

## THE THIRTY AT ATHENS IN THE SUMMER OF 404

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THE EVENTS IN ATHENS in the year following the end of the Peloponnesian War are some of the most richly documented in Greek history. There are multiple accounts of how a group of thirty oligarchs assumed political control in Athens for a period of about eight months until they were forcibly removed and the democracy restored. Their violent and autocratic manner of ruling the city earned them the title by which they are now commonly known: the Thirty Tyrants. Such a hostile tradition makes it quite hard for the modern historian to determine what actually happened in 404. The ancient accounts display a number of problematic differences and the fact that we have numerous accounts means that we have as many statements of bias with which to contend.<sup>1</sup> Moreover, as is the case with so much of the textual evidence for ancient history, the extant narratives of the year 404 were written at widely different dates and in a variety of genres. But the bias and contradiction that any initial survey of these sources encounters should not paralyze the effort to understand the events these narratives describe. Even if certainty is unattainable, and any reconstruction by necessity somewhat circumstantial, the ancient sources for the Thirty can still be read against each other and against a general background of historical plausibility. Thus the evaluation and integration of the ancient accounts are perhaps the chief tasks of the modern historian of the Thirty, and it is in such a spirit that a new piecing together of the narrative of the origins and establishment of the Thirty is offered here.<sup>2</sup>

The method and the solution offered in this proposed reconstruction are best presented by beginning with a quick survey of the ancient evidence for the date of the Thirty's appointment. The evidence offers two main options: the spring (likely April) and the late summer (perhaps September) of 404.<sup>3</sup> Plutarch says

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<sup>1</sup>Important evaluations in English of the ancient accounts of the Thirty include: Hignett 1952: 378–389; McCoy 1975; Rhodes 1981: 416–422; Krentz 1982: 131–147; Ostwald 1986: 481–484; Dillery 1995: 139–146.

<sup>2</sup>The main extant ancient accounts of the origins and establishment of the Thirty are: *Lys.* 12.71–76; *Xen. Hell.* 2.2.20–2.3.11; *ps.-Arist. Ath. Pol.* 34.2–35.1; *Diod.* 14.3.2–14.4.2; *Plut. Lys.* 15. I have consulted the Teubner editions for all but *Lysias*, for whom I consulted the OCT. Translations are my own.

<sup>3</sup>Rhodes (1981: 436–437, following Hignett 1952: 378–383) advocates a third option, namely a date earlier than September but after the summer solstice in 404, but I am persuaded against that possibility by the arguments of Krentz (1982: 147–152) and Green (1991).

that Lysander formally received the surrender of Athens on the sixteenth day of the Athenian month of Mounychion (which corresponds roughly to the month of April), and that he made a change in the constitution immediately after he began to tear down the walls of Athens to the music of flute girls (*Lys.* 15.1, 5–6). In support of this chronology is a passage from Xenophon's *Hellenica*. At 2.3.2, just after the report of Lysander tearing down the walls to the music of flute girls, we read that thirty men were elected to codify the laws according to which they would govern the city. A list of thirty names is then given. "With these things having been done, Lysander sailed off to Samos" (2.3.3). The ordering of these sentences suggests that the Thirty were in place before Lysander's subjugation of Samos, which occupied the summer of 404 (2.3.6–9), and thus reinforces the idea that the Thirty were elected in April.

In support of the late-summer date, on the other hand, Diodorus claims that the oligarchs in Athens summoned Lysander to Athens to help them impose their designs, and that their messengers caught up with him just as he finished the siege of Samos (14.3.4–5). Xenophon tells us that Lysander sailed back to Sparta from Samos, with the remainder of his booty from the war, at the end of the summer (2.3.9).<sup>4</sup> Diodorus' account fits with this sailing by Lysander, suggesting that Lysander stopped in Athens on his way home and thus that the Thirty were not put into place until near the end of the summer. The *Athenaion Politeia* (35.1) says that the Thirty were established in the archonship of Pythodorus (404/3), which suggests a date for the establishment of the Thirty sometime after the first new moon following the summer solstice, when new magistrates traditionally took office.<sup>5</sup>

It would seem that the evidence is genuinely divided, but upon closer examination the two sources that support the April date turn out to have inherent difficulties which not only weaken their evidentiary value but even suggest a confirmation of the late-summer date. Plutarch's chronology, though he includes the specific date of 16 Mounychion, is in fact so confused that he claims that Athens' formal surrender fell on the same date as the Battle of Salamis against the barbarian, which happened in September.<sup>6</sup> The *Hellenica* is also

<sup>4</sup>Lysias (12.71) says only that Lysander came from Samos and was present at the assembly at which the Thirty were established. This evidence does not clarify anything, since it could refer either to Lysander's sailing from Samos in April for the formal surrender of the city or to Lysander's visit at the end of the summer after the conquest of Samos. Lysias' lack of specificity is indicative, however, for it suggests how the orator could exploit the potential for confusion.

<sup>5</sup>Such a date would also make sense of Xen. 2.3.1, where Pythodorus is reported archon in 404/3, but said to have been elected during the oligarchy.

<sup>6</sup>Plutarch himself gives us the September date for the Battle of Salamis (around the twentieth day of Boedromion) at *Cam.* 19.6. Badian and Buckler (1975) argue that Plutarch is here referring to the battle fought at Salamis in Cyprus soon after the death of Cimon. If he is, and if an April date for this battle is accepted, then Plutarch's evidence is misleading but consistent. But I find it hard to believe that Plutarch would not have referred to the Battle of Salamis in Cyprus as such, or with some other defining information. The influence of Herodotus on Greek historiography, well established before Plutarch's lifetime, is so great that to refer to the Athenian victory in the sea battle at Salamis

