

FOUR COUNCILS OR FOUR TRIBES? A Note on Aristotle's *Athenaion Politeia* 30

In his account of the oligarchic revolution of 411 B.C. in the *Athenaion Politeia* (hereafter A.P.), Aristotle kept silent over certain important issues known to us from Thucydides' history (such as the campaign of intimidation and terror through which the *coup* was effected, and the role of Samos in the events) but, at the same time, he mentioned other subjects, particularly those of constitutional nature and documentary character, which are not attested to either by Thucydides or any other source. Among these perhaps the most conspicuous are two drafts of constitutions, one for the present (A.P. 31) and another for the future (A.P. 30.2–6), both reported to have been compiled by a committee of one hundred ἀναγγραφεῖς (A.P. 30.1, 32.1), who had been appointed for this specific task.

In an article published recently, Edward M. Harris¹⁾ has tried to defend the Aristotelian version of the above revolution and to rehabilitate the thesis that the “future” constitution was implemented after the fall of the Four Hundred, i. e. during the so-called intermediate regime, based on the Five Thousand²⁾. However, as has often been pointed out, the fundamental traits of this regime, as described by both Thucydides (8.97) and Aristotle (A.P. 33), have very little in common with the “future” constitution³⁾. The most basic element of the latter, consisting of the provision for the existence of four councils from the citizens aged over thirty from among the citizen-body of five thousand (A.P. 30.3), is absent from the “intermediate regime” as presented by both accounts. Harris tried to cope with this and other difficulties created by the provision concerning the four councils by proposing to

1) The Constitution of the Five Thousand, HSPh 93 (1990) 243–80.

2) This theory had been advanced one way or another long before Harris by several scholars: see, e. g., V. Ehrenberg, *Die Urkunden von 411*, *Hermes* 57 (1922) 613–20 = *Polis und Imperium* (Zürich 1965) 315–21; W. S. Ferguson, *The Constitution of Theramenes*, *CPh* 21 (1926) 72–5; *CAH* V (1927) 338–40.

3) For a balanced and convincing criticism of this theory, see C. Hignett, *A History of the Athenian Constitution to the End of the Fifth Century B.C.* (Oxford 1952) 375–78; G. E. M. de Ste Croix, *The Constitution of the Five Thousand*, *Historia* 5 (1956) 14–20.

emend the Aristotelian text: instead of βουλᾶς in the phrase βουλᾶς δὲ ποιῆσαι τέτταρας, he argues, we should read φυλάς. According to Harris (p. 253), the error of the scribe may be explained by the frequency of the word βουλή and derivative verbs in the context, the phonetic similarity of the two words or, alternatively, by the pale appearance of the hasta in the φ of φυλάς, making the word appear as οὐλάς, and therefore mistakenly “corrected” as βουλᾶς. In the following discussion I shall examine the difficulties which have led Harris to this solution and argue against it, trying to isolate as far as possible the proposed emendation from his main thesis, i. e. the identity of the “intermediate regime” with the “constitution for the future”.

First, a brief résumé of the “future” constitution described in the A.P. 30. As already mentioned, this provided for the existence of four councils: the five thousand full citizens were to be divided into four sections as fairly as possible; one of these sections was to be picked by lot, and its members aged over thirty were to serve without salary as the current council. Further details are specified as to the possibility of doubling the numbers of the council by co-optation, the frequency of the meetings (every fifth day), the way of determining the result of the voting, the order of speakers, the sanction (a fine) for not attending and the method of electing the magistrates.

The proposal concerning the four councils is extremely strange and without precedent in Athenian history. As has often been suggested, the idea could have been partly inspired by a Boeotian model. In the individual cities of Boeotia there were four councils, and the right of membership was subject to a certain property qualification, but, one must admit, the system was significantly different from that provided by the above constitution since each of the four councils acted in turn on a probouleutic basis in its relation with the rest, and a binding decision had to be ratified by all four at a joint meeting, like that of a sovereign assembly. This appears to have been the rule with respect to the four federal councils as well, the number of members in the central, sovereign, βουλὴ being 660⁴). The difference between the “fu-

