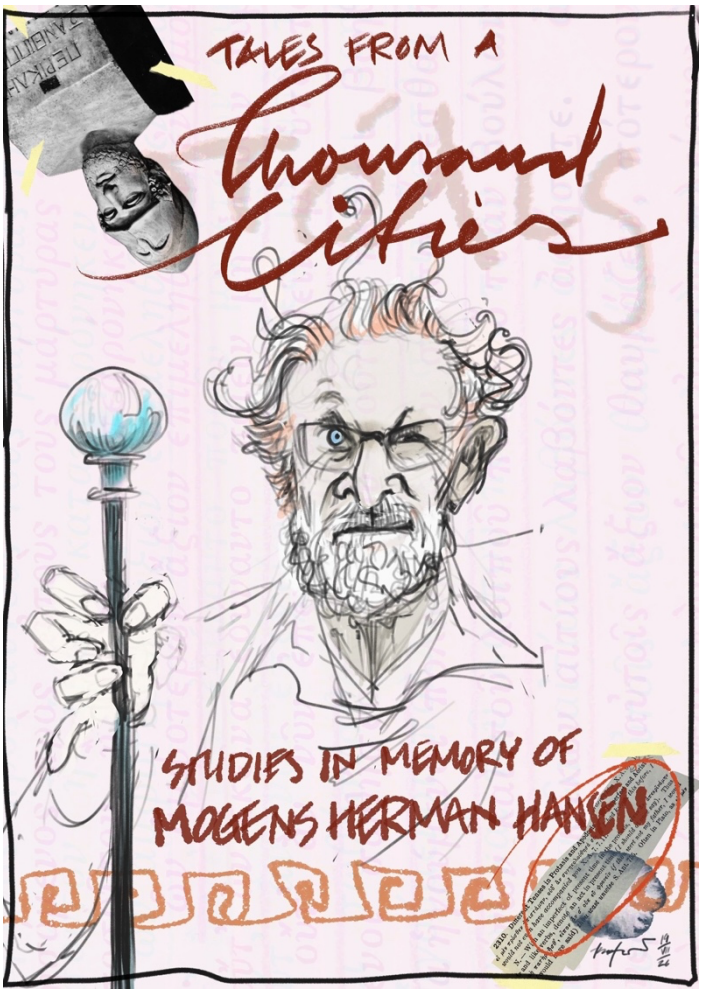


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edited by Thomas Heine Nielsen, Lene Rubinstein & Adam Schwartz

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PREFACE

Mogens Herman Hansen died peacefully in his sleep on June 22, 2024, at 83 years old. We realized that we had to honour a great scholar and close friend with a volume of studies in his memory, and we decided to publish it as a supplementary volume of the Danish journal *Classica et Mediaevalia*, a journal of which Mogens himself was an editor for a number of years. Our invitation to contribute was sent to friends and colleagues of Mogens in late August 2024, and the response was overwhelming and most gratifying. Articles began coming in in August 2025, and we are extremely happy to be able to present the memorial volume here. We wish, first of all, to express our most sincere gratitude to the authors, who have produced papers of a quality which makes for a real tribute to Mogens. In addition, many people have provided crucial assistance in other respects as well, and our heartfelt thanks goes to Josine Blok, Mirko Canevaro, Chris Carey, Paul Cartledge, Andrzej S. Chankowski, Leo Catana, Lin Foxhall, Peter Funke, Hans-Joachim Gehrke, Maurizio Giangiulio, Lisa Irene Hau, Signe Isager, Adrian Kelly, Karen Rørby Kristensen, Naoise Mac Sweeney, Emily Mackil, Christel Müller, Josiah Ober, Jari Pakkanen, Beatrice Pestarino, Maria Pretzler, Sofie Remijsen, Thomas Scanlon, Malcolm Schofield, Johan Thom and Kristina Winther-Jacobsen. Particular thanks are owed to Dr George Hinge (Aarhus University), who is not only a gifted typesetter but also an accomplished classical philologist who has saved editors and authors from several errors in the Greek that went unnoticed through proofreading. Finally, we are indebted to our graphic artist, Erik Barfoed, for drawing the cover illustration of this volume; Erik, by the way, is by education a classical philologist from the University of Copenhagen and so knew Mogens from personal experience.

The volume is divided into three sections, the first being devoted to Athens, the city-state to whose history Mogens made so many immensely important contributions. The other Athenian authors will forgive us for singling out the contribution by Paul Cartledge: it provides us with an opportunity to highlight an aspect of Mogens' activities that is probably not very well known outside Denmark. Throughout his career Mogens

Thomas Heine Nielsen, Lene Rubinstein & Adam Schwartz: 'Preface' C&M Supplementum 4 (2026) v-vi.

considered it his duty as well as a point of honour to present the results of his research to the Danish general public, and he published so many books and articles in Danish that probably no one person knows them all. This is called *formidling* in Danish, and Mogens practiced *formidling* long before it became a catchword of politicians and university administrators. It is fitting and moving, therefore, that his memorial volume should contain a fine essay of *formidling*.

The second section is devoted to Greek city-state culture, a concept very much at the heart of all the work carried out at The Copenhagen Polis Centre, which Mogens created and directed so masterfully for over a decade, from 1993 to 2004. The last and most bulky section is devoted to *Varia historia*. In our invitation of August 2024, we asked for contributions on the topics of the two first sections or "another topic of Greek history or literature that would have been of interest to Mogens." As is perhaps less well known beyond Denmark's borders, Mogens was a treasured teacher of Greek literature, in particular of Greek poetry. He even supervised dissertations on Aristophanes and Euripides, and his courses on Greek metre were the stuff of legend. The contributions by Marcel Lysgaard Lech and Minna Skafte Jensen reflect this side of his personality. All in all, this ample volume reflects well the many aspects of Mogens' genius, and it is with great joy and pride that we present it to his friends, colleagues and admirers.

Thomas Heine Nielsen
Lene Rubinstein
Adam Schwartz

ASSASSINATIONS, ELECTIONS AND DEMOCRACY – ANCIENT ATHENIAN-STYLE[1]

By Paul Cartledge

Summary: Assassination is never a pleasant theme to contemplate, but in some contexts historians are bound not just to contemplate it but also to factor it in as a crucial variable in trying to explain major political transformation. Such a context is offered by the history of Athens between c. 514 and 411 BCE. Within that span four transformational assassinations occurred, of Hipparchus, Ephialtes, Androcles and Phrynichus. They were variously motivated, but all had significant immediate or longterm impact on the Athenian narrative, in this case the narrative of the world's foundational democracy. The essay that follows seeks to pay due tribute to the memory of the great scholar – and friend – who did more than anyone to enrich and explain that narrative.

Introduction

> *There's a tradition among writers of overlooking violence because they want to believe a myth, whether it's the myth of a utopian state or the myth of an ascetic selflessly devoted to a noble cause.*[2]

There are no prizes for guessing why I should have chosen this topic to address, initially in 2024. The assassination attempt on 13 July of that

1 Earlier versions were delivered in 2024 at Wadham College, Oxford, to a nonspecialist audience, and over zoom to an academic conference in Lisbon. I thank most warmly my respective hosts, Peter Thonemann and Delfim Leão, for their kind invitations. In this published version, I have sought to retain the informality of oral delivery and have kept annotation to the barest minimum. I am indebted to co-editor Thomas Heine Nielsen for inviting its submission (see further n. 43). Like Mogens's typically great *The Athenian Assembly in the Age of Demosthenes* (1999) p. vii, this essay too "is intended not only for specialists, but also for students of classics, history and political science, as well as for anyone who takes interest in the history of ancient Greece and of democracy" (I'm told that the Danish term is 'formidling').

