐς ὀλίγους μᾶλλον τὰς ἀρχὰς ποιήσομεν',<sup>37</sup>*

but on the orthodox interpretation limitation of the right to hold office was a part of the change envisaged; and since the passage occurs in a context in which Pisander is on the defensive, and is represented as playing down the constitutional change at which he is aiming,<sup>38</sup> this is not enough to establish Sealey's point.

After the régime of the Four Hundred had come into being, envoys were sent to Samos to allay the suspicions of the Athenians there,

*διδάξοντας . . . πεντακισχίλιοί τε ὅτι εἶεν καὶ οὐ τετρακόσιοι μόνον οἱ πράσσοντες· καίτοι οὐ πρόποτε Ἀθηναίους διὰ τὰς στρατείας καὶ τὴν ὑπερόριον ἀσχολίαν ἐς οὐδὲν πρᾶγμα οὕτω μέγα ἐλθεῖν βουλευόμενος ἐν ᾧ πεντακισχιλίους ξυνηλεῖν.<sup>39</sup>*

On arrival,

*οἱ δ' ἀπήγγελλον . . . τῶν τε πεντακισχιλίων ὅτι πάντες ἐν τῷ μέρει μεθέξουσιν.<sup>40</sup>*

The instructions given to the envoys seem to support the orthodox view. At the time, the Four Hundred were ruling without convening any meetings of an assembly, and in these circumstances a promise that οἱ πράσσοντες would be the Five Thousand, and not only the Four Hundred, ought to be an assurance that assemblies of the Five Thousand would be convened in due course: the comment that follows makes best sense as a dishonest suggestion that limitation to the Five Thousand would not seriously reduce the effective membership of the assembly.<sup>41</sup> But what the envoys said when they reached Samos seems to support Sealey, for it should mean that each member of the Five Thousand would have the opportunity to hold office.<sup>42</sup> Alcibiades' reply is ambiguous:

*αὐτὸς δὲ ἀποκρινάμενος αὐτοῖς ἀπέπεμπεν, ὅτι τοὺς μὲν πεντακισχιλίους οὐ κωλύοι ἄρχειν, τοὺς μέντοι τετρακοσίους ἀπαλλάσσειν ἐκέλευεν αὐτοὺς καὶ καθιστάναι τὴν βουλὴν ὥσπερ καὶ πρότερον, τοὺς πεντακοσίους· εἰ δὲ ἐς εὐτέλειάν τι ξυντέμνηται ὥστε τοὺς στρατευομένους μᾶλλον ἔχειν τροφήν, πάνυ ἐπαινεῖν.<sup>43</sup>*

This makes good sense as a reply to the point made by the envoys, but it makes equally good sense as a comment on the principle of a βουλή αὐτοκράτωρ and a hoplite assembly: in either case, what Alcibiades seems not to have approved of was the extensive power of the new boule.

<sup>37</sup> viii 53.3.

<sup>38</sup> Notice particularly viii 53.1: *μὴ τὸν αὐτὸν τρόπον δημοκρατουμένους*. Pisander held out the bait that if it was not liked the new constitution could always be changed, and insisted *μὴ περὶ πολιτείας τὸ πλέον βουλευόμενος ἐν τῷ παρόντι ἢ περὶ σωτηρίας* (53.3 cf. 54.1).

<sup>39</sup> viii 72.1.

<sup>40</sup> viii 86.3.

<sup>41</sup> Dishonest, because it implies that those who used not to attend were the thetes who would now be forbidden to attend.

<sup>42</sup> After *μεθέξουσιν* I understand *τῶν πραγμάτων* or

*τῶν ἀρχῶν* (but some read *τῶν πεντακισχιλίων* as the object of *μεθέξουσιν*: e.g. M. O. B. Caspari, *JHS* xxxiii [1913] 9). I believe that rotation in the membership of the boule, after the manner of the Boeotian cities (*Hell. Oxy.* 16.2), was envisaged in the 'future' constitution, issued before the envoys set out from Athens. Meanwhile absolute power was retained by the Four Hundred, and on either view of the scheme approved at Colonus it would be appropriate for the envoys to give an assurance that these men would not retain their monopoly of power indefinitely.

<sup>43</sup> viii 86.6.