4) Hell. Oxy. 16 (11).2; 4 Bartoletti; cf. Thuc. 5.38.2–4. See, e.g., J. A. O. Larsen, *The Boeotian Confederacy and Fifth-Century Oligarchic Theory*, *TAPhA* 86 (1955) 46 f.; A. Andrewes (A. W. Gomme and K. J. Dover), *A Historical Commentary on Thucydides*, V (Oxford 1981) 223 – hereafter cited as HCT; P. J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford 1981) 393 – hereafter: *Commentary*.

ture" constitution and the Boeotian system can hardly prove that the latter was not the model of the Athenian oligarchs, as Harris (252) would like us to believe: the number four, the census qualification, which appears to have been meant to disqualify those below hoplite status⁵), and the principle of rotation, all strongly support Boeotian inspiration, though it is clear that the Athenian oligarchs did not copy the Boeotian model. Harris also objects (252) that "if any foreign state was held as a paragon by Athenian oligarchs, it was Sparta, not Thebes. Nor do we ever hear of the Boeotians possessing a reputation for political wisdom among the Greeks, let alone the Athenians... If the Boeotians were renowned abroad for anything, it was their proverbial stupidity." This assertion, however, can easily be refuted by the statement ascribed by Plato to his master, according to which Thebes and Megara were both well governed (εὐνομοῦνται γὰρ ἀμφοτέραι), and Socrates did not present this as his personal view but as *communis opinio*⁶). It is true that Sparta was the most admirable model of the Athenian oligarchs, particularly of the extremists among them, but it was not their only model and, in the above statement, Thebes is complimented with one of the prominent catchwords in the rich repertoire of the Spartan mirage – the εὐνομία⁷).

One of the most difficult problems raised by the idea of the four councils is that of practicability, both in view of the large numbers of members and the lack of specific details regarding the method of rotation. To start with the latter, the text does not explain whether the rotation was to operate on a yearly basis, i. e. each council for one year within a cycle of four years, or on the basis of a prytany system, i. e. each council for a quarter of a year⁸), and this is not the only obscure point with respect to the actual functioning of the "future" constitution. Even more puzzling is the difficulty of numbers: on the reasonable premise that those under thirty constituted about 30 per cent of the Five

5) Cf. J. M. Moore, Aristotle and Xenophon on Democracy and Oligarchy (London 1975) 129.

6) Crit. 53b. Within the dramatic framework of the dialogue, the statement is ascribed by Socrates to the laws of Athens.

7) For the use of εὐνομία as a catchword for the idealisation of Sparta, see, e. g., E. N. Tigerstedt, The Legend of Sparta in Classical Antiquity I (Lund 1965) 73 f. and 380 n. 578 with bibliography.

8) The latter interpretation is less likely (as Andrewes, HCT V 223 rightly asserts), but still see K. J. Beloch, Griechische Geschichte II (Straßburg 1916) 318; cf. F. Sartori, La crisi del 411 a.C. nell' Athenaion Politeia di Aristotele (Padua 1951) 108.

Thousand, each council would have comprised around 875 members, or twenty fewer without the ἐλληνοταμίαι⁹). It would be very odd for such a body to meet and discuss issues every five days¹⁰). (On this point too the Boeotian model was significantly different, since the number of 660 members in the sovereign council would bring them to only 165 in each probouleutic council, the meetings of which were certainly expected to be more frequent than those of the sovereign council). However, the problem of practicability proves nothing against the reading βουλᾶς although it does have a special bearing on the character and intentions of those responsible for drafting the “future” constitution. Some scholars regard this constitution as the work of a political theorist who was out of touch with political realities¹¹). This may well be true, but what seems even more plausible is that the work of such a theorist, if it ever existed, could have been adopted for political propaganda. The ἀναγραφεῖς who are reported to have drafted this constitution, performed their task under the rule of the Four Hundred¹²) and were, most probably, propaganda agents of this regime, trying to secure the support of the hoplites and calm the fears of the navy in Samos. The lack of specification on certain points, the incompleteness, the absence of provisions for the judicial system and the general impression of impracticability – all these appear to be best explained by the frivolity of the main leaders among the oligarchs, especially the extremists among them, as to its eventual implementation, i. e. by simply assuming that they had never taken the matter too seriously.