2 Fernanda Eberhardt, *Bite Your Friends. Stories of the Body Militant*. Europa Editions, 2024.

Paul Cartledge: 'Assassinations, Elections and Democracy – Ancient Athenian-Style' C&M Supplementum 4 (2026) 1-18.

year on the life of future (second-term) US President Donald J. Trump was a potentially transformative occurrence that remains of more than merely passing historical significance.

When I googled 'assassination political Greece', however, the first item that popped up was 'Category: Assassinated Greek Politicians' – that is, *modern* Greek politicians (post-Ioannis Kapodistrias, murdered on September 27, 1831), not ancient.[3] For the ancient world, by contrast, and especially perhaps for the history of democracy in the ancient world that our honorand so made his own, political assassination's a subject that seems to me strangely understudied by us professionals, despite a couple of exceptions. Strangely, because among other things a successful assassination not only could affect the course of an (any) ancient Greek history in decisive ways but in actual fact did crucially affect the history of democracy at Athens at three 'moments' during the century or so between ca. 514 and 411 BCE. There is no equivalent to my knowledge for democratic Athens of Simon Ball's *Death to Order: A Modern History of Assassination* – from that of Franz Ferdinand to that of Osama Bin Laden.[4]

One reason for this scholarly lacuna might be the fact that politically motivated assassination was really quite rare in ancient as compared to modern Greece. Or indeed in the modern U.S.A. Certainly, it was rare almost as hen's teeth in *pre*-democratic Athens, but, though statistically rare also in democratic Athens, its few occurrences were, as mentioned, not without critical impact. Partly indeed, no doubt, due to their very rarity.

The second item brought up by my googling 'assassination political Greece' was far more fruitful. Cinzia Bearzot's article 'Political Murder in Classical Greece'[5] first of all quoted a helpful modern definition[6] of 'assassination' and then proceeded to distinguish three kinds of assassination, or three different aspects of calculated, premeditated political murder, in the Classical Greek world: tyrannicide, judicial murder, and murder in civil war. In this short, honorific essay I'm going to offer examples

3 https://greekreporter.com/2024/09/16/political-assassinations-ancient-greece/.

4 Ball 2025. Populist violence US-style: https://www.foreignaffairs.com/united-states/our-own-worst-enemies.

5 Bearzot 2007.

6 Ford 1985: 1; cf. 46, 196, 301-7.

of the first and the third of those kinds or aspects: that is, tyrannicide and civil-war murder, as those occurred in Athens over the century or so between 514 BCE and 411 BCE. But I'm then going to add a fourth example, which falls obviously under none of those three categories, and which in a way remains the most puzzling of all.[7] All this in the service of asking: what were the factors or conditions that favoured or otherwise explained the resort to political assassination? What light do these assassinations throw on the claim of the Athenian *polis* to be a law-abiding, rule-governed political institution? Here is the definition quoted by Bearzot:

> Assassination is the intentional killing of a specified victim or group of victims, perpetrated for reasons related to his/her/their public prominence and undertaken with a political purpose in view.

Case-Studies

My four case-studies are: (i) the murder of Hipparchus in 514 BCE; (ii) the murder of Ephialtes in 461; and (iii) and (iv) the (separate) murders in 411 of Androcles and Phrynichus. Rather satisfyingly, these four cover the waterfront, in terms of political ideology. Hipparchus, though not

7 To anticipate, and to pre-empt any question, or objection, I shall *not* be including the assassination of Alcibiades in late 404 BCE, however much that might be considered germane to the history of the Athenian democracy. For his assassination occurred after Athens had ceased to be a democracy and been placed under the heel of the Spartan-imposed collective dictatorship (*dynasteia*) of 'the Thirty' (later 'Tyrants'); moreover, by itself it did not affect the course of political governance at Athens, as my four chosen examples in their different ways did. The latest biographer of Alcibiades (Roubineau 2025: 192) canvasses various possible instigators of the assassination, deciding that the most probable was Sparta with the aid of satrap Pharnabazus. For what it's worth, the most recent opinion on the motivation and modality of the assassination that I've read assigns responsibility rather to Alcibiades' fellow Athenian elites, whether more or less ideologically oligarchic: McCoy 2026. – The assassination of ostracized ex-demagogue Hyperbolus on Samos in 411 (Thuc. 8.73.3) fails to make the cut on grounds of its insignificance.

himself a ruling tyrant, was the brother of Athens's then ruling tyrant, Hippias. Ephialtes was a democrat, indeed an extreme one, as was Androcles. But Phrynichus was an (ultra)oligarch. Thus, in themselves the victims embody the three main kinds of political rule in any organized Greek polity or state: Rule by One, Rule by All, and Rule by Some.[8]

i. Hipparchus

One of my points of interest in this case as in the others is to note the possible gap between intention and outcome, between the political purpose of the assassination, if indeed 'political' is quite the right term here, and the actual, more or less immediate political result. The tyranny at Athens – by no means entirely 'tyrannical', as we understand that word – had been founded by Hipparchus's father, after a couple of false starts, in about 545.[9] Peisistratus the founder had died in his bed in 527 (though at least one opponent of his had been assassinated), and he'd been succeeded as tyrant, apparently smoothly, by his oldest son Hippias, using the chief annual executive office of the archonship as a legitimation cover.[10] Hippias, as ex-archon eponymous, was from 526 a member of Athens's senior council, the Areopagus, which among its other functions exercised a guardianship of the laws proposed in 594/3 by Solon.[11] But he ruled/reigned *de facto* on his own as a non-responsible autocrat until he

8 A classic ancient instance, though not the first to identify the tripartite distinction, is Herodotus 3.80-82 (the so-called 'Persian Debate'): Cartledge 2009, 2018. There is potentially a fourth kind, a 'mixed' constitution, though there's legitimate doubt as to whether that can be meaningfully individuated as a distinct form of polity.

9 History of Athens's (Peisistratid) tyranny, ca. 545-510 BCE: Lavelle 2005 ('democratic' requires its scare quotes); rev. G. Anderson *BMCR* 2006.04.18.

10 Excellent discussion of the relevant fragment of the (ca. 425 BCE) archon-list first published in 1939: Meiggs & Lewis, *GHI* 11-12 (no. 6c).