inconsistent. At 2.3.11, we find: "The Thirty were chosen as soon as the long walls and the walls around Peiraeus had been pulled down." Since these walls were collectively around twelve miles long,<sup>7</sup> this process would have taken some time, more time than Lysander would have wanted to linger in Athens before returning to Samos. This piece of evidence therefore suggests that the Thirty were not established until later in the summer, contradicting the impression of 2.3.2–3.<sup>8</sup> The key to unlocking the inconsistency of Xenophon's text is the fact that his history has been subject to later interpolations, particularly in the section which finishes Thucydides' account of the Peloponnesian War, where efforts were made to continue Thucydides' dating scheme and to offer corresponding dates and events in other theaters of world history. For example, passages such as 2.2.24, which mentions affairs in Sicily, and 2.3.1, which says that the Athenians called the archonship of Pythodorus "the year without an archon" because he was elected during the oligarchy, are usually bracketed without dissent. Others also include 2.3.2 as interpolated.<sup>9</sup> If so, it greatly weakens the argument for an April establishment of the Thirty. The first words of 2.3.3, "with these things having been done, Lysander sailed off to Samos," would then refer to 2.2.23, Lysander pulling down the walls to the music of flute girls. It makes good historical sense that soon after the completion of the ceremony in Athens Lysander would have returned to the business at Samos, while leaving a force behind to oversee the presumably lengthy process of fully demolishing the remainder of the walls. The first mention of the establishment of the Thirty by Xenophon himself would then be 2.3.11, which would put it after the fall of Samos and after the complete demolition of the walls. Removing the chronological difficulty of 2.3.2 by bracketing it as an interpolation does not, however, mean that the

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against the barbarian, without any further elaboration, is to imply the battle in 480. See Green 1991: 11–12.

<sup>7</sup>This total is based on the figures provided at Thuc. 2.13.7, which, even if approximate, are likely correct in terms of their general scale.

<sup>8</sup>The difference consists in the tenses of the verbs. At 2.2.23, Lysander's forces *were* tearing down the walls (κατέσκαπτον, imperfect), i.e., the process of doing so was underway. At 2.3.11, on the other hand, the walls *had been* pulled down (καθηρέθη, aorist passive), i.e., the process had been completed. See Green 1991: 10–11 for the effort involved. The composition question involving the *Hellenica* is relevant here but in the end not very helpful. It is generally believed that Xenophon wrote the first section of the *Hellenica*, Books 1–2.3.10, at one point, finishing the history of the war that Thucydides had recounted, and the rest of the *Hellenica* at a later point in time (see Krentz 1989: 5; Dillery 1995: 12–14). The claim at 2.3.11, where Xenophon says that the Thirty were established after the destruction of the long walls, is thus considered to be the first sentence of the second section of the *Hellenica*. This may account for some repetition from the end of the earlier section, but it does not explain the discrepancy between 2.3.3, where Lysander sails to Samos after the Thirty are established, and 2.3.11, where the Thirty are not established until after the long walls are demolished.

<sup>9</sup>On the interpolations in general, see Krentz 1989: 108–109. On the identification of 2.3.2 as an interpolation, see Krentz 1989: 189–19; 1982: 148, n. 40; also Hignett 1952: 379–380. Green (1991) argues that 2.3.2 is not an interpolation but still refers to September.

contents of the passage are not valuable historical evidence.<sup>10</sup> It is the placement of this passage in the narrative before the fall of Samos that is problematic, but if Xenophon himself did not place it there, then the chronological inconsistency of the *Hellenica* on this subject can be resolved in favor of the majority of the evidence.<sup>11</sup> On balance, then, the sifting of all the available evidence results in a consensus for the establishment of the Thirty Tyrants in September of 404.

It is noteworthy, however, that the historical accounts of the origin of the Thirty collectively mark out as significant the moments in April and in September when Lysander was physically present in the city of Athens. It seems quite likely that Lysander would have wanted to take advantage of such opportunities to reshape the Athenian government. So even though it was the second of these two opportunities which resulted in the body which we now call the Thirty Tyrants, we should not simply assume that the first opportunity was neglected. In fact, it seems rather odd that so many months would have been allowed to pass before the Spartans took definite action to secure a favorable constitution in the city they had taken twenty-seven years to defeat.<sup>12</sup> This consideration raises the question of what might have been implemented by Lysander during his April visit, and, equally interesting, the question of what happened in Athens between these two visits by Lysander. The only activity postulated for these months is heated political discussion.<sup>13</sup> These discussions seem to have led to a period of political stagnation which resulted in the summoning of Lysander from Samos. That Lysander's aid would have been sought after several uneventful months of discussion is not very surprising, but what is surprising is that no such decisive move was made all summer. Everyone involved surely realized that the summer of 404 was a key moment in the history of Athens, and we should seek to understand it more fully. Why did nothing happen except for discussions? Who was the arbiter of these discussions? What was supposed to have happened if Lysander had not been summoned? A reconsideration of the evidence with these questions in mind provides a new perspective on the events in the city of Athens in the summer of 404.

<sup>10</sup> See, e.g., Rhodes 1981: 435; Krentz 1982: 51–56; Ostwald 1986: 460–468; Bearzot 1997: 105–106.

<sup>11</sup> One further consideration aids us in this conclusion. Xenophon tells us that the Thirty ruled for eight months (2.4.21), and the idea of those months being September 404 to May 403 makes reasonable sense of the other evidence we have concerning the later chronology of the Thirty. Krentz (1982: 147–152) presents this chronology and Ostwald incorporates it throughout his account (1986: 468–490).

<sup>12</sup> Chambers (1990: 304–305) recognizes this difficulty, but determines from it that the Thirty must have been appointed early in the summer.

<sup>13</sup> So Krentz 1982: 48 and Ostwald 1986: 468–475. Munn (2000: 207–217, 340–344) attempts to place the conspiracy of democratic generals described in Lys. 13.13–34 during the summer of 404, but this scenario contradicts the sense of Lys. 13.17 and 34, as contextualized by Plutarch (Lys. 15.1, 5–6) and Xenophon (2.2.23).