In due course, some of the oligarchs in Athens grew dissatisfied with the way in which the state was being run. Thucydides' first formulation of their complaint is not specific enough to solve our problem:

τοὺς πεντακισχιλίους ἔργω καὶ μὴ ὀνόματι χρῆναι ἀποδεικνύει καὶ τὴν πολιτείαν ἰσαιτέραν καθιστάναι.<sup>44</sup>

(The *Athenaion Politeia*, in its note on the fall of the Four Hundred, gives a more explicit version of the complaint, implying that there should have been, but had not been, assemblies of the Five Thousand:

αἰτιώτατοι δ' ἐγένοντο τῆς καταλύσεως Ἀριστοκράτης καὶ Θηραμένης, οὐ συναρεσκόμενοι τοῖς ὑπὸ τῶν τετρακοσίων γιγνομένοις· ἅπαντα γὰρ δι' αὐτῶν ἔπραττον, οὐδὲν ἐπαναφέροντες τοῖς πεντακισχιλίους.<sup>45</sup>)

Mutiny broke out among the men building a fortress for the oligarchs at Eetionea:

ἦν δὲ πρὸς τὸν ὄχλον ἡ παράκλησις ὡς χρή, ὅστις τοὺς πεντακισχιλίους βούλεται ἄρχειν ἀντὶ τῶν τετρακοσίων, ἵεναι ἐπὶ τὸ ἔργον.

Thucydides adds a characteristic note, contrasting the 'real' aims of the men who led the mutiny with their πρὸς τὸν ὄχλον παράκλησις:<sup>46</sup>

ἐπεκρύπτοντο γὰρ ὅμως ἔτι τῶν πεντακισχιλίων τῷ ὀνόματι, μὴ ἀντικρυσ δῆμον ὅστις βούλεται ἄρχειν ὀνομάζειν, φοβούμενοι μὴ τῷ ὄντι ὡσι καὶ πρὸς τινα εἰπῶν τίς τι ἀγνοίᾳ σφαλῆ. καὶ οἱ τετρακόσιοι διὰ τοῦτο οὐκ ἤθελον τοὺς πεντακισχιλίους οὔτε εἶναι οὔτε μὴ ὄντας δῆλους εἶναι, τὸ μὲν καταστήσαι μετόχους τοσοῦτους ἀντικρυσ ἂν δῆμον ἡγούμενοι, τὸ δ' αὖ ἀφανὲς φόβον ἐς ἀλλήλους παρέξεν.<sup>47</sup>

The mutiny led on the next day to an emergency meeting of the Four Hundred and an *ad hoc* assembly of the hoplites who had been working on the fortress. The Four Hundred sent some of their number to speak to the hoplites,

λέγοντες τοὺς τε πεντακισχιλίους ἀποφανεῖν, καὶ ἐκ τούτων ἐν μέρει ἢ ἂν τοῖς πεντακισχιλίους δοκῆ τοὺς τετρακοσίους ἔσεσθαι.

The hoplites were persuaded:

ξυνεχώρησάν τε ὥστε ἐς ἡμέραν ῥητὴν ἐκκλησίαν ποιῆσαι ἐν Διονύσου περὶ ὁμοιοῖας.<sup>48</sup>

These passages again must be read against the background of absolute rule by the Four Hundred. In the *Athenaion Politeia* it is clearly stated that the offence of the Four Hundred is their failure to use the Five Thousand as an assembly; and in Thucydides allowing the Five Thousand to rule in place of the Four Hundred ought to mean transferring effective sovereignty to the Five Thousand. Thucydides comments that those who made this demand really wanted the δῆμος to rule but did not dare say so; he also remarks that the

<sup>44</sup> viii 89.2.

<sup>45</sup> *Ath* 33.2.

<sup>46</sup> On Thucydides' detection of 'real' aims beneath the surface see above, 115–16.

<sup>47</sup> viii 92.11.

<sup>48</sup> viii 93. (I quote §§2 and 3. In 3 the reading ἐν Διονύσου is due to Dr D. M. Lewis, and will be accepted by Andrewes in vol. v of Gomme's *Commentary*.)

extreme oligarchs would have regarded the collaboration even of the Five Thousand as democracy. The *ad hoc* assembly is twice said to be of hoplites,<sup>49</sup> and the offer made to it is that the boule will be appointed from the Five Thousand on terms decided by the Five Thousand—that is, that the Five Thousand will be both the body from which office-holders are appointed and a body entitled to decide constitutional questions. The promised assembly one would expect to be another assembly of hoplites, that is, of potential members of the Five Thousand; but Thucydides probably did not say that this was so.<sup>50</sup> In fact the approach of a Spartan fleet brought on a greater crisis, and the meeting did not take place.