11 Solon's new 'constitution': Mogens reverted many times to the key question of to what extent, precisely, Solon's reform package might be considered genuinely pre- or even proto-democratic, as opposed to a more or less whole-cloth figment of especially fourth-century BCE oligarchic propaganda; Solieman 2012 usefully places Mogens's work in doxographic context; as does H.W. Pleket *Mnemosyne* XLIV.1-2 (1991) 260-64, a review of two of Mogens's (many) studies of the Athenian assembly.

was overthrown – by a combination of internal and external forces – in 510.[12]

Some four years earlier, however, in about 514, Hippias's younger brother Hipparchus, and not he himself, had been assassinated. Why? Was it because Hipparchus too was a tyrant? In one, retrospective sense, yes: for this was the sense that the political regime that – eventually – succeeded the tyranny was to insist upon. That is to say, the Athenian democracy or proto-democracy founded in 507 embraced the murder of Hipparchus as its founding charter-myth, with two consequences. First, Hipparchus had to have been a 'tyrant', at any rate retrospectively, if his two assassins were properly to be labelled, as they semi-officially were, the *Tyrannoktonoi* or 'Tyrant-Slayers' and heroized as such.[13] The second consequence was that democracy – or at first proto-democracy – was thereby conceived and promoted essentially as anti-tyranny: a regime of civic freedom and citizen equality, based on discussion and argument, not on force, in which the people as a whole (the *demos*) exercised power (*kratos*).[14]

And yet ... in sober truth – at least as I see it, following the admittedly non-democrat Athenian historian Thucydides (6.54) – Hipparchus had not in fact been the or even a tyrant ruler of Athens. That was Hippias: for tyranny was *sole* rulership, a form of mon-archy, not a joint dictatorship. Conjoint autocrat rulers are of course not unknown in the ancient Greek world: Ptolemy II and his (full) sister-wife Arsinoe spring instantly

12 The *coup de grâce* was delivered by an invasion taskforce under King Cleomenes I of Sparta: Hdt. 5.55, 64-65; Hippias 'retired' or rather defected to the Persian court: Thuc. 6.59.4.

13 Tyrannicides statues (bronze pair), and their reception: Azoulay 2014. Teegarden 2013 discusses legislation advocating or enabling assassination of potential or actual tyrants, as a democratic measure, but, though democratic Athens experienced tyrant-scares (as in 415 BCE, associated with Alcibiades), no actual anti-tyrant legislation is attested before 336 BCE. See the review of Teegarden by A. Gottesman: https://bmcr.brynmawr.edu/2014/2014.10.35/.

14 Core values of the new regime of *demokratia*: Cartledge 2018. Against a too widespread tendency to etiolate the term, I insist on the full force of *-kratia*, whether the *kratos* was exercised by the *demos* over the *politeia*, or directed by the *demos* against the elite – and often anti-democratic – few citizens (Simonton 2017).

to mind. But any full-blooded sort of kingship was something the Athenians had left behind formally in 683/2, and the Peisistratid tyranny was always regarded as an exception to normality of governance – rightly so, as it was based ultimately on force, not legitimate consent.[15]

The killing of Hipparchus, however, was only one aspect of the mismatch between intention and consequence – again, if we follow Thucydides, as I do. For the two murderers of Hipparchus, Harmodius and Aristogeiton, in another sense too were *not* 'tyrannicides'. They killed the non-tyrant Hipparchus not for a political or ideological reason but because of a very personal grudge, an inter-aristocrat feud, caused by a public slight to the sister of one of them (she had been banned by Hippias from participating in a major annual religious festival, the Panathenaia).[16] So the assassination of Hipparchus was, at most, a case of tyrannicide by proxy, and more political in (major) consequence than in intent. Why then did the later, democratic Athenians make such a song and dance about Aristogeiton and his junior partner Harmodius's being Tyrannicides, commission bronze statues of them to be erected in the Agora (Town Square), include them in civic prayers, worship them as heroes, etc. etc.?

There were two main reasons: First, the ending of the tyranny in 510 was largely due not to the Athenians themselves, but to the Spartans ... and that was something to be covered up, if at all possible, not celebrated, for all sorts of reasons (not least that in the year after the reform of 507 Sparta led a massive invasion force against Athens, precisely to try to put an end to the new, infant-democratic regime). Second reason for Tyrannicides-worship: there was no other Athenian, specifically no democratic 'Liberator', available for the Athenians to celebrate and glorify as their Founding Father at the moment of the democracy's foundation. The case of Cleisthenes is the proof of that.

His name somehow became appended to the very extensive, very successful democratic reform package of 507, whatever precisely his role in

15 See n . 9, above. Ptolemy II and Arsinoe did rather up the ante by having themselves dubbed, and worshipped as, 'the brother-and-sister gods'.

16 Sources differ on the precise personalities, and motivations, involved: the highly unreliable author of the 320s BCE, the Aristotelian *Ath. Pol.* (18.1) even mistakenly drags the third Peisistratid brother, Thessalus, into the ever more convoluted storyline.

formulating it and having it enacted might have been.[17] But Cleisthenes was himself an aristocrat, not a man of the people, and, worse, the grandson of a foreign tyrant, and, possibly worst of all, the senior member of a family (the *Alkmeonidai*) living under the stigma of a curse inherited from an ancestor deemed guilty of abusing his legitimate powers of office to commit an act of gross sacrilege.[18] Insofar as the Athenians did get around to choosing an 'inventor' of democracy, they chose either to go way back – away from solid factual history into the realm of myth, back to an ancient founder-king, Theseus; or, alternatively, to regress to a real human being and a legislator (ancient Greeks were fond of the type of the *nomothetes*), but one who was by no stretch a democrat or even a proto-democrat, Solon. Rather revealingly, the latter was always the preferred choice of Athenian oligarchs (of whom there were always some, and at some moments, as we shall see, effectually so).[19]

So much for assassination in the form of tyrannicide for our purposes.

ii. Ephialtes

We know about as little about him as we do about Cleisthenes.[20] We don't even know as much about his family background, or his early political career. He seems to burst on the scene in the 460s, as a reforming legislator, whose reforms completed Athens's transition from a proto- or early-democracy to what some call a radical democracy.[21] In any case to a democracy in which the *kratos* firmly lay with the *demos* in two senses: both the citizen body as a whole, who had to sign off by majority vote on all decrees and laws; and in the sense of the poor majority of that total citizen body – poor not necessarily in the sense of being destitute, but on account of having to work for a living, and being unable to employ or

17 As actual 'founder' of the democracy: Herodotus 6.131. Mythical founders: Theseus (Plut. *Thes.* 25.2) or Solon (see nn. 11, 19). The nature and extent of the 'popular' Athenian contribution to creating the regime that Athens enjoyed from 508/7 are controversial; I side with (Balzan 2025 Prizewinner) Ober 1996.

18 Alcmaeonid curse: Hdt. 5.71; Thuc. 1.126.3.

19 Oligarchs' preferred Founder, Solon (600 BCE): Mossé 1979.

20 Cleisthenes: Ostwald 1988.

21 Contribution to a debate: Cartledge 2006.

own the labour of others to free them from the necessity to work.[22] In fifth-century BCE Athens there was no notion of the separation of the powers of governance – between the executive, the legislative and the judicial branches, each acting as a check on the other, as in a modern representative democracy. In fifth-century (directly) democratic Athens, the people ruled in all spheres, in assembly and lawcourts alike.[23]

That was simply too much for some Athenians. The term *demokratia* had first been coined in the 470s, probably. It soon generated its binary opposite, *oligarchia*.[24] Oligarchs were those who believed that governance should be the exclusive preserve of those properly qualified – the wealthy, above all, who by definition were few (*oligoi*) in number but also often well-born and well-educated and, so they thought, smarter than the average, poor Athenian citizen. Oligarchy could be clothed in various forms – there was a huge difference for example between the fancy versions espoused by intellectuals such as Plato and Xenophon, and the visceral form favoured by those who took a mutual oath to do as much harm as they could to the hated *demos*.[25] It was people such as the latter, presumably, who were responsible for our second assassination, that of Ephialtes, shortly after the passage of his democratic reforms, in 461.