So far the question of practicability. For Harris, however, “the problem with the provision about the four councils is not that it is impractical, but that it does not make sense in the context in which it is found” (253). Let us examine the validity of his objections one by one:

a. “On the one hand, everyone is to be a member of one of the four Councils; on the other only those selected by lot will βουλευεῖν.” This is described as “very odd” (251). However, it makes perfect sense in the context (although the details of the

9) See Hignett (above, n. 3) 368; Andrewes, HCT V 225.

10) Note also that there was a fine for those failing to attend: A.P. 30.6.

11) Cf., e. g., Andrewes, HCT V 243; cf. Rhodes, Commentary 388 f.

12) A.P. 30.1; 32.1. Cf. K. von Fritz and E. Kapp, *Aristotle's Constitution of Athens and Related Texts* (New York 1950) 174 f. arguing that “a document of this kind must actually have been drafted by a much smaller committee.” I accept P.J. Rhodes' interpretation of the ἀναγραφεῖς: see Commentary 386 ff.

method are not sufficiently specified); to a certain extent, *mutatis mutandis*, a similar “oddity” is presented by the Boeotian system.

b. The text (A. P. 30.3) reads τὸ λαχὸν μέρος instead of τὴν λαχοῦσαν βουλὴν, which should have been expected had a council been meant (251). However, it is simply sufficient to examine the context in order to see that the reason behind the choice of words was most probably stylistic, i. e. to avoid over-repeating the word βουλὴν and the tautology implied by the phrase βουλὴν βουλευεῖν.

c. “If there were to be four Councils which rotated, we should expect to read ‘each Council’ in these passages, not ‘the Council’” (251). This, however, is not the case, for it is obvious that the use of the definite article points to the council as the *institution*, which is to be manned in turn by each one of the four groups, or the four potential councils. During its term of office each one could naturally be referred to as “*the* council”.

d. “Furthermore, the constitution described in the subsequent chapter says that the Council is to consist of four hundred (31.1)”, whereas once the reading of “four councils” is accepted, each of them would have had to comprise a much higher number of members (251–52). However, the constitution referred to by Aristotle in this chapter is not the same as in chapter 30; it is the constitution for the immediate crisis. In this constitution, moreover, membership in the council of four hundred was made by the oligarchs to appear as representative of the citizen-body on the basis of the existing, ten, Cleisthenic tribes¹³); but their effort in doing this would have been futile had they actually meant to propose in the same breath such a drastic change in the tribal basis of representation.

e. Harris adds that when Thucydides (8.93.2) alluded to the terms of the Constitution of the Five Thousand, he seems to have taken for granted a council of four hundred (pp. 251–52). The passage referred to consists of an attempt of the delegates of the Four Hundred to save the ruling oligarchy vis-à-vis many embittered hoplites by the promise that the names of the Five Thousand would be published, and “from these should be constituted in turn the Four Hundred in whatever way should seem best to the Five Thousand.” This point, however, does not speak against the basic idea of the rotation between councils in the “future” constitution,

13) A.P. 31.1; cf. [Lys.] 20 Polystr. 2. The tribes are not mentioned by Thuc. 8.67.3 with respect of the selection of the Four Hundred. For a plausible reconstruction of the method of their selection, see Hignett (above, n. 3) 275.

but on the contrary, supports it. The only problem (as in the previous objection) is the number four hundred¹⁴). This, however, can be explained if we regard the “future” constitution as a vehicle of propaganda, the details of which were not taken too seriously by the leading oligarchs and therefore could be changed and manipulated according to changing circumstances and target audiences. However, be that as it may, this passage from Thucydides can hardly lend much support to Harris’ thesis concerning the emendation to φυλάς.