The reconstruction presented here seeks to explain the apparent absence of any official Athenian government in the summer of 404 by reviving part of a hypothesis first proposed in 1938 by J. A. R. Munro that a board of thirty *syngrapheis* led by Theramenes was officially appointed in Athens immediately after Lysander accepted the surrender of the city.<sup>14</sup> The mandate of this board was to determine Athens' new constitution, and it was the existence of this officially sanctioned board that prevented any further political activity. After months of inconclusive discussion, however, the oligarchs in the city sought Lysander's aid to end the political deadlock. Lysander complied by compelling the board to undergo a change of membership, and thus to become a board of committed oligarchs. It is Lysander's September reformulation of this board of thirty that we now call the Thirty Tyrants. Though none of the ancient accounts explicitly relates this course of events, all are consistent with it. Moreover, many apparent contradictions between the various accounts can be explained as a result of the fact that no source makes explicit to which of the two formulations of the Thirty it is referring. Indeed, it is precisely the potential for confusion between these two formulations that enables the partisan renderings of our extant accounts. The advantages of this reconstruction are thus that it not only makes plausible historical sense out of the apparent contradictions of the extant narratives, but also can account for why those narratives were constructed in the manner they were. A new narrative of the events of the summer of 404 is thus presented here, followed by an analysis of how each source can be seen to reflect that narrative.<sup>15</sup>

The first point to be established is that when Theramenes returned from Sparta in the spring of 404 with the terms of the peace, those terms included a clause that Athens was to be governed according to its ancestral constitution (the transliterated Greek phrase for this constitutional concept, *patrios politeia*, is commonly employed as a conveniently imprecise technical term).<sup>16</sup> Although concrete enough to prevent Lysander from simply imposing a government upon Athens, the idea of the *patrios politeia* was vague enough to allow for considerable flexibility in the structuring of the new constitution. Diodorus (14.3.3) and the author of the *Athenaion Politeia* (34.3) suggest that both democrats and oligarchs

<sup>14</sup> Munro 1938a and 1938b. Munro's arguments, however, suffer from flights of fancy (e.g., 1938b: 158–161), and these seem to have caused the widespread neglect of his ideas, the good with the bad: see, e.g., the dismissals of Hignett (1952: 382–383), Adeleye (1976: 15–16), and Green (1991: 3, n. 9). The present reconstruction, through a reconsideration of one aspect of Munro's work, seeks to bring fresh viability to a hypothesis which has effectively been ignored.

<sup>15</sup> For rival narratives of these events, see Adeleye 1976: 10–13; Ostwald 1986: 460–480.

<sup>16</sup> Both the author of the *Athenaion Politeia* (34.3) and Diodorus (14.3.2) mention the inclusion of such a clause in the peace terms, but because Xenophon does not it has been unnecessarily doubted (see, e.g., Rhodes 1981: 427; Adeleye 1976: 10–11). Such doubts have been persuasively met by McCoy (1975: esp. 136–141). The idea of the *patrios politeia* was heavily discussed in the revolution of 411 (see *Ath. Pol.* 29.3; Ostwald 1986: 367–372) and had been a feature of Athenian politics since (see Fuks 1953; Ruschenbusch 1958; Finley 1975: 34–59; Munn 2000: 136–138, 209–210). See *Ath. Pol.* 35.2 for the Thirty Tyrants' interpretation of it.

sought to define the term to their advantage, but the fact that it was Theramenes who negotiated the peace in the first place suggests that the inclusion of the *patrios politeia* provision in the terms of the peace was his own doing, or at least consistent with his wishes.<sup>17</sup> The *Athenaion Politeia* implies, moreover, that Theramenes and his followers, who are identified independently of the oligarchs and the democrats, were the ones most associated with the seeking of the *patrios politeia* (34.3). Whatever constitution Theramenes and his faction felt best fit their conception of the *patrios politeia*, that constitution would very likely not have been openly democratic but would have been in some form oligarchic and acceptable to Sparta. For the Spartans, therefore, it would have been both prudent and convenient to leave to Theramenes the task of developing precisely what the *patrios politeia* would be.

When the terms of the peace had been disclosed to the assembly on the day following Theramenes' return, some spoke in opposition but many more were in favor, as Xenophon says (2.2.22). The peace was therefore accepted, a truce enacted, and Lysander, who was besieging Samos,<sup>18</sup> was summoned for the formal surrender. One could thus say that on this occasion Theramenes summoned Lysander from Samos (Lys. 12.71). He arrived soon after,<sup>19</sup> and to the music of flute girls began the demolition of the walls. Before Lysander's arrival Theramenes had taken steps to implement his plans, and now that Lysander was present to support him, he formalized his scheme. Theramenes called an assembly concerning the constitution (*politeia*), at which he urged that the people entrust the city to thirty men (Lys. 12.72–73).<sup>20</sup> Given that the terms of the peace required Athens to be governed in accordance with its *patrios politeia*, it would be necessary for an official board of *syngrapheis* to be appointed to determine just what the *patrios politeia* was to be.<sup>21</sup> And given that Lysias tells

<sup>17</sup>See Ostwald 1986: 468–472 (cf. Krentz 1982: 47). Note also Lysias' claim at 12.70 that Theramenes promised the Spartans the subversion of the existing constitution, which looks like a hostile way of saying that Theramenes negotiated the clause into the peace treaty that Athens return to its *patrios politeia*, a form of government which to Theramenes' mind would not have been the democracy.

<sup>18</sup>For Lysander's whereabouts in the winter and spring of 405/4, see Green 1991: 6–8.

<sup>19</sup>It is likely, however, that some days or even weeks elapsed between the assembly which accepted the peace and the actual arrival of Lysander, who then accepted the formal surrender of the city. This interval would then include Theramenes' alleged suppression of the "democratic conspiracy" (Lys. 13.13–34; note also Xen. 2.3.28). See Munro 1937, followed by Hamilton 1979: 49, n. 100, 54, n. 118; Green 1991: 5, n. 20; *contra*: Krentz 1982: 32, n. 8, 42–43; Munn 2000: 211–217, 340–344.