I quoted at the beginning Bearzot's assertion that there were three kinds of assassination: tyrannicide, judicial murder, and murder in civil war. But Ephialtes's was none of the above. He was not a tyrant. He was not murdered judicially. Nor was Athens undergoing civil war at the time he was murdered, and his assassination did not, unlike my third and fourth case-studies, presage or cause civil war – even though we learn from Thucydides that just a couple of years later there was still an underground oligarchic faction in Athens prepared even to betray Athens to Sparta in order to make Athens oligarchic again and put themselves back in the driving seat.[26] I'll revisit that scenario shortly.

22 Being 'poor' in democratic Athens: de Ste. Croix 1983; cf. 'Marx lover' https://libcom.org/article/summary-g-e-m-de-ste-croixs-class-struggle-ancient-greek-world.

23 Of his many possible outstanding works, see, e.g., Hansen 1990.

24 Simonton 2017.

25 Arist. *Pol.* 1310a11-12: https://sententiaeantiquae.com/2012/11/05/aristotle-politics-1310a-11-12/.

26 Thuc. 1.107.4.

So what exactly was the point of having Ephialtes assassinated, and who was or were responsible for committing the murder? According to the Athenian ultra-oligarch Antiphon (a key figure in 411, below), in a lawcourt speech of about 420 (5.68), it was never discovered who was or were responsible. But the author or authors of the *Ath. Pol.* (25.4), composed a mere 130 years after the event, was/were sure that the assassin was one Aristodikos of Tanagra. At least, that man's name and place of origin are plausible: Tanagra was a constituent *polis* of 'the Boeotians', an *ethnos* then dominated by oligarchic Thebes, which had been a declared enemy of Athens since at least about 520 and had actually fought on the wrong, Persian, side in the Helleno-Persian Wars of 480-479.[27] Such a man might quite plausibly have been open to hire for such a nefarious deed in neighbouring, democratic Athens. His name too is suggestively 'speaking': *Aristo-* meant 'best', the root of 'aristocracy', and *-dikos* implied having to do with justice, so the combination signified something like 'He who does justice the best'. An aristocrat, therefore, by birth at any rate, and not likely to have been a democrat by choice.

And yet … there are even scholars who, disregarding the *Ath. Pol.*'s ascription and Antiphon's possibly feigned ignorance, believe the assassin may have been an Athenian actually from within Ephialtes's own political circle – conjuring up a sort of Indira Gandhi situation.[28] But that seems implausible to me. The real reason for his being assassinated is in my view that the two other routes potentially available to his enemies for getting rid of him physically were not going to be successful. Those two routes were the judicial one – a public prosecution (*eisangelia*) on some political charge now before a people's court (no longer the Areopagus) – and a non-judicial one, via ostracism, both leading to exile from Athens for at least a considerable period of time. But most Athenian citizen judge-jurors were poor and so probably democratic-minded and therefore unlikely to vote Ephialtes guilty. As for ostracism, that peculiarly Athenian democratic procedure (ascribed to Cleisthenes) had been

27 Cartledge 2021.

28 Indira Gandhi, Prime Minister of India, was assassinated by two of her (Sikh) bodyguards on October 31, 1984. The assassination prompted a public (Thakkar) commission of enquiry – and was of sufficient public interest or prurience to lead to at least one film being made of the affair.

inflicted only the year before upon Cimon, a conservative rightwinger and opponent of Ephialtes and his junior adjutant Pericles.[29] It was not going to happen to Ephialtes.

Hence, I infer, his assassination. From which I think our main takeaway should be this: that, despite (or because of) it, democratic Athens, spurred on by convinced democrats such as the upper-class Pericles, carried on in its own sweet way, becoming ever more democratic and ever more powerful through the 450s.[30]

iii. and iv. The Murders of Androcles and Phrynichus, 411

So we come to my third and fourth case-studies, the assassinations of Androcles and Phrynichus in 411. In the exact half-century between 461 and 411 a lot of water flowed under many bridges, so far as the Athenian democracy was concerned. Most obviously and most consequentially, there broke out in 431 what was to prove one of the most determinative episodes of the entire fifth/fourth-century BCE Classical period, the Peloponnesian War, or, as I prefer, the Atheno-Peloponnesian War. This Great War between Athens and its allies and Sparta and its allies lasted on and off for 27 years (431-404), an entire human generation.[31]

For the ancient world, and not least the war's brilliant historian, Thucydides of Athens, it was a war 'like no other' in all sorts of ways, apart from its sheer length. One of those ways, of direct relevance to us, is the ever-increasing outbreak and significance of *stasis* – a Greek word meaning literally a process of standing, in this case a standing apart, a standoff, between two great socioeconomic tendencies or movements within many of the Greek cities involved.[32] In other words, under pressure of war, the 'teacher of violence', political class struggle erupted ever more frequently into civil war between, on one side, the few wealthy citizens fighting on behalf of a version of oligarchy and, on the other, the many poor struggling on behalf of democracy. In Book 3 Thucydides uses just

29 Ostracism: from a crowded field I'd select Forsdyke 2005; rev. by P. Hunt, *BMCR* 2006.06.02.

30 The best study, unfortunately little known, of Ephialtes and his reforms is Rhodes 1970.

31 Contrasting modern accounts: Hanson 2005; Roberts 2017.

32 Best English-language translations of Thucydides: Mynott 2013; Waterfield 2025.

one detailed case-study, the extreme outbreak on the island of Kerkyra (today's Corfu) in 427, as a paradigm of what such *stasis* might, horrendously, entail: not just citizens killing citizens, but also citizens justifying their murders by turning their normal peacetime values and value-terms on their head.[33]

In 411 Athens, having thus far been free of civil-war *stasis*, having indeed experienced nothing of the sort during its democratic period altogether, eventually suffered a full-blown outbreak, leading not only to citizen deaths but also to political revolution, a transformation from democracy to an extreme form of ultra-oligarchy.[34] This was the last major episode of the war that Thucydides was able to write up before he had to break off his work, mid-sentence, by when his narrative had covered only as far as high summer 411 (though, as he knew, the war was to last nearly another seven years). Importantly, Thucydides personally had skin in this game.

He was born about 460 into a very wealthy aristocratic family related to his namesake Thucydides son of Melesias, who had been Pericles's major opponent in the 440s and ostracised in 443. Thucydides the historian was prominent enough to be elected as one of the board of 10 generals, the democracy's top executive office, in 424, but sadly for him he was blamed for a major military-political failure in the field; and, prosecuted by leading politician, Cleon, he was found guilty and condemned to indefinite exile. Still in in 411, nevertheless, through his contacts in the city, he was, he thought, able to garner enough reliable information to write up a sufficiently accurate account of the oligarchic coup. Its mastermind and leader was Antiphon, who – as many of us think – had also been a teacher of rhetoric to Thucydides in his younger days. Certainly, the historian retained an intellectual admiration for Antiphon: otherwise, it's hard to see how and why he didn't call out Antiphon more fiercely for the damage he did not only to Athens's internal stability but also, as a direct result, to the city's conduct of the Peloponnesian War

33 *Stasis*: Hansen 2004; https://en.wikipedia.org/wiki/Stasis_(ancient_Greece). *Stasis* as political class-struggle: de Ste. Croix 1983. Kerkyra (Corfu) *stasis*, 427 BCE: Thuc. 3.69-85, esp. 82.