As Sealey remarks, Thucydides ‘provides divergent indications’ as to the privileges which the Five Thousand ought to have enjoyed under the régime of the Four Hundred.<sup>51</sup> Some passages imply that the Five Thousand were to constitute the sovereign body (and this is unquestionably the view of the *Athenaion Politeia*); others refer to them as the body of men eligible to hold office. If the sovereign body was limited, the limitation would apply also, as I have stressed, to eligibility for office: to show that the sovereign body was not limited we need texts which refer explicitly or implicitly to assemblies of all Athenians. There are only two texts in which such an implication can be found: Pisander’s defence of constitutional change on his first visit to Athens, in which, as I have said, he is at pains to play down the change to oligarchy; and Thucydides’ note on ‘the truth behind’ the *πρὸς τὸν ὄχλον παράκλησις* of the mutineers demolishing the fortress at Eetionea, that they called for rule by the Five Thousand because they were afraid to speak openly of democracy. This second passage is stressed by Ste Croix, who comments: ‘It is very difficult to believe that a hoplite oligarchy would have been set up [*sc.* on the fall of the Four Hundred], when there was a strong movement in favour of a return to democracy even within the hoplite class.’<sup>52</sup> What happened on the fall of the Four Hundred will be discussed below; in deciding what was contemplated before the fall of the Four Hundred we must remember that the *ad hoc* assembly which followed the mutiny and which negotiated with the Four Hundred was an assembly of hoplites, that the offer made to it implies that the Five Thousand were to be a body which could hold meetings, and that whatever men’s secret hopes may have been there was not at this stage any talk of a return to democracy. It is possible indeed to doubt whether there was ‘a strong movement in favour of a return to democracy . . . within the hoplite class’: first, because Thucydides is commenting on the *πρὸς τὸν ὄχλον παράκλησις*, explaining why the mutinous hoplites offered rule by the Five Thousand rather than full democracy to gain the support of the non-hoplites whom they invited to join them in the demolition of the fortress; and secondly because this is one of Thucydides’ remarks on the ‘real’ truth behind the appearances, and as such ought not to be regarded as infallible. In the summer of 410 the full democracy was restored: in the light of that, Thucydides may have read a desire for full democracy into all opposition to the extremists—and he may have been wrong. His statements of public fact do not point to pressure for full democracy at this time: as he himself reminds us, ‘democracy’ could mean different things to different men;<sup>53</sup> and ‘rule by the Five Thousand’ would give the hoplites who began the mutiny all the powers which they enjoyed under the full democracy. I am not convinced that these two passages seriously undermine the old view, that the constitution discussed before Colonus, adopted in principle at Colonus, and later invoked by those who grew dissatisfied with the absolute rule of the Four Hundred, was one based on a *βουλή αὐτοκράτωρ* and a hoplite assembly. A desire for economy, stressed by Sealey, was of course one of the aims

<sup>49</sup> viii 93.1, 3.

<sup>50</sup> Most MSS. of viii 94.1 have the phrase *πᾶς τις τῶν πολλῶν ὀπλιτῶν*; but *πολλῶν* is omitted by C and *ὀπλιτῶν* was omitted at first by B, and editors have followed Stahl in deleting *τῶν πολλῶν ὀπλιτῶν* as a combination of two glosses.

<sup>51</sup> Sealey, 125. He passes too easily from this observation to acceptance of Ste Croix’ thesis.

<sup>52</sup> Ste Croix, 9. Cf. below, 123–4.

<sup>53</sup> On relativity in the use of such terms as ‘democracy’ cf. below, 122–3, 125.

of those who overthrew the democracy, and one of which they made considerable use in their attempts to persuade the doubters.<sup>54</sup> This aim, however, could have been achieved simply by abolishing salaries for office and allowing 'market forces' to exclude the poorer citizens:<sup>55</sup> there was more to the revolution than that.

\* \* \*

After Sparta's naval victory in the Euripus the Four Hundred were deposed. The Athenians

ἐκκλησίαν ξυνέλεγον, μίαν μὲν εὐθὺς τότε πρῶτον ἐς τὴν Πύκνα καλουμένην, . . . ἐν ἧπερ καὶ τοὺς τετρακοσίους καταπαύσαντες τοῖς πεντακισχιλίους ἐψηφίσαντο τὰ πράγματα παραδοῦναι (εἶναι δὲ αὐτῶν ὅποσοι καὶ ὄπλα παρέχονται). . . . καὶ οὐχ ἦκιστα δὴ τὸν πρῶτον χρόνον ἐπὶ γε ἐμοῦ Ἀθηναῖοι φαίνονται εὖ πολιτεύσαντες· μετρία γὰρ ἦ τε ἐς τοὺς ὀλίγους καὶ τοὺς πολλοὺς ξύγκρασις ἐγένετο.<sup>56</sup>

What the *Athenaion Politeia* has to say is very similar:

κατέλυσαν τοὺς τετρακοσίους καὶ τὰ πράγματα παρέδωκαν τοῖς πεντακισχιλίους τοῖς ἐκ τῶν ὄπλων. . . . δοκοῦσι δὲ καλῶς πολιτευθῆναι κατὰ τούτους τοὺς καιροὺς, πολέμου τε καθεστῶτος καὶ ἐκ τῶν ὄπλων τῆς πολιτείας οὕσης.<sup>57</sup>