<sup>20</sup>Diodorus (14.3.4–6) says that Lysander was summoned by the oligarchs and that Theramenes opposed Lysander's proposal that thirty men be appointed to direct the state. Such apparently contradictory evidence does not mean, however, that we need accept the account of one of these sources at the expense of the other. The contradictions disappear if we do not assume that both sources are describing the same event. One of the advantages of the reconstruction proposed here is that it can explain such apparent contradictions without neglecting any of the ancient accounts.

<sup>21</sup>Ostwald (1986: 415) defines a *syngrapheus* (συγγραφεύς) as "a person who had received the mandate to draft legislation from an official body." Lysias does not actually use the word here, but

us that Theramenes proposed this board of thirty at an assembly concerning the constitution, it is equally plausible that the board of thirty Theramenes desired to see appointed would be just such a board of *syngrapheis*. As Lysias describes the scene, however, the crowd was suspicious, apparently concerned that such a board could not be trusted and would likely mean the end of the democracy (12.73; cf. 13.15–16). Theramenes urged them not to grumble, reminding them that others had similar plans for the city, and that he had Lysander's blessing. Lysander then spoke at length, and claimed that the Athenians were guilty of breaking the peace (12.74). In what precise way the Athenians were at fault is obscured by Lysias, but he does include the threat from Lysander that failure to comply with Theramenes' proposal would make the question not one concerning their *politeia* but one concerning their very safety. This threat suggests that the provision of the peace Lysander claimed the Athenians were guilty of breaking was the provision concerning the *politeia*, namely the provision that they return to their *patrios politeia*, which Theramenes' board of thirty was to be empowered to determine. Since Lysander had the power to compel those assembled to accept Theramenes' proposal, they were likely relieved to hear that Theramenes' board of thirty was to contain ten Theramenists, ten oligarchs, and ten democrats ("ten from those present," 12.76).<sup>22</sup> Such a provision, incorporating the three primary viewpoints in the city at the time (*Ath. Pol.* 34.3), likely seemed acceptable to the majority, for it meant that the terms of the *patrios politeia*

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that this would have been their title can be implied from συγγράψουσι at Xen. 2.3.2 and συγγράψαι at Xen. 2.3.11 and Diod. 14.4.1. The title would have been a familiar one in 404, for a revision of the laws by other *syngrapheis* (and *anagrapheis*) had been underway since the restoration of the democracy in 410 (see Ostwald 1986: 407–420, 475–480, 509–524). A new board of *syngrapheis* would merely have continued, but presumably redirected, that effort.

<sup>22</sup> One could normally assume easily that the "ten from among those present" in the assembly (δέκα δ' ἐκ τῶν παρόντων) would have been democrats, particularly since they were elected by the others in the assembly. What complicates such an assumption here is that Lysias claims in 12.75 that all the good men were either keeping quiet or had already left the assembly, having foreseen which way the wind was blowing. I am, however, still inclined to believe that these ten were in fact representatives of the democratic view. First, Lysias does admit that some good men did remain in the assembly, and even if they kept quiet they could still have been elected by the others present. Second, because Lysias is trying to gain the support of the democrats against Eratosthenes, he seems likely to have attempted to disguise or even exculpate their involvement in the initial appointment of the Thirty. The acknowledgment of any democratic support of Theramenes would be detrimental to the point of his outright attack on Theramenes from 12.62–78. Third, the author of the *Athenaion Politeia* recognizes three political groupings in Athens at this time (34.3), and two of those groups are clearly recognizable as comprising the other two of the three groups from whom ten each were selected in Lysias' account. This consideration helps to justify thinking of the "ten from those present" as representing the last third of the political spectrum, the democrats. Krentz (1982: 50) falls prey to hindsight: "in view of what happened later, the ten 'from those present' must have been antidemocratic." But knowing that thirty men became oligarchs in Athens in 404 does not necessarily mean that these men were all oligarchs from the beginning. In fact, making such an assumption plays directly into Lysias' hands, for what seems to lurk behind Lysias' rhetoric in this passage is evidence that there was some democratic involvement in a board of thirty in Athens in 404.

were still open for discussion. Theramenes' board of thirty *syngrapheis* was thus established.

For several months after that,<sup>23</sup> this board of thirty then deliberated about the exact constitution of the *patrios politeia*. Each of the three groups tried to effect their vision for the state (*Ath. Pol.* 34.3), but the board was not able to come to any sort of agreement (Diod. 14.3.2). Theramenes probably recognized that there would be disagreement, but assumed that he could overcome it given that he occupied the compromise position and that he possessed the prestige of having negotiated the peace treaty in the first place, ending Athens' famine. He likely thought that the democrats would recognize that their loss in the war meant that the democracy was to be modified, and that the extreme oligarchs would settle for some limited form of oligarchy as long as the democracy was assuredly dismantled. He thus presumably felt that his moderately oligarchic position would win the day.<sup>24</sup> His confidence in his compromise position turned out to be misplaced, however, and the summer dragged on without any consensus. Thus did Athens pass the summer of 404 in intense political debate but without an established *politeia*.

The oligarchs then decided to break the impasse and summon Lysander again in order to implement an extreme oligarchy on the model of what Lysander had imposed elsewhere. The oligarchs thus sent messengers to Samos to meet with Lysander and ask for his support in establishing oligarchic rule in Athens (Diod. 14.3.4–5). Since Lysander was just completing the conquest of Samos, and preparing to return to Sparta with all the booty from the war (Xen. 2.3.7–9), it was convenient for him to stop in Athens on the way. There he could put an end to the political debate and settle the Athenian constitution on his own terms, cementing Athens as his greatest conquest. The oligarchs thus called an assembly, and Lysander advised the Athenians to choose thirty men to conduct the affairs of the city (Diod. 14.3.5). He likely chose the number thirty because that was the number of the board which already existed,<sup>25</sup> but from Lysander's manner it must have now been clear that this group of thirty would consist entirely of dedicated oligarchs, thus ending the constitutional discussion.