34 The 400 regime as ultra-oligarchic: Shear 2011; rev. M. Simonton *BMCR* 2012.02.12.

against Sparta. Instead, he went out of his way to praise him as, intellectually, 'second to none'.[35]

Given all that, one might have expected that Thucydides would have welcomed the ultra-oligarchic coup of 411 – even if from afar. But did he? Well, not exactly. Instead, even though he admired and knew personally two of the most prominent authors of the revolution, he unsparingly recorded the violence and deceit they and their co-conspirators encouraged and employed. Moreover, it was not under their ultra-oligarchic regime, known as 'the 400', that Thucydides considered Athens to have been best governed in his own lifetime. That suggestive plaudit he accorded rather to the regime that succeeded it, that of the 5000, which he hailed as a "moderate blending in the interests of both the few and the many."[36] For him, in other words, it was a mixed or blended regime modestly combining elements of both oligarchy and democracy. Some but not all scholars today tend to see it as a moderated, but not necessarily a moderate, oligarchy.[37]

The two ultra-oligarchs whom Thucydides knew personally were the aforementioned Antiphon and Phrynichus. This is where we bring in Phrynichus, and a special term of praise in Thucydides's political vocabulary: *xunesis*, meaning intellectual grasp, intelligence, smartness. Phrynichus was one of the very few upon whom Thucydides bestowed that term of praise (8.27; cf. 8.54.1). And yet ... and yet ... Was Thucydides perhaps rather blinded here again by ideology, prepared because of Phrynichus's brainpower to overlook the damage he did to Athens? I think so. And I call in evidence one particular passage of Thucydides: 8.90-91. Failing, as the 400 were, to command strong popular support, and feeling their position threatened by politicians who though oligar-

35 Exiled for failing as general to save Amphipolis in 424 BCE (4.102-8), Thucydides was in exile (5.26.5) during the revolutionary events of 411, for knowledge and understanding of which he was dependent on informants whose reports he thought he could rely on (1.22). Praise for Antiphon: Thuc. 8.68.1.

36 Thucydides, remarkably but tantalisingly, comments here (8.97.2) that either theoretically or pragmatically this relatively brief (8 months) interregnum saw Athens the best governed in his own (presumably adult) lifetime.

37 Exactly what the regime was – a moderate democracy or a moderate oligarchy – is open to dispute: Rhodes 1972; David 2014.

chic were far less extreme and more pragmatic than they, they despatched an embassy, including Phrynichus, to Athens's principal enemy Sparta. The embassy sought to make a peace treaty, offering Sparta all sorts of favourable terms. But the 400's bottom 'negotiating' line was this: please keep us, the 400, in power, and we will act as your tame catspaw and ally.

Outrageous ... a total betrayal not only of Athens's democracy but also of its sovereignty. The Spartans, knowing that the 400 couldn't possibly deliver such a deal, sent them on their way, and soon afterwards the 400 fell, after a rule of only four months, to be replaced by the so-called 5000. And it wasn't long, just another eight months, before that oligarchic regime fell too, and democracy, old-style, was restored in 410. But by then Phrynichus was already dead, assassinated allegedly in the central square of Athens, the Agora, so in full public view, soon after his return from Sparta. He was murdered as being a traitor.[38]

It's important to stress that the democrats didn't start the assassination game of 411. Phrynichus's murder was payback for the murder earlier in the year, by unnamed 'youths', of the democrats' leading figure Androcles, which had been a necessary preliminary to the ultra-oligarchic coup. Androcles, largely otherwise unknown to fame, had featured most prominently hitherto in the trial and condemnation in 414 of Alcibiades on a charge of sacrilege. In 411 he was apparently the most prominent 'demagogue' (democratic leader of the *demos*) since the exile by ostracism of Hyperbolus probably in 417 and therefore the most suitable target for the "young bloods" (Mynott's translation of Thuc. 8.65.2) who carried out his assassination. For once, this was an assassination that did achieve its objective, being a bog-standard civil-war murder that both preceded directly and helped usher in the oligarchic counter-revolution.

In the case of ultra-oligarch Phrynichus, however, as in the case of democrat Ephialtes, and no less puzzlingly, there's disagreement between the sources as to who exactly was responsible for doing the dirty deed. Thucydides opted to lay the responsibility on one of the Athenian border guards (*peripoloi*), unnamed, assisted by an also unnamed man from Argos – a democratic city, an ally of Athens, so a plausible enough

38 As in the case of Ephialtes's, recollections of who murdered Phrynichus differed. That of Thucydides (8.92.2) conflicts with the official version.

origin on those terms. But the restored Athenian democracy of 410/9 had other ideas. In that year they voted the highest possible honours available – a golden crown, a sum of money, and Athenian citizenship – to be bestowed on another foreigner, one Thrasyboulos of Kalydon in Aetolia (central mainland Greece), for his role, together with others, in Phrynichus' s assassination.[39]

Most of this we know from the formal, published decree of the assembly. Publishing assembly decrees on stone was the democratic way. But other sources tell us there was some uncertainty at first – under the oligarchic regime of the 5000 – as to whether Thrasyboulos was in fact a benefactor of Athens or not. So, he had been initially arrested and clapped in jail. It was only under the restored democracy that he was rewarded as a public benefactor, retrospectively. In the end therefore Phrynichus's too was a classic case of civil-war assassination. But it didn't do the Athenians much good in the longer run, as the city went on to lose allies, the Atheno-Peloponnesian War, and, once again in 404, its democracy. That defeat was caused partly and not least because the wounds opened up in the body politic in 411 hadn't yet healed.[40]

Conclusion

I wouldn't want to claim that the assassinations I have re-examined above were the most significant of all those committed throughout the ancient Greek, let alone Graeco-Roman, world. That accolade, if so it be, must go to the murder of Caius Iulius Caesar on the Ides of March, 44 BCE.[41] Nor do they stand comparison with the greatest, that is most influential, assassinations of the modern era, those of Kapodistrias for the history of Greece, of Abraham Lincoln for the (dis)United States, or that

39 Honours for Thrasyboulos of Kalydon: https://www.atticinscriptions.com/inscription/OR/182 (with commentary)

40 Thuc. 2.65 (anticipatory obituary notice of Pericles).

41 Woolf 2007 is exemplary; note that it takes Caesar's as a case-study of 'political assassination'. Possibly next in line in terms of historical significance is the assassination in 336 BCE of Philip II, king of Macedon, also by a trusted bodyguard: but for that, would his son and heir Alexander (III) have become 'the Great'?

of Indira Gandhi for fissiparous post-Independence India. But for the history of pre-, proto-and post-democratic Athens between ca. 514 and 411 BCE they counted and still count for a very great deal. Above all, they challenge any claims democratic Athens might have, or others might wish to advance on its behalf, to holding or honouring a fundamental commitment on principle to the rule of law.[42] If there is a generally applicable message to be drawn from them, as possibly from all assassinations (and assassination attempts), it might be this: Be careful what you wish for. Political assassination isn't necessarily a golden ticket.[43]

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42 According to Gowder 2014: 1-2, "classical Athens substantially satisfied the demands of the rule of law throughout the democratic period." Not all will agree.