The language used is not in itself unambiguous, but if what I have said about earlier passages is correct the context makes the meaning clear. An assembly of Five Thousand had been envisaged in the constitutional scheme approved at Colonus; but the assembly had never met, and the register of those eligible to attend had never been published: all power had been kept in the hands of the boule. Power was now to be transferred to the Five Thousand—which surely means that the hoplite assembly was to become the true sovereign body. (This must be what the author of the *Athenaion Politeia* believed, for the lacuna in my quotation contains a sentence quoted earlier,<sup>58</sup> in which the Four Hundred are accused of doing everything by themselves and never consulting the Five Thousand.) Against this view Ste Croix has marshalled a series of arguments to suggest that the full democratic assembly was restored and the Five Thousand were to be merely the body of men qualified to hold office.

First, he maintains that the constitution which I believe to have been in force cannot fairly be described as a μετρία . . . ἐς τοὺς ὀλίγους καὶ τοὺς πολλοὺς ξύγκρασις: the expression should not be loosely paraphrased to produce a compromise between oligarchy and democracy but should be translated literally and referred to a mixture with regard to the Few and the Many—but the thetes were the Many *par excellence*, and on the orthodox view the constitution gave them no rights at all.<sup>59</sup> Ste Croix is of course right to say that in contexts of this kind the Many are not any kind of numerical majority but specifically the lower classes. However, we should allow a degree of relativity in the application of the word: although οἱ πολλοὶ were in general the lower classes, the line between lower and upper might be drawn at various levels, depending on the commentator's prejudices and the facts of the situation on which he was commenting. The word δῆμος could be used in the same way to refer to the lower classes: it was used explicitly of the ναυτικὸς ὄχλος in Athens by the Old Oligarch,<sup>60</sup> but Thucydides tells us that in the eyes of the extremists even

<sup>54</sup> Sealey, 112, 122–7.

<sup>55</sup> It is in fact not certain whether thetes were able, in law or in practice, to hold office in the democracy of the late fifth century: see below, 126–7.

<sup>56</sup> Th. viii 97.1–2.

<sup>57</sup> *Ath* 33.1–2. In common with Ste Croix

(10 n. 45 with Appendix, 22–3; 4 n. 17). I shall base no arguments on *Ath* 34.1 *init.* or 41.2.

<sup>58</sup> P. 120.

<sup>59</sup> Ste Croix, 6–8.

<sup>60</sup> [Xen.] *Ath. Pol.* i 2 sqq.



the Five Thousand were *ἀντικρυς δῆμον*.<sup>61</sup> At this time the line between *zeugitae* and *thetes* probably did not represent a clear-cut division between *haves* and *have-nots*: it was a line which could easily be crossed in either direction, and there were probably many citizens not far from the line on one side or the other.<sup>62</sup> I hesitate to pronounce on whether the word *ξύγκρασις*—used here not with the genitive case but with *ἐς*—must have the implications of the English word ‘mixture’, with the consequence that the intermediate régime was one giving some power to the many and rather more power to the few.<sup>63</sup> Even if this is correct, I do not think it necessarily follows that Thucydides ranked the *zeugitae* with the *Few*<sup>64</sup> and that the *thetes*, as the *Many*, must have had some political power: if the *thetes* had no power, the *zeugitae* (the lower levels of that class comprising the ‘better’ part of the *Many*) were members of the assembly, and the lack of salaries for public offices ensured that the offices were held by those with substantial means, that state of affairs may have seemed to him to be a ‘reasonable mixture’. This statement is one of our major pieces of evidence for Thucydides’ political views, and we must not decide in advance what kind of constitution he should have admired.<sup>65</sup> Nevertheless, I prefer the looser interpretation on which Ste Croix frowns. The constitutional scheme approved at Colonus had differed from that of the full democracy in two respects: there was a property qualification for active citizenship with political rights; and, though the standard Greek structure of *boule* and assembly was retained, the *boule* was to be *αὐτοκράτωρ*, that is, the *boule* was to have more power, and the assembly less, than under the democracy. The intermediate régime, on the orthodox view, combined one of these oligarchic features, a property qualification for active citizenship, with a democratic feature, real sovereignty being in the hands of the assembly rather than the *boule*. With one feature characteristic of constitutions giving power to the *Few* and one characteristic of constitutions giving power to the *Many*, I believe that it could on these grounds have been regarded as a *μετρία . . . ἐς τοὺς ὀλίγους καὶ τοὺς πολλοὺς ξύγκρασις*.