Theramenes was indignant, for these were not his plans for the city. He objected to Lysander that the terms of the peace secured for the Athenians themselves the right to implement their *patrios politeia*, but that he was now seeking to impose a government on them. Lysander was prepared for this objection, calling the terms

<sup>23</sup> "For some days" is what Diodorus (14.3.4) actually says, which for this reconstruction needs to be stretched to months. The primary ancient narrative behind my reconstruction shifts at this point from Lysias to Diodorus.

<sup>24</sup> Cf. the position Xenophon attributes to Theramenes at 2.3.48.

<sup>25</sup> Németh (1989–90) emphasizes the Athenian tradition behind the choice of thirty. Lysander elsewhere is known to have preferred boards of ten: Plut. *Lys.* 13.4–9; Diod. 14.10.1, 13.1; Xen. 3.4.2, 2.3.7 (see Hamilton 1979: 41–44, 56–61). Munro (1938a: 25–26) suggests that the Ten whom the Thirty installed in Peiraeus were the product of Lysander's wishes.



of the peace null and void since the Athenians had not destroyed the long walls by the date he had prescribed before he departed to Samos for the summer (Diod. 14.3.6).<sup>26</sup> Lysander was likely concerned and disappointed that Theramenes had not been able to effect a satisfactory constitution for Athens, and thus he was ready to finish the job. He therefore threatened Theramenes personally (Diod. 14.3.6), letting him know that any sort of previous understanding between them was no longer valid. Theramenes would have recognized that Lysander had the upper hand, but also realized that he, and probably even Athens as well, would be better off if he were a part of this new thirty rather than not. He therefore put himself forward as a candidate, and the people elected him (Diod. 14.4.1). A new group of thirty was selected: the thirty oligarchs named at *Hellenica* 2.3.2, the thirty we have come to know as the Thirty Tyrants.<sup>27</sup> (From here on, I will refer to the initial group of thirty, whose appointment Theramenes had overseen

<sup>26</sup> On my reading, Lysander's strategy is new, for the provision which he claimed the Athenians were resisting in April was not the provision regarding the demolition of the walls, but the provision that they return to the *patrios politeia*. Diodorus (14.3.6) includes the dramatic detail that Theramenes actually read to Lysander the clause in the peace terms that mandated Athens' determination of its *patrios politeia*, an act which suggests that Theramenes was seeking to remind Lysander of the very rhetoric he had proclaimed in April (see my discussion of Lys. 12.72–74, above, 24; *contra*: Adeleye 1976: 11; Hamilton 1979: 50; Green 1991: 11). At Lys. 15.2, Plutarch also reports a claim by Lysander that the Athenians had violated the provision of the peace concerning the destruction of the walls, though the substance of the claim is different from that described by Diodorus. In Plutarch, in the sentence directly following the notice that Lysander arrived in Athens on 16 Mounychion and immediately resolved to change the constitution, Lysander complains that the walls are still standing even though the deadline for their destruction has passed. This account is implausible as written, for it could not have been expected that the Athenians could have entirely demolished the walls before Lysander arrived to accept the city's formal surrender. The job was simply too big. Moreover, Xenophon (2.2.23) and Plutarch himself (slightly later in the same section, at Lys. 15.5) describe Lysander's ceremonial destruction of the walls to the music of flute girls, presenting the occasion as the beginning of freedom for Greece. The importance of such symbolism renders unlikely the idea that the Athenians were supposed to have completed the demolition entirely before Lysander's arrival. Lastly, the overlap of Lys. 15.1–2 and 5–6, as well as the chronological confusion between 16 Mounychion and the Battle of Salamis as the date for the establishment of the Thirty, affords Plutarch's account less cohesion than that of Diodorus. Diodorus' account of Lysander's complaint about the Athenian failure to demolish their walls as prescribed should thus be given more credence, though Plutarch's account does confirm that Lysander did take issue with the manner in which the Athenians tore down their walls. Perhaps the easiest way to understand Plutarch's version is to postulate that a date was set when the Athenians were supposed to commence the demolition. This date would have been earlier than Lysander's arrival on 16 Mounychion, and so Lysander could complain that the Athenians had not begun the task when they should have. Such a scenario would mean that Plutarch's mistake was relatively slight (and it would provide another way of understanding Lysander's stance at Lys. 12.74). It would also mean that Plutarch is describing a different occasion than Diodorus, and that confusion has once again resulted from the overlap between Lysander's two appearances in Athens in 404.

<sup>27</sup> At Lys. 12.73 and *Ath. Pol.* 34.3 the formation of the thirty is attributed to Dracontides of Aphidna, though what exactly his involvement was is unclear since Lysias would have us believe that Theramenes was the mastermind behind the assembly at which Dracontides would have made his proposal (12.71–73). Moreover, Lysias would place Dracontides' proposal in April, while the *Athenaion Politeia* has it in September. These problems are probably ultimately insoluble, but it may

in April, as the thirty *syngrapheis* to distinguish them from the thirty appointed at Lysander's urging in September, whom I will call by their traditional name, the Thirty Tyrants.<sup>28</sup>) The official mandate of the Thirty Tyrants was the same as that of the earlier group, i.e., they were still a board of thirty *syngrapheis* commissioned to draft a new constitution for Athens. But since all were now oligarchs, they would have felt little urgency to draft laws formally. Rather, they immediately began taking steps upon which they could all agree: they appointed some magistrates, and they put to death some sycophants and other men who they agreed were bad for the city.<sup>29</sup>

Each of the ancient accounts fits this reconstruction of events, and indeed several problematic aspects of the accounts can now be explained. Moreover, a consistent rationale can be postulated for the way each account is constructed. Let us consider them in turn. The structure of *Ath. Pol.* 34.3 is designed to explain how the Thirty Tyrants were established. That is to say, it follows as the explanation of the end of 34.2: "In the following year, in the archonship of Alexias [405/4], [the Athenians] were defeated in the sea battle at Aegospotami, from which it resulted that Lysander, having become master of the city, established the Thirty in the following manner." There are then three ideas in 34.3: (1) the peace contained the provision that Athens be governed according to its *patrios politeia*; (2) there were three groups advocating different models of what the constitution should be; and (3) Lysander's support of the oligarchs compelled the people to accept an oligarchy. These three ideas can be seen as a compressed narrative of the spring, summer, and fall of 404, respectively. The appointment of a board of thirty *syngrapheis* in April need not be mentioned explicitly because the point of 34.3 was limited by the framework of 34.2, namely how Lysander instituted the Thirty Tyrants, i.e., what happened in September. Thus the account continues in 35.1: "The Thirty were established in this manner in the archonship