43 *Personal endnote*. I met Mogens first in Clare College Cambridge in the early 1980s. He struck me then and throughout our long friendship as a most remarkable person as well as a quite exceptional scholar, one who transformed our understanding of two absolutely fundamental aspects of the ancient Greek world, the *polis* and democracy, both of them in a properly comparativist spirit. I owe him much and for many things, not least Lene Rubinstein, one of the very best of my many Cambridge PhD students. It was through her too, and an editor of the present volume, that I was enabled to contribute an essay to Mogens's 60th-birthday Festschrift (Cartledge 2000). It is thanks chiefly to my good friend Thomas Heine Nielsen that I appear here now, paying my heartfelt posthumous respects to a good man and a great scholar.

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THE LION OF PIRAEUS: DEMOCRACY AND DENMARK

By Björn Forsén

Summary: This article addresses where the lion of Piraeus originally stood as well as the date and reason for its erection, why and when it was moved to the harbour shore of Piraeus and rebuilt as a fountain, as well as how during the nineteenth century it was exploited as a source of inspiration for modern lion sculptures. It is argued that the lion originally was erected outside the Eetioneian gate during the last years of the 390s or the 380s to honour those who had given their lives in the battle(s) of Mounychia and/or Piraeus in 404/403 BC to enable the re-establishment of the democratic government in Athens.

Anybody leaving or arriving by ferry at Piraeus during the last twenty years will have passed by the lion sitting on its haunches on Cape Alkimos, at the south side of the entrance to the harbour.[1] Piraeus used to be famous for this lion, at just over 3 m tall, that from the early fourteenth century until the eighteenth century gave the harbour its name – Porto Leone, Port de Lion, Porto Draco, Aslan Limani or Ejder Limani. The original lion had been taken in 1688 by Morosini from Piraeus to Venice, where it was placed on the left side of the entrance to the Arsenal. It was not until 2003 that a lion returned to Piraeus and was assigned its present location at Cape Alkimos. The home-coming lion, however, was only a copy of the original, which still today remains on watch outside the Arsenal in Venice.

1 I would like to express my gratitude to Thomas Heine Nielsen, Lene Rubinstein and Adam Schwartz for inviting me to contribute to this volume, as well as to the anonymous readers for their comments. Likewise, I owe thanks to all colleagues and friends with whom I have had the privilege to observe and discuss lions not only in Venice and Piraeus, but also in Thebes, Chaironeia, Amphipolis, Berlin and Flensburg, as well as to Klaus-Valtin von Eickstedt who drew my attention to Piraeus and to Bente Hvidt who introduced me to everything Danish.

Passing by the lion in Piraeus regularly over the last few years I have often wondered whether Mogens Herman Hansen ever had the opportunity to experience it after its restoration to Piraeus. I am sure that it would have caught his eye and interest. He had a marvellously open mind, with scholarly interests stretching far and wide in both chronological and geographical terms. I had the privilege to collaborate with him for a short period within the framework of the Copenhagen Polis Centre in 1998, but our first acquaintance went back to the Pnyx colloquium in Athens in 1994. At that time, he was known as one of the leading experts on Athenian democracy, partly because of his book *The Athenian Democracy in the Age of Demosthenes* (1991) with its focus on the re-established democracy between 403 and 322 BC.

When asked to contribute to this memorial volume for Mogens Herman Hansen, my thoughts immediately went to the lion of Piraeus, because of the interesting links offered by it – not only to Athenian democracy, but also to Denmark and Danish scholarship. I would have loved to discuss my thoughts on the lion with Mogens, either over a beer and *smørrebrød*, or a coffee and *kransekage*. Unable any more to do that, I am thus grateful for the opportunity to present my thoughts in writing here, to the honour of his memory.

Lion on the move

When Athens became the capital of newly independent Greece in 1834 the lion had already been gone for more than 130 years, which perhaps explains why the locals could not any more remember exactly where Morosini had taken it from. This in turn may be why Konstantinos Pittakis, the leading archaeologist of the new state in 1835, claimed that the lion had once been placed close to the narrowest point of the entrance to the main harbour of Piraeus.[2] Cape Alkimos had already been mentioned before Pittakis as the Medieval location of the lion, a statement which has

2 Pittakys 1835: 2.

been repeated several times throughout the twentieth century.[3] This tradition may even have influenced the decision to place the copy of the lion in 2003 on Cape Alkimos.

There exist a total of four detailed early maps of Piraeus, all drawn in 1685 during Etienne Gravier d'Otières' expedition to the Levant.[4] One of these was published by Laborde in 1854, another one by Rafn in 1856.[5] On these maps, the lion is depicted next to the only building at Piraeus at that time, a customs house, at the spot where the road leading to Athens began (Fig. 1). This places it some 200 m to the northwest of the modern Plateia Themistokleous, close to the beginning of Odos Dim. Gounari which further inland continues as Odos Pireos, leading to Athens. This was the old road too, connecting Piraeus with Athens, and entering the town close to the Kerameikos.

The location of the lion is also described by several early travellers of the sixteenth and seventeenth centuries.[6] They all agree that the lion sat looking out at the opening of the harbour and that it had been rebuilt into a fountain with the water led through a pipe into its mouth from

3 For references, see Panagos 1997: 295; Hughes 1820: 288, envisaged two lions, placed one on each side of the narrowest part of the entrance to the harbour. Garland 1987: 147, and von Eickstedt 1991: 6, without going into details, still seem to support Pittakys' claim.

4 For the final report of the expedition, see *Estat des places que les princes mahométans possèdent sur les côtes de la Mer Méditerranée*, digitally available on Gallica BnF, including one of the four maps. The map made by Gravier d'Otières' expedition seems to have served as base for the maps of Piraeus published by Roux in 1764 (pl. 84) and by Chandler in 1776, from which only the lion has been removed. The same map is reprinted in the 1779 and 1805 editions of Roux 1764.

5 Laborde 1854: II, 61; Rafn 1856a: 67; Rafn 1856b: 69.

6 Cf. e.g. by De Dreux (Omont 1901: 7); Babin 1674: 8-10; Guillet de Saint-George 1675: 254; Spon 1678: II, 176-77; Wheler 1682: 418-20, as well as by Agriconia (for diary 6.9.1687, see Åkerhielm 1970: 68 with French transl. by Laborde 1854: II, 313, for letter 19.9.1687, see Åkerhielm 1970: 69-70) and an anonymous author (Collignon 1898: 64). The lion in the harbour with its fountain is already described by de la Vega in December 1537 in connection with Baron de Saint Blancard's expedition to Constantinople (quotation by Rafn 1856a: 63, for the expedition, see Grillon 1968, with reference to Piraeus on p. 647), the road with a lion fountain at each end is also remarked upon by Chandler 1776: 22-23. All early descriptions of Piraeus have been collected and translated into Greek by Euaggelou 1981.

where it fell into a basin at its feet. According to the Ottoman traveller Evliya Çelebi who visited Piraeus in 1667, the water came from a spring on Mount Hymettos, whence it had been brought to Piraeus by a water course, traces of which he reports having seen.[7] Vestiges of this later, rather crude re-use of the lion can still today be seen on its back, where the water pipe's route had been cut into it (Fig. 2).