Secondly, Ste Croix maintains that at the time of the mutiny at Eetionea, though fear led the discontented to talk of the Five Thousand, there was in fact a desire for the restoration of democracy, even within the hoplite class:

A few days later the Four Hundred were deposed. . . . The common people, although they were regaining confidence, were now without recognised and prominent leaders; . . . it is understandable that they might acquiesce in a régime which still denied them political pay and entrusted the effective control of affairs to the hoplite class; but why should they have put up with complete exclusion from the franchise, especially if not even the ordinary hoplite now wanted the Five Thousand to ‘rule’ in the sense in which the Four Hundred had ‘ruled’?<sup>66</sup>

<sup>61</sup> viii 92.11, quoted above, 120.

<sup>62</sup> A. H. M. Jones, *Athenian Democracy* (Blackwell, 1957) 7–10, 79–83, 166–9.

<sup>63</sup> The noun is not used elsewhere by Thucydides, nor by Herodotus, Xenophon or Aristophanes. The verb *συγκεράννυμι* is used by Herodotus at iv 152.5, vii 151, and perhaps ix 37.4; by Thucydides at vi 18.6; by Xenophon at *Cyr.* i 4.1 and *Cyn.* iii 1; by Aristophanes at *Plut.* 853. The range of uses given to the verb by these writers suggests that it may be unwise to insist that the noun must here mean ‘mixture’ in the most literal sense.

It is not universally accepted that *ξύγκρασις* here refers to the actual constitution at all: see, e.g., G. Donini, *La posizione di Tucidide verso il governo dei Cinquemila* (Turin: Paravia, 1969) 8–12, 94–5. But I reply to Ste Croix on the assumption that *ξύγκρασις* does refer to the constitution.

<sup>64</sup> Ste Croix, 7 with n. 31. This classification would no doubt have been resented by many democratically-minded hoplites.

<sup>65</sup> Elsewhere Thucydides distinguishes ‘oligarchic’ and ‘democratic’ factions as *ὀλίγοι* and *δῆμος* (e.g. iii 27.2 [Mytilene], iii 72.2 etc. [Corcyra], v 82.2 [Argos]). It is usually impossible to discover where the line should be drawn, but in places where the *ὀλίγοι* were a small and exclusive clique *δῆμος* would presumably be applied to all their opponents, including men of some substance. In Syracuse, where Athenagoras defended democracy against Hermocrates, the defence of democracy put into his mouth seems less than extreme (vi 39.1: *φύλακας μὲν ἀρίστους εἶναι χρημάτων τοὺς πλουσίους, βουλευῶσαι δ’ ἂν βέλτιστα τοὺς ξενετούς, κρίναι δ’ ἂν ἀκούσαντας ἄριστα τοὺς πολλούς*).

<sup>66</sup> Ste Croix, 9–10.

I have discussed this episode above, stressing that the desire for full democracy appears only in Thucydides' note on the 'real' aims of the mutineers, and that what followed the mutiny was an *ad hoc* assembly not of all potential citizens present in Athens but of hoplites.<sup>67</sup> If the idea of oligarchy had gained enough acceptance for an irregular meeting of this kind to be confined to hoplites, it is surely credible that the constitution set up a few days later should have been one in which membership of the assembly was restricted to hoplites, and that the thetes acquiesced in this because they were not consulted and still lacked the confidence to demand that they should be consulted. Ste Croix echoes Wilcken's view, that Thucydides' language in 97.1 suggests that the assembly which deposed the Four Hundred and voted to hand over affairs to the Five Thousand was an assembly of all citizens:<sup>68</sup> but this is far from certain, and he admits in his note that Thucydides had immediately before used the words *ἐκκλησία* and *ἐκκλησιάζειν* of the assemblies of hoplites at the time of the mutiny.<sup>69</sup> When the Four Hundred were overthrown the sovereignty of the assembly was reasserted—hence the choice of the Pnyx for the meeting and Thucydides' stress on that choice—yet membership of the assembly may still have been restricted. (Ste Croix asks, 'Would not restriction of the franchise have greatly angered the fleet?' I believe that it did greatly anger the most fervent democrats, and that their anger is reflected in disagreements between Athenian commanders in the last period of the war.<sup>70</sup>)

Ste Croix' third argument is that what the 'moderates' had wanted in the spring of 411 was a return to the *πάτριος πολιτεία*, the constitution of Solon or Cleisthenes; and that constitution, as known or reconstructed in 411, excluded the thetes from public office, but not from the assembly and heliaea; in the autumn of 411, when they formed the dominant group, the 'moderates' ought not to have set up a constitution more oligarchic than that of Solon.<sup>71</sup> Ste Croix mentions Clitophon's rider to the decree of Pythodorus by which the *συγγραφεῖς* had been appointed in the spring:

*προσαναζητῆσαι δὲ τοὺς αἰρεθέντας . . . καὶ τοὺς πατρίους νόμους οὓς Κλεισθένης ἔθηκεν ὅτε καθίστη τὴν δημοκρατίαν, ὅπως ἀκούσαντες καὶ τούτων βουλευσονται τὸ ἄριστον.*<sup>72</sup>

Cleisthenes' laws were known or believed to exist; but they had to be searched for.<sup>73</sup> To me this suggests that knowledge of the earlier constitution was not widespread in 411, and that we cannot be sure that those who hankered after the *πάτριος πολιτεία* did know or believe that the thetes had always been admitted to the assembly.<sup>74</sup> But in any case this legalistic approach may be mistaken. Though I imagine that the thetes had always been legally entitled to attend meetings of the assembly, it is likely that in early Athens custom if not law prevented the poorer citizens at any rate from speaking.<sup>75</sup> Before the fifth century thetes

<sup>67</sup> Pp. 120–21.

<sup>68</sup> *Sb. Berlin* 1935, 52–3. Cf. W. S. Ferguson, believing that at the *ἄλλαι ὕστερον πικναὶ ἐκκλησίαι* 'the body assembled was obviously οἱ τὰ ὅπλα παρεχόμενοι', with the implication that the assembly which deposed the Four Hundred was an open one (*Mélanges Glotz* [Paris: P.U.F., 1932] i 364–5, cf. *CAH* v [1927] 338). We cannot, of course, tell how efficiently restrictions on the membership of the assembly were enforced, on this occasion or on any other.

<sup>69</sup> Ste Croix, 9 n. 39.

<sup>70</sup> Cf. A. Andrewes, *JHS* lxxiii (1953) 2–9.

<sup>71</sup> Ste Croix, 10. On the *πάτριος πολιτεία* as an oligarchic ideal see A. Fuks, *The Ancestral Constitution* (Routledge, 1953) *passim*.

<sup>72</sup> *Ath* 29.3.

<sup>73</sup> Cf. Meiggs & Lewis 58A, 11 (*ζητεῖν*). But Andrewes tells me he takes *προσαναζητῆσαι* here to mean not 'search for' but 'study' or 'investigate', as at Th. viii 33.4.

<sup>74</sup> It may be true, as Fuks believes (*The Ancestral Constitution*, pp. v, 107), that the phrase *πάτριος πολιτεία* came particularly to be associated with the more moderate oligarchs; but the phrase could of course be used as a slogan with great propaganda value by oligarchs of various shades wishing to make their views seem respectable.

<sup>75</sup> Notice the attitudes expressed in *Iliad* ii 188 sqq., and on *ισηγورία* in Athens see G. T. Griffith, *Ancient Society and Institutions: Studies presented to Victor Ehrenberg* (Blackwell, 1966) 115–38, A. G. Woodhead, *Historia* xvi (1967) 129–40.

had not in fact played an active part in politics. Towards the end of the fifth century, particularly after the death of Pericles, Athenian democracy was characterised by an emotional assembly, easily swayed by a powerful speaker. This is the assembly known to Thucydides,<sup>76</sup> to Aristophanes,<sup>77</sup> and to the Old Oligarch;<sup>78</sup> the same characteristic was shown by the assembly of the restored democracy, known to Xenophon;<sup>79</sup> and it is against this background that the Old Oligarch identified the δῆμος with the ναυτικός ὄχλος.<sup>80</sup> I find it entirely credible that in 411 oligarchs, even 'moderate' oligarchs, should have hoped that by purging the assembly of the thetes they could make it a responsible body, and should have imagined that their ancestors had had such a responsible assembly.<sup>81</sup>

Fourthly, Ste Croix remarks on the silence of our sources about the restoration of full democracy, in the summer of 410, and indeed about the constitution of the intermediate régime.<sup>82</sup> Certainly this silence is remarkable; but I do not think we need feel very much more surprise at silence about a constitution which resembled that of the democracy in its structure but excluded the thetes from the exercise of all political rights than at silence about a constitution in which the thetes retained membership of the assembly and courts but were excluded from office.<sup>83</sup> So long as the constitution embodied the democratic principle that the assembly should be the true sovereign body in the state, transition between the intermediate régime and the democratic could be made fairly smoothly—with little more difficulty, I believe, than the transition envisaged by Ste Croix, in which the δῆμος would have reasserted powers which it had voluntarily surrendered.<sup>84</sup>