Up to this point I have tried to defend the acceptability of the reading βουλάς without arguing against φυλάς. But is the proposed correction acceptable on its own merits? I shall try to show it is not, and start the discussion with the *argumentum ex silentio* which, in this case, appears to have an impact much stronger than the usual. Elsewhere in the A.P., Aristotle is obsessed with constitutional details concerning the tribal organization of the polity: witness, for instance, his detailed description of the four traditional tribes (8.3), the association between these tribes and the Solonian βουλῇ and new method of electing the archons (8.1, 4), the structure of the ten new tribes founded by Cleisthenes (21), and their significance in the working of the constitution in the generation after the reforms (22.2, 5) and later, under radical democracy (8.1, 43.2 ff. and *passim*). Had the ἀναγραφεῖς really meant to propose such an innovation as the alleged four tribes, they must have made some provision concerning the change and its implications on the functioning of various political institutions. But if so, how can we explain that there is no single word on this in the A.P., with the obvious exception of φυλάς proposed by Harris as a correction of the *textus receptus*?

This objection is all the more serious if one accepts Harris’ own view, that the “future” constitution is to be identified with that implemented after the fall of the Four Hundred and warmly praised by both Thucydides (8.97.2) and Aristotle (A.P. 33.2), for neither of them mentions – even by the slightest allusion – a change in the tribal organization. In this case the *argumentum ex silentio* would be even stronger: how could they both ignore such a significant change after the administration had been based on the ten Cleisthenic tribes for about one hundred years? In terms of Harris’ own thesis with respect to the constitution of the Five

14) Beloch, loc.cit. (above, n. 8), argued that the four βουλαί were to consist of four hundred members, but see the criticism of Hignett (above, n. 3) 368 f.

Thousand, the meaning of substituting βουλάς by φυλάς amounts to running from Scylla to meet Charybdis.

Harris tries to associate the four alleged tribes with the oligarchs' claim to return to the πάτριος πολιτεία, which he takes to be that of Solon (253–56). However, the rider of Cleitophon, which contains the most explicit call of the oligarchs for the return to the ancestral constitution within the revolution of 411, called for “searching out the traditional laws (πατρίους νόμους) which Cleisthenes had established when he founded the democracy ... meaning that Cleisthenes' constitution was not populist (δημοτικήν) but similar to that of Solon”¹⁵). The slogan of πάτριος πολιτεία was appropriate for the propaganda presenting the foundation of a timocratic oligarchy as a return to the ancestral democracy. A proposal to revive the political significance of the four traditional tribes would have been inconsistent with this strategy of propaganda, since it must have been clear to every Athenian that, in respect to the tribal organization, Cleisthenes' constitution did not resemble anything which had preceded it. In the “constitution for the present” (A.P. 31.1) the council of four hundred is presented as functioning “in accordance with the ancestral tradition” (κατὰ τὰ πάτρια) and this statement is immediately followed in the text by the explanation of its composition – “forty from each tribe”. This, however, would hardly have been possible had the system of the ten Cleisthenic tribes not been conceived as part of the ancestral tradition. The Council of Five Hundred had been too obviously subordinated to the sovereign Assembly, too closely identified with radical democracy, to be left as an organ of government, even with all its members changed, but the ten tribes could well serve along with the (Solonian) Council of Four Hundred to illustrate the above view on the closeness of Cleisthenes' laws to Solon's¹⁶).

Worth noting is that the “future” constitution did contain certain elements meant to convey the impression of democratic continuity, such as the frequent, almost obsessive, use of drawing

15) A.P. 29.3. For the rider of Cleitophon, see esp. A. Fuks, *The Ancestral Constitution* (London 1953) 1–32. The comment regarding the similarity between the constitutions of Solon and Cleisthenes does not express Aristotle's own view, but an opinion ascribed by him (or his source) to Cleitophon: cf. Rhodes, *Commentary*, 377; M. Ostwald, *From Popular Sovereignty to the Sovereignty of Law* (Berkeley and Los Angeles 1986) 370 f.