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have been that Dracontides spoke first at the April assembly, putting forth the proposal for thirty *syngrapheis* which Theramenes had designed, and which Theramenes then supported. Lysander might have had Dracontides formally recapitulate his proposal in September, but it might also be the case that Dracontides' name simply remained connected with the authorship of the Thirty since he had officially proposed their initial formation. Dracontides himself is one of the Thirty Tyrants listed at Xen. 2.3.2 (see Rhodes 1981: 434).

<sup>28</sup> It is possible, even likely, that others besides Theramenes were members of both groups. The ten oligarchs who were first chosen in the spring likely remained, and maybe even others of Theramenes' faction.

<sup>29</sup> Actions on which the sources agree: *Ath. Pol.* 35.1–3; Diod. 14.4.2; Xen. 2.3.11–12 (see Ostwald 1986: 478–480). The complaint that the Thirty Tyrants ignored their mandate to draft a constitution is also well attested: *Ath. Pol.* 35.1; Diod. 14.4.2; Xen. 2.3.11. Xenophon makes this claim specifically with regard to their appointment of magistrates, i.e., they appointed governing officials without making clear the shape of the *politeia* in which they were to operate. Diodorus (14.4.2) adds that they appointed their friends to these positions, who were thus little more than the agents of the Thirty's wishes. That the Thirty had the mandate to oversee the appointment of magistrates is thus not to be questioned, but that they appointed magistrates without writing the laws to direct those magistrates is to be understood as the beginning of their tyranny.

of Pythodorus [404/3]. Having become masters of the city, they disregarded the other resolutions concerning the *politeia*." Such a claim implicitly affirms that the ultimate purpose of the board was to determine formally the shape of Athens' new constitution (the beginnings of this undertaking are related at 35.2). The absence of the four companions of Theramenes named at *Ath. Pol.* 34.3 (Archinus, Anytus, Cleitophon, and Phormisius) from the interpolated list of the Thirty Tyrants at *Hell.* 2.3.2 can also be clarified. These four men were likely among Theramenes' thirty *syngrapheis*, but did not wish to join a group of what were clearly thirty extreme oligarchs. Thus they did not follow Theramenes into the Thirty Tyrants and in fact ended up at the front of the opposition movement against the oligarchs.<sup>30</sup>

Diodorus (14.3.2–4) explains essentially the same course of events as the first two main points of *Ath. Pol.* 34.3, but he then elaborates considerably on the third of those elements, the assembly at which Lysander imposed the Thirty Tyrants. His bias in favor of Theramenes causes him to focus almost exclusively on the injustice that Lysander forced upon Theramenes rather than on any consideration of Theramenes' culpability in the whole affair.<sup>31</sup> "Thirty men were chosen to administer the affairs of the city, governors in name but tyrants in fact" (14.3.7). Diodorus' anticipation of their evolution into *tyrannoi* suits his didactic ends (see 14.1) by vilifying Lysander and the oligarchs while presenting Theramenes as a well-intentioned patriot forced to do his best against unrelenting enemies (14.4.1).<sup>32</sup> Diodorus also records, just as in *Ath. Pol.* 35.1, that the Thirty were expected to promulgate a *politeia*: "[they] ought to have appointed a council and the other magistrates, and to have drafted the laws according to which they intended to take part in the government. But they put off the things concerning the giving of laws" (14.4.1–2). This is thus another indication that the primary purpose of the board of thirty was for them to be *syngrapheis*, and not simply *ad hoc* rulers of the city.<sup>33</sup>

<sup>30</sup> On all four men, see Rhodes 1981: 431–433; Ostwald 1986: 472–474.

<sup>31</sup> It is widely assumed that Diodorus took over this bias (which the author of the *Athenaion Politeia* shares: see 28.5, 32.2, and 36) from Ephorus, believed to be Diodorus' primary source for this period (see, e.g., Krentz 1982: 133–135; Stylianou 1998: 1–25, 49–50; also Ostwald 1986: 469–470).

<sup>32</sup> This characterization also seems to be the implicit strategy behind Xenophon's account of the Thirty in the *Hellenica*. Xenophon participated personally in upholding the rule of the Thirty, but still makes Theramenes the hero (see Dillery 1995: 146–163; Tuplin 1993: 43–47). Unlike Diodorus, however, Xenophon does not include any explicit statement about Theramenes' role in the establishment of the Thirty.

<sup>33</sup> Diodorus' account (14.3.5, 7; 14.4.1–2) presents the Thirty (here the Tyrants) as having at least temporary governing powers over the city in addition to their mandate as *syngrapheis* (though presumably once a new *politeia* had been implemented power would have passed to the governing bodies created thereby). Xen. 2.3.2 and 2.3.11 are consistent with this, as is Lys. 12.73 and *Ath. Pol.* 35 (see Adeleye 1976: 13–16; Rhodes 1981: 434–435; Krentz 1982: 50; Ostwald 1986: 477–478). Once Lysander reformulated the board's membership, there was sufficient unanimity of opinion that actions such as the appointing of magistrates were at last undertaken. The board of *syngrapheis* which