Ste Croix' other arguments are based on the apparent smoothness of this transition from the intermediate régime to the full democracy. Polystratus, as a member of the Four Hundred, was tried and fined εὐθὺς μετὰ τὰ πράγματα;<sup>85</sup> the surviving speech in his defence was written for a second trial, under the democracy, and contains no signs of discontinuity between the two régimes.<sup>86</sup> But there was sufficient discontinuity for Polystratus to be brought to trial a second time (technically, perhaps, on a fresh charge, but on each occasion Polystratus' real fault seems to have been that he was a member of the Four Hundred), and I imagine that the speaker's 'failure to cast discredit' on the first trial results from a desire to suggest that Polystratus has already paid a sufficient penalty for his involvement in the oligarchy. Two other pointers to a smooth transition Ste Croix mentions but rightly does not regard as decisive:<sup>87</sup> the use of the word δολιγαρχία by both Thucydides and Diodorus to describe the extreme oligarchy in contrast to the intermediate régime<sup>88</sup> (a fair contrast, on either view of the powers of the Five Thousand); and the fact that, whereas in the autumn

<sup>76</sup> Th. ii 65.10, 70.4; and compare the accounts of debates such as that on Mytilene, iii 36.6–49.1, and that on the expedition to Sicily, vi 8.2–24.2.

<sup>77</sup> Ar. *Ach.* 633–42 (I take l. 642 to mean: showing what democracy in the allied cities—and by implication in Athens too—is really like); *Eq. passim*, e.g. 1111–20.

<sup>78</sup> [Xen.] *Ath. Pol.* i 6–9. I cannot believe that this pamphlet was written earlier than 431: see, most recently, W. G. G. Forrest, *Klio* lii (1970) 107–16.

<sup>79</sup> Xen. *Hell.* i 7, esp. 12. On this occasion the emotions of the assembly were aroused in favour of Theramenes and his friends, against the extreme democrats.

<sup>80</sup> Cf. above, 122 with n. 60.

<sup>81</sup> For a more cynical view see Hdt. v 97.2.

<sup>82</sup> Ste Croix, 10–11.

<sup>83</sup> Ste Croix tells me that he believes the assembly was much less powerful than under the democracy. See below, 127.

<sup>84</sup> Ste Croix thinks it important (2, 21–2) that on his view of the intermediate constitution the surrender of a measure of power by the thetes was 'voluntary' in that they were members of the assembly which decided on this surrender and, remaining members, could when they chose revoke it. I doubt whether this would matter very much in practice.

<sup>85</sup> Lys. xx. *Poly.* 22 cf. 14. Andrewes reminds me that since the leaders of the intermediate régime had themselves been implicated in the extreme oligarchy the formal charge is likely to have been a side issue.

<sup>86</sup> Ste Croix, 11–12, cf. Ferguson, *Mélanges Glotz*, i 358–60.

<sup>87</sup> Ste Croix, 12.

<sup>88</sup> viii 98.1, D.S. xiii 38.1. Elsewhere Thucydides seems to describe the intermediate régime as δῆμοκρατία (viii 68.2; cf. Antiphon, *fr.* B1.2, Maidment [Loeb]); no sense can be made of Diodorus' description of the intermediate régime.

of 411 Mnasilochus, the archon appointed by the Four Hundred, was deposed and replaced by Theopompus,<sup>89</sup> Theopompus was not deposed in turn when the democracy was restored, in 410 (a new bouleutic year began with the restoration, and it was probably not thought worthwhile to find a new archon for a very short period.<sup>90</sup>)

From the silence of the sources it is right to assume that the transition from the intermediate régime to the full democracy was comparatively smooth.<sup>91</sup> A smooth transition would perhaps be easier from the régime described by Ste Croix, in which all Athenians were members of the assembly, so that there was 'a voluntary concession of power by the whole demos to the upper classes, the demos retaining, and after some months exercising, the right of revocation';<sup>92</sup> but we should not be led by the shortage of evidence to exaggerate the smoothness of the transition. The intermediate régime differed from the democratic in at least one administrative detail (it lacked the rule that the *γραμματεὺς τῆς βουλῆς* might not be a member of the tribe in prytany<sup>93</sup>); its boule was appointed by election, whereas the boule of the democracy was appointed by lot.<sup>94</sup> More strikingly, one of the first acts of the restored democracy was the enactment of a new law against the overthrow of the democratic constitution;<sup>95</sup> and, as we have seen, Polystratus, tried and fined under the intermediate régime, was again brought to trial.<sup>96</sup> Theramenes, commonly regarded as the architect of the intermediate régime, lost his position of influence until the end of the war.<sup>97</sup> The restoration was not simply a minor adjustment by which the assembly reclaimed powers which it had voluntarily surrendered.