16) One should also bear in mind that a council of four hundred could be regarded as Solonian, whereas the four Ionian tribes had not been founded by the lawgiver.

lots, the elements of rotation and political activism (though reduced in their operation to a smaller number of full participants) and the list of offices known to have operated under the democracy. It should be stressed that *most* magistrates appearing on this list (A.P. 30.2) consisted of boards of *ten* (note, though, that the ἐλληνοταμίαι were twenty and the presidents putting motions to the vote were five-30.5). All this is hardly consistent with the idea of substituting Cleisthenes' decimal system by an administration based on four tribes, whereas the feature of four councils presents no difficulty in this respect. To be sure, in a footnote Harris (pp. 253 f., n. 29) assumes that "the reformers of 411 did not abolish the ten Cleisthenic tribes but retained them for military and ceremonial purposes", and adduces the dubious parallel of the coexistence between two methods of grouping citizens in the Roman Republic (the *centuriae* and the *tribus*)¹⁷. However, the decimal offices listed in A. P. 30.2 were not merely military and ceremonial.

Furthermore, it would have been a highly provocative act towards the soldiers in Samos to declare that most of them were to be not only deprived of their full political rights but also excluded from the basic tribal division of the polis, and, as already observed, the "future" constitution must have been compiled with this target audience at least partly in mind. When the envoys from the Four Hundred arrived in Samos and addressed the soldiers, one of their statements reported by Thucydides (8.86.3) was that all of the Five Thousand would have their share in government in their turn, and this may be interpreted as a possible reference to the rotation of the councils¹⁸. Moreover, a proposal to revive the political significance of the Ionian tribes would have entailed the serious risk of alienating the support and even arousing the bitter opposition of many hoplites in Athens who were wealthy enough to count as citizens on a timocratic basis, although their ancestors had not belonged to the polity before Cleisthenes' reforms. The oligarchic revolution of 411 consistently sought to limit the franchise by means of timocratic (not aristocratic) criteria.

To conclude, although *prima facie* attractive, the emendation of the text of the A.P. 30.3 as proposed by Harris is unacceptable: the provision for the four councils, albeit not very practical in the

17) The *comitia centuriata* and *comitia tributa* were both "political" in character and included the whole citizen-body.

18) Cf. D. Flach, Der oligarchische Staatsstreich in Athen vom Jahr 411, *Chiron* 7 (1977) 28 f. For the linguistic problems involved by the reading accepted here, see Andrewes, *HCT* V 285 (ad 8.86.3).

way in which it is presented there, probably owing to its being part of a propaganda device, is intelligible in its context, whereas the hypothesis concerning the intention to revive the political significance of the four old Ionian tribes lacks support both in the context and in historical probability.

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HERAKLES, JASON AND 'PROGRAMMATIC' SIMILES IN APOLLONIUS RHODIUS' *ARGONAUTICA*

In the *Argonautica* of Apollonius Rhodius Jason has to defeat the earth-born giants in order to get the golden fleece; after that he has to find a way to deal with the huge snake which guards the fleece. Herakles, like Jason, has to perform the same feats: he has to fight the earth-born giants Hera set on the way of the Argonauts and to get the golden apples of the Hesperides which are guarded by a dragon. This parallel provides the starting point of this paper. Apollonius employs certain patterns of imagery in these corresponding pairs of episodes, patterns based on the antithesis between Homeric and non-Homeric imagery. He uses non-Homeric similes for Herakles while for Jason he employs both non-Homeric and Homeric similes¹). Nevertheless the Heraklean

1) For Homeric similes in the *Argonautica* see E. G. Wilkins, A Classification of the Similes in the *Argonautica* of Apollonius Rhodius, CW 14 (1920–21) 162–166. Apollonius' use of simile in comparison to Homer's is discussed by J. E. Carspecken, Apollonius and Homer, YCS 13 (1952) 58 ff. See also H. Färber, Zur dichterischen Kunst in Apollonios Rhodios' *Argonautica* (Die Gleichnisse) (Diss. Berlin 1932), H. P. Drögemüller, Die Gleichnisse im hellenistischen Epos (Diss. Hamburg 1956) esp. 198 ff. and W. D. Anderson, Notes on the Simile in Homer and his Successors, CJ 53 (1957) 81–87. For the use of similes in Hellenistic poetry see N. A. Cistjakova, A propos de l'emploi des comparaisons dans l' époque Hellenistique (Argonautiques d'Apollonios de Rhodes), VLU 8 (1962) 111–120 and A. W. James, Some Examples of Imitation in the Similes of Later Greek Epic, Antichthon 3 (1969) 77–90. A semiotic approach to the similes of Apollonius is