During the seventeenth century, a second lion, reclining on its side, was seen by several early travellers close to the Kerameikos, where the road from Piraeus entered Athens. It had apparently also been re-worked into a fountain.[8] Morosini took this lion as well along to Venice where it rests to the right of the entrance to the Arsenal.[9] Travellers of the seventeenth century mention in addition to these two lions a third one on the acropolis itself, of which however nothing has been preserved to today. Lieutenant Alexander Sobiewolsky, who accompanied the Venetian troops to Athens in 1687-1688, described this third lion as a running lion depicted in the coat of arms of Athens.[10] I have in an earlier study shown that this in reality was the coat of arms of the Acciaiuoli family, who reigned as Dukes of Athens from 1388 until the Ottoman conquest of the town in 1456. It can be argued that the other two lions were placed at the ends of the road connecting Piraeus and Athens and re-worked into fountains during the period when Athens belonged to the Acciaiuoli family.[11]

Cyriacus of Ancona, who visited Piraeus in April 1436, offers us some hints concerning the original location of the seated lion, from where it

7 The passages of Evliya Çelebi, *Seyahatname*, concerning Athens and Piraeus (vol. VIII, fol. 250b-257a) have been translated into Greek by Biris 1959 and into English by Dankoff & Kim 2010.

8 Cf. the references given in n. 6, to which could be added Babin 1674: 20-21 and 57-59. This lion at the Kerameikos played an important role in the story of the child with a lion's head, said to have been born in 1665 on the Athenian acropolis. It is probably an adaptation of the Minotaur myth, a story that seems to have been transferred along with the lion to the west, where it became further transformed into a Venetian urban legend (cf. Forsén 2024: 28-31).

9 For Morosini and the lions in front of the Arsenal, see Sacconi 1991: 51-54.

10 Cf. Reddemann 1990: 24-25: "die Statt Athen führet in ihrem Wappen einen lauffenden Löwen."

11 Forsén 2024: 26-30.

was removed and subsequently re-worked as a fountain, although this so far has been overlooked. Only a very small part of Cyriacus' unpublished work has survived, in his own handwriting; the passage on the lion of Piraeus can be found in the edition of Carlo Moroni dating to 1660 with a reference to a drawing. The drawing in its turn is preserved in a copy made by Giuliano da Sangallo in the Codex Barberini of the Bibliotheca Vaticana, compiled between 1465 and 1516 (Fig. 3).[12] All Cyriacus' drawings have recently been published,[13] thus making it easier to follow his descriptions.

In Piraeus Cyriacus mentions in addition to the lion remains of fortifications and two round towers: *Athenis venimus Athenarum portum secus Piream vetustissimam Atticarum Civitatem penitus vetustate collapsam: sed ad portum extant adhuc duarum rotundarum turrium aliquae partes, ac ingentia murorum hinc inde fundamenta extant, et ad faucem ingens marmoreus Leo.* The drawing is more informative; the lion is depicted as sitting outside two towers which are depicted as if flanking a gate, which detail led Michail Chatzidakis to identify the place with the Eetioneian gate in Piraeus, located on the western side of the main harbour (Fig. 4).[14] However, this identification is not totally unproblematic, because the three courses of blocks depicted by Cyriacus do not fit with the Eetioneian gate, where 5-6 such rows still remained during the nineteenth century. The Eetioneian gate furthermore leads towards Keratsini and Eleusis in the northwest and not towards Athens and would thus not have been along the road followed by Cyriacus inland from the harbour.

Piraeus had two other main gates: the Asty gate, through which the main road from Piraeus to Athens led, and the gate between the long walls, the latter only ca. 120 m to the southeast of the first (Fig. 4). The Asty gate was originally flanked by two round towers, which later during

12 Bodnar 1960: 41; Chatzidakis 2017: 248, pl. 252. For the preserved manuscripts of parts of Cyriacus work, see Bodnar 1960: 73-120, who believes that the manuscript exemplar of Moroni's book was copied directly from Cyriacus' journals. The Codex Barberini likewise seems to be close to Cyriacus' original notes (Chatzidakis 2017: 7-8).

13 Chatzidakis 2017.

14 Chatzidakis 2017: 248, pls. 251-52. For the Eetioneian gate, see von Eickstedt 1991: 34-43.

the fourth century BC were replaced by square towers. During the nineteenth century only the foundations of the round towers were preserved, whereas several layers of the blocks in the square towers survived; the situation would hardly have been much different during Cyriacus' days.[15] Recent excavations revealed a round tower on the southeast side of the gate between the long walls; together with the round tower B (more of a bastion) known since the nineteenth century, this gate would thus in a way have been flanked by two round towers as well.[16] Nonetheless it seems difficult to believe that Cyriacus would have referred to this gate. First of all, his drawing does not fit to it at all because of the long walls. Neither would the lion, if originally located here, have been seen by seafarers approaching the harbour.

Piraeus had at least since the early fourteenth century been known as Porto Leone (being first attested by this name in a map of Pietro Visconte from 1318), probably because the lion could be seen by boats approaching the harbour in a way similar to the statue of the tailor (Raphtis) at Porto Raphti.[17] The Eetioneian gate is located on the Hill of Kastraki, a high promontory, meaning that the lion if placed in front of it would have been visible from far away, partly even from the sea. We should probably not put too much importance on the fact that Cyriacus drew only three courses of blocks in the towers flanking the Eetioneian gate, although at least 5-6 must have been preserved at the time of his visit; expecting his drawing to be an exact rendering of what he saw would at any rate probably be a mistake.

Having tried all options we can thus conclude that the lion of Piraeus, based on Cyriacus' drawing, most likely stood somewhere outside the Eetioneian gate, from whence it was moved to the harbour shore some

15 For the Asty gate, see von Eickstedt 1991: 51-60, and more recently also Dova 2017.

16 For a map showing both the Asty gate and the gate between the long walls as well as the round towers B and D, see von Eickstedt 1991: fig. 33 or Garland 1987: fig. 32. The 'new' round tower southeast of the gate between the long walls remains as far as I know unpublished. I have not been able to figure out how many layers of blocks were preserved in these towers during the nineteenth century, but the round tower D between the two gates had then at least three layers of blocks (cf. von Eickstedt 1991: fig. 26).