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One final point, an important one, must be made against both Sealey and Ste Croix. It is in fact very doubtful whether the restriction of the right to hold office to the Five Thousand, the men of hoplite status and above, would have involved any departure from the constitutional rules of the democracy. In Solon's constitution the Treasurers of Athena were appointed from the highest class, the *πεντακοσιομέδιμνοι*; the archons were probably appointed from the *πεντακοσιομέδιμνοι* and the *ἵππεῖς*;<sup>98</sup> other offices were open to the *zeugitai*; *τοῖς δὲ τὸ θητικὸν τελοῦσιν ἐκκλησίας καὶ δικαστηρίων μετέδωκε μόνον*.<sup>99</sup> In 458, when the archonship was opened to the third class, the thetes were still excluded from all offices.<sup>100</sup> In the 320's, when the *Athenaion Politeia* was written, the restrictions still applied: the Treasurers of Athena were still appointed from the highest class only; *καὶ νῦν ἐπειδὴν ἔρηται τὸν μέλλοντα κληροῦσθαί τιν' ἀρχήν, ποῖον τέλος τελεῖ, οὐδ' ἂν εἰς εἴποι θητικόν*.<sup>102</sup> If we make the normal assumption that the line between *zeugitai* and thetes was the line between hoplites and non-hoplites,<sup>103</sup> the property qualification for holding office on which Sealey and Ste Croix have concentrated was already present in the laws of the democracy. The lack of salaries will have discouraged any thetes who might have held office illicitly,<sup>104</sup>

<sup>89</sup> *Ath* 33.1.

<sup>90</sup> Meritt, *Athenian Financial Documents* 105-7.

<sup>91</sup> As Ferguson pointed out (*Mélanges Glotz*, i 364[-5] n. 1) the ending of Thucydides' history in 411 may be partly responsible for this silence.

<sup>92</sup> Ste Croix, 22. But *cf.* above, n. 84.

<sup>93</sup> *Cf.* *The Athenian Boule* 134-5.

<sup>94</sup> *Cf.* above, n. 24.

<sup>95</sup> *Cf.* above, 118 with n. 26.

<sup>96</sup> *Cf.* above, 125.

<sup>97</sup> See, conveniently, Andrewes, *JHS* lxxiii (1953) 2-3.

<sup>98</sup> By 458 they were appointed from the first two classes, and no change is attested before then. In Dem. Phal. 228 F 43 *ap.* Plut. *Arist.* 1.2 it is claimed

that archons were appointed from the first class only: this can hardly be correct for 489/8, but might perhaps be correct for the time of Solon. (See Hignett, *History of the Athenian Constitution*, 101-2, believing that there was no change between Solon's law and 458.)

<sup>99</sup> *Ath* 7.3-8.1.

<sup>100</sup> *Ath* 26.2.

<sup>101</sup> *Ath* 8.1.

<sup>102</sup> *Ath* 7.4 fin.

<sup>103</sup> *Cf.* Ste Croix, 1: he lists what evidence there is in n. 5.

<sup>104</sup> The language of *Ath* 7.4 suggests that in the author's day the law may have been evaded. Though we are often able to assign a man to a higher class,

and the poorer *zeugitae* too, but the constitution of the Five Thousand, as they represent it, should not have differed at all in theory from that of the democracy. Ste Croix tells me (the point is not made in his article) that he believes the real difference should be sought elsewhere: in his view, the assembly recovered its full membership under the intermediate régime, but it remained much less powerful than under the democracy. I have suggested that this was the oligarchic tenet which the intermediate régime abandoned:<sup>105</sup> the rule of the Four Hundred proved unsatisfactory not because the Four Hundred came from a limited class but because they seized unlimited power for themselves; and I find it very hard to believe that when the Four Hundred were deposed the assembly—whatever its membership—would again have taken the risks involved in a major surrender of power to a smaller body.<sup>106</sup> The assembly must have become once more the controlling body in the state, and the theory that it was an assembly limited to hoplites remains the best explanation of the difference between the intermediate régime and the democracy.

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the evidence never allows us to assign an Athenian citizen reliably to the lowest class, and we have no way of discovering whether the law was in fact evaded, either in the late fifth century or (after appreciable monetary inflation) in the 320's. There was at any rate a tendency for offices to go to the rich—in the fourth century men from trierarchic families occupied more than their fair share of seats in the *boule* (*The Athenian Boule*, 4–6)—but we cannot say whether any *thetes* did in fact hold any offices in the late fifth century.

<sup>105</sup> See above, 123.

<sup>106</sup> The assembly of the intermediate régime may have been slightly less powerful than that of the democracy (I think it is possible that the *Thesmo-phoriazusae* should be dated to 410 and contains indications that the *boule's* powers were somewhat enhanced: I hope to consider this play elsewhere; meanwhile, see *The Athenian Boule*, 185–6, 190). But a major surrender of power by the assembly is surely impossible in this situation.