Lysias wishes to place as much of the blame for the Thirty Tyrants as possible on Theramenes' shoulders (see 12.62–78), and thus he portrays Theramenes from the beginning conspiring with Lysander to overthrow the democracy. He entirely ignores the September assembly at which Lysander and Theramenes were at odds because he seeks to create the impression that the origins of the Thirty Tyrants are to be posited in Theramenes' intentions for the city when the terms of the peace were first ratified. Thus when Lysias says that Theramenes summoned Lysander and called for the appointment of thirty men, he is speaking of the assembly in April which resulted in the creation of the board of thirty *syngrapheis*.<sup>34</sup> When Diodorus says that the oligarchs sent for Lysander and that Theramenes opposed him, he is speaking of the assembly in September which appointed the Thirty Tyrants. Lysias, however, when attacking Theramenes, can still blame him for creating the board in the first place, since its existence made it possible for Lysander and the oligarchs to reformulate its membership into the Thirty Tyrants. That last development may not have been Theramenes' own doing, but his initial creation of the board, as well as his willingness to be a part of the Thirty Tyrants, make him susceptible to Lysias' vituperation. Lysias certainly knew how to make falsehoods sound true,<sup>35</sup> but he would not have needed to alter the events of April 404 as much as to recontextualize them for the purpose of generating ill will against Theramenes. The events Lysias describes were likely intended to seem familiar and even accurate to the members of Eratosthenes' jury, but the emphases on Theramenes' calculating preparations and the threatening presence of Lysander are shaped to characterize Theramenes as a genuine enemy of democracy and the real agent of its demise in 404 (see, e.g., 12.71–72).<sup>36</sup>

Sense can also be made of Plutarch's confused passage about the date the Thirty were established (*Lys.* 15.1): "Lysander, when he had received all the ships of the Athenians, except twelve, and their walls, on the sixteenth day of the month of Mounychion, on which day also they defeated the barbarian in the sea battle at Salamis, resolved immediately to change the constitution." Plutarch likely learned from one of his sources the date of Lysander's arrival in Mounychion and his immediate alteration of the Athenian constitution, while he learned from another source that the Battle of Salamis and the election of the Thirty Tyrants happened on the same day. But the election of the Thirty Tyrants, like the Battle of Salamis,

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Theramenes led, on the other hand, composed as it was of equal parts of each of the three main factions in the city (*Lys.* 12.76; *Ath. Pol.* 34.3), would have had a much harder time reaching any consensus about how many and what types of magistrates there were to be. Stalemate turned into paralysis, no magistrates at all were appointed by the beginning of 404/3, and the oligarchs sought out Lysander.

<sup>34</sup> Such a perspective perhaps also explains the chronology of *Lys.* 13.34.

<sup>35</sup> See *Dion. Hal. Lys.* 18.

<sup>36</sup> See further Murphy 1989. Bearzot (1997: 1–65, 171–224), while focused on Lysias, considers in detail how each of the ancient accounts portrays Theramenes. Engels (1993) surveys the interpretative issues associated with the Theramenes Papyrus (the text of which was first published in Merkelbach and Youtie 1968).

does seem to have happened in September, so Plutarch's source would not have been guilty of gross synchronization. Plutarch himself, however, did not realize that the constitutional change that Lysander implemented upon his arrival in the spring, which was merely the suspension of the democracy, and the creation of Theramenes' board of thirty *syngrapheis* was not the same as Lysander's creation of the Thirty Tyrants in September. But when Plutarch collated the information from his sources, he ended up conflating the month of Mounychion and the Battle of Salamis because he conflated the two occasions when groups of thirty were selected.<sup>37</sup>

Xenophon's interpolator perhaps made a similar chronological mistake. Wishing to add the names of the Thirty Tyrants and the means of their appointment to a narrative that to his mind curiously lacked such information, the interpolator introduced these things as part of the chronological notice at 2.3.1. This notice ends with the naming of Pythodorus as eponymous archon for 404/3, though this naming is then qualified by the observation that some people refer to this year as "the year without an archon" since Pythodorus was elected under the oligarchy. As this is the first mention of the oligarchy in the *Hellenica*, it was likely then deemed appropriate, if not necessary, to explain how this oligarchy was established. "This oligarchy came about in this way. The people decreed that thirty men be chosen who would draw up the ancestral laws according to which they would govern. The following men were chosen: [thirty names are listed]" (2.3.1–2). But even if the interpolator did know that a board of thirty was created in Athens before Lysander's departure for Samos (2.3.3), what the interpolator did not realize was that the group for which he had a list of thirty names (i.e., the Thirty Tyrants) was the group appointed in September and was therefore chronologically out of place where he put it.

It is true that none of the ancient accounts provide any explicit evidence that the composition of the board of thirty underwent any shift in membership or outlook.<sup>38</sup> Yet the discrepancy in the sources over when the Thirty were established, in April or in September, does suggest that both of those dates are in some way significant, and that significance is fully realized if groups of thirty men were in fact selected both in April and September. Moreover, at *Ath. Pol.* 34.3 the political spectrum of 404 is clearly divided into three distinct groups, and those groups match up with the three groups that Lysias tells us composed the Thirty that he says Theramenes formed (12.76). Thus the sources do contain indications that a board of thirty existed that appears not to have been the board of oligarchs that the Thirty Tyrants turned out to be. There are also hints that

<sup>37</sup> The same conflation would also be responsible for *Lys.* 15.5–6, where the demolition of the walls to the music of flute girls is followed immediately by Lysander's installation of the Thirty, the Ten in Peiraeus, and the Spartan garrison on the Acropolis. Green (1991: 11–16) also argues that Plutarch telescoped the two occasions Lysander visited Athens, though from a different perspective.

<sup>38</sup> The absence of the four Theramenists named at *Ath. Pol.* 34.3 from the list of the Thirty Tyrants at *Xen.* 2.3.2 is suggestive, however.

the primary purpose of the board was to draft laws in accordance with the *patrios politeia*, but that that purpose was consciously ignored after the openly oligarchic Thirty Tyrants were appointed. A final argument for why the creation of a board of thirty *syngrapheis* headed by Theramenes should be postulated in April of 404 is the complete silence of our sources about any civic authorities at all in the subsequent summer.<sup>39</sup> Athens would not have been allowed to drift for up to six months after the end of the war without a legitimate attempt to settle its future constitution, and it is most plausible to believe that Theramenes was the man whom the Spartans would have trusted to effect the changes they thought fit.<sup>40</sup> Difficulties arose only because Theramenes' board of thirty *syngrapheis* could not reach a consensus. Magistrates were not elected because the shape of the constitution which they were to enforce had not been determined. The complete failure of Theramenes' board *qua syngrapheis* might also explain their apparent disappearance from the historical record. Since Theramenes' group did not codify a new constitution, there was nothing of significance by which to distinguish them from the group of thirty that followed them, and thus they became obscured by the great antipathy generated against the Tyrants that the later Thirty became.

In closing, it is worth noting the parallel of the installation of the oligarchic Council of Four Hundred in the revolution of 411. As with the history of 404, much about 411 is disputed, but the outline of events is as follows.<sup>41</sup> Given the disaster of the Sicilian campaign and the struggles of the naval campaigns in the Aegean, the Athenians were persuaded to modify the democracy. They thus added twenty *syngrapheis* to the ten *probouloi* they had originally elected in 413,<sup>42</sup>

<sup>39</sup> Ostwald (1986: 468, n. 43) suggests on the basis of Lys. 12.69 that the Areopagus may have been entrusted with the city's affairs, which is conceivable, but the passage allows for this implication only for the period before Theramenes had negotiated the peace, i.e., before any board of thirty had been chosen. Munn (2000: 207) claims that the democratic constitution of Athens was not immediately affected by the surrender of the city, but it is inherently implausible that Sparta would have let "democratically elected generals and military officers" (211) remain in office in the summer of 404. Moreover, there is evidence that the eponymous archon of 404/3 was not recognized as such until after the Thirty Tyrants were in power (Xen. 2.3.1; cf. *Ath. Pol.* 35.1), which suggests that new magistrates were not regularly appointed at the beginning of 404/3 (see Rhodes 1981: 436–437).

<sup>40</sup> It is perhaps surprising that Lysander did not immediately insist on an oligarchic government for Athens. Even though Athens had been stripped of its fleet and was in the process of destroying its walls, the intensity and duration of the war, as well as Athens' ideological position as the champion of democracy, make it unlikely that Sparta would have taken any chances over Athens' future constitution. The fact that the Spartans did not immediately impose a new system of government upon Athens thus suggests that they had sufficient assurances that they did not need to do so. Theramenes' failure to implement a new *politeia* must have been a considerable disappointment for Lysander, who was then only too willing to help impose an openly oligarchic solution.

<sup>41</sup> This outline follows the analysis of Ostwald (1986: 337–411). The primary ancient accounts are *Ath. Pol.* 29–33 and Thuc. 8.47–98, esp. 67–69. See also Munn 2000: 134–151.

<sup>42</sup> Thucydides (8.67.1) says that the committee of *syngrapheis* consisted of only ten men, but this evidence is considered to be in error given the clear testimony of *Ath. Pol.* 29.2 (see Rhodes 1981: 372–373).

and those thirty appointed a day when proposals for a new constitution were to be considered. On that day, an assembly was called at Colonus, outside the city and under the careful control of the oligarchs. Two constitutional models were discussed, one calling for a relatively small ruling body of four hundred, the other for a wider citizenship of five thousand. One of the main proponents for the latter was Theramenes, and his father was one of the ten *probouloi*.<sup>43</sup> The backers of the Four Hundred won the day by achieving a compromise whereby their system would be adopted as an interim government; the Five Thousand would be assembled in the future. The Four Hundred then ignored their promises and usurped control for themselves. This sequence of events would likely have provided the model for Theramenes in 404, though with modifications intended to advance his preferred outcome. Although violence and intimidation were employed in 411, procedures were successfully instituted such that the democracy was formally dissolved by means which could be called constitutional.<sup>44</sup> Theramenes thus negotiated that a board of thirty *syngrapheis* be appointed again in 404, but this time he would personally oversee the board, which could be expected to improve the chances of the *politeia* which he wished to implement. Moreover, unlike 411, when military exigencies necessitated a quick resolution, Theramenes set no deadline for himself and his commission in 404. He likely thought that he would announce Athens' new constitution only when he had worked up a sufficient consensus for it. He misjudged his ability to forge a compromise, however, and he apparently was not willing or able to force one. Negotiations dragged on, and the oligarchs outmaneuvered him.

This reconstruction of Theramenes' actions in 404 does not, however, make the character of Theramenes any easier to interpret. On anyone's telling, it is clear that Theramenes sought to be at the center of the Athenian government at the close of the Peloponnesian War. Whether he did so out of a genuine desire to help Athens survive its great defeat or out of a desire to secure power and prestige for himself is no clearer in the scenario of events presented here. Theramenes' motivations have a genuine ambiguity to them, and thus one final advantage of this reconstruction of his efforts in 404 is that it makes his actions consistent but it does not bring the debate over their merits any closer to its conclusion. Rather, it demonstrates how this debate has been preserved in our sources. For those such as Lysias, who sought to condemn Theramenes, the Thirty originated in April, while for those such as Xenophon, Diodorus, and the author of the *Athēnaion Politeia*, who sought to exonerate Theramenes, the Thirty originated in September. The apparent contradictions in the sources over the origins of the Thirty are thus best understood not as the result of outright historical error or

<sup>43</sup> For Theramenes' involvement, see *Ath. Pol.* 32.2, 33.2; Thuc. 8.68.4; cf. Ostwald 1986: 364–366. For Theramenes' father as one of the *probouloi*, see Lys. 12.65; cf. Ostwald 1986: 340–341.

<sup>44</sup> Ostwald 1986: 385. This likely explains why the initial proposal of thirty *syngrapheis* in 404 met with such a hostile reception (see Lys. 12.73).

overt falsification, but rather of the deliberate process of interpretation by which every recorder of the past chooses the evidence worthy of record.<sup>45</sup>

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<sup>45</sup> Pelling (2000: 18-25) perceptively emphasizes such a process at work in Thucydides' account of the events of 415.



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