17 For the tailor at Porto Raphti, see Forsén 2024: 34-37.

700 m further to the east where it was seen by travellers during the sixteenth and seventeenth centuries (Fig. 4). This must have happened at some stage between 1436 and 1456, in combination with which the lion was re-fashioned into a fountain. Athens was ruled by Nerio II Acciaiuoli from 1435 until 1451, except for 1439-1441 when he was replaced by his brother Antonio II. Nerio II was a contemporary with Cyriacus of Ancona, whom he had met at least twice. While deposed by his brother, he returned for two years to Firenze, where he probably took part in the council ratifying the union of the Orthodox and Catholic churches in 1439.[18] He is the most likely candidate to have moved the Piraeus lion and to have repurposed it and the other one in the Kerameikos into fountains, perhaps on his return to the position as Duke in 1441.[19]

Thanks to Cyriacus of Ancona we can thus narrow down quite precisely when the lion of Piraeus was moved and re-built into a fountain at the harbour shore. What is more, he gives us an indication of where the lion originally, since antiquity, had been standing; it clearly was outside one of the gates of the wall surrounding Piraeus, most likely the Eetioneian gate. Based on this piece of information we now definitely can exclude the possibility that it was transported to Piraeus by ship from somewhere else.[20] On the contrary, the lion has, from the moment it first was erected, been connected to Piraeus. The reason for its positioning must thus be looked for in the history of the harbour town.

Commemorating defenders of democracy?

Two pieces of information are needed to allow any kind of sensible speculation on why the lion originally was erected; as well as the location, we

18 For Nero II Acciaiuoli, see e.g. Setton 1975: 225-77.

19 On the breast of the lion of Piraeus there is a Medieval inscription by an unknown traveller: *Hic fuit Nicholaus Bres die XXVII Marci 1458*. It should be noted that this later inscription is on the front and not as the rune inscriptions on the sides of the lion, perhaps because the lion had been moved and placed in a way emphasising its front (with the basin) instead of its sides.

20 We can thus also finally put aside the suggestions that it once would have stood in Marathon or Salamis (e.g. Rafn 1856a: 62). Meletopoulos 1945 still supported the idea that the lion would have been brought from Marathon to Piraeus.

need to settle a date. The latter is not an easy prospect either, partly because the head of the lion was heavily restored in Venice, partly because of the general difficulty of dating fourth-century BC lions more precisely.[21] Giglioli dates it only broadly to the fourth century,[22] Vermeule correctly emphasises that it must predate the lions of Amphipolis and Chaironeia; first suggesting a date of 360-350 BC, later more precisely "about 360 BC."[23] Vedder would be ready to push the date as late as 340-330 BC, whereas Mertens-Horn, who does not seem to be aware of Vermeule, speaks about a date before the mid-fourth century BC.[24] Willemsen finally, who wrote before Vermeule and Mertens-Horn, prefers a date around 400 BC.[25]

Not much has happened since the publications of Vermeule, Vedder, Mertens-Horn and Willemsen, except for Papazarkadas' recent detailed publication of the Theban lion of Wastias,[26] which he dates to 395 BC, associating it with the battle of Haliartos. Papazarkadas does not try to date the Piraeus lion but emphasises that the Theban lion is much closer to it in terms of date than to the lions of Amphipolis and Chaironeia.[27] There are as a matter of fact striking similarities between the rendition of the lion of Piraeus and its Theban counterpart, mainly in posture and size. Worthwhile noting is also the absence of veins in both lions, a feature suggested to point towards the first quarter of the fourth century BC.[28] The Piraeus lion which is cut of one piece of stone clearly reminds more of the Theban one than of the large, composite ones of Amphipolis and

21 Mertens-Horn 1986: 47. This is reflected wonderfully in the case of the lion of Chaironeia, traditionally dated to shortly after the battle of Chaironeia in 338 BC, but which on stylistic grounds as well could be dated 20-30 years later (cf. Ma 2008: 84).

22 Gigliogli 1952: 6-7.

23 Vermeule 1968: 100; Vermeule 1972: 53.

24 Vedder 1985: 299, T78; Mertens-Horn 1986: 52: "wohl ... vor der Jahrhundertmitte".

25 Willemsen 1959: 48: "steht vom Stil aus nichts der Anahme im Wege, daß der Löwe nicht weitab von der kononischen Ummauerung des Piräus, um oder gegen 400, errichtet worden ist." Later Willemsen (1959: 130) explicitly compares the Piraeus lion with the lions of Thespiai and Thebes.

26 Papazarkadas 2022.

27 Papazarkadas 2022: 302-3. Papazarkadas (2022: n. 23) mistakenly states that Mertens-Horn 1986 would date the Piraeus lion to the mid-fourth century BC.

28 Polijiorghi 2004: 252-53.

Chaironeia.[29] Unfortunately, we simply lack any means of dating it more precisely; a cautious guess would perhaps be ca. 390-360 BC.

Lions occur commonly in funerary art, mostly depicted as reclining or attacking. Large lions of the seated type are less common and have traditionally been connected to *polyandreia*, that is mass graves of soldiers who had fallen in battle. This does not necessarily have to be the case, as recently shown by Papazarkadas for the Theban lion, which probably is to be considered a private monument of Wastias, emphasising his heroic achievements and death in battle.[30] Consequently we cannot exclude the possibility that the Piraeus lion too would have marked the grave of a prominent male person from Piraeus, who had fallen fighting heroically in battle. Alternatively, the lion could have marked a *polyandreion* for soldiers having fallen in a battle fought somewhere close to Piraeus during the first half of the fourth century BC. Both would at any rate have required some extraordinary circumstances because Athenians who had fallen in war were since Kleisthenes' days in principle always buried in the *demosion sema* in the Kerameikos.[31]

Military combat is mentioned by written sources in or next to Piraeus in 404/403, 403, 387 and 361 BC. The two first cases – the so-called battles of Mounychia and Piraeus – are connected to the overthrow of the regime of the Thirty and the restoration of democracy. The two last cases were short raids on the main harbour conducted by the Spartan Teleutias (Xen. *Hell.* 5.1.17-23) and Alexander of Pherai (Polyain. *Strateg.* 6.2.2) respectively, seizing merchant ships, merchandise and money before rapidly departing again.[32] It is questionable whether the raiders came to any straightforward battle with Athenian troops, no casualties are by any

29 Cf. also Broneer 1941: 40-41 according to whom the mane of the lion of Piraeus rather recalls the formal treatment of hair in Archaic sculpture. However, Broneer refrains from suggesting a date of the lion of Piraeus.

30 Papazarkadas 2022: 311. This could perhaps also go for the lion of Amphipolis, which Broneer 1941 explained as a cenotaph over Alexander the Great's general Laomedon. For other kinds of mass graves in ancient Greece, see e.g. Bérard & Castex 2021.

31 Cf. e.g. Walter-Karydi 2015: 164-97, emphasising the battle at Marathon as an exception; the fallen Athenians were all buried at the battlefield, although a cenotaph to their honour later was erected at Kerameikos.

32 For the two raids, see Garland 1987: 40-43, for Alexander, e.g. Sprawski 2006.

rate mentioned by our sources. However, if there were casualties, any Athenians falling would certainly have been buried at the Kerameikos.

The battles of Mounychia and Piraeus have more to offer, being described in relative detail, above all by Xenophon. The Thirty tyrants came to power in Athens shortly after the end of the Peloponnesian war, when the long walls and the fortification walls of Piraeus, following the peace settlement with Sparta, had been demolished. Thrasyboulos collected a small group of soldiers opposing the tyrants in Thebes, from where during the winter 404/403 he attacked and took the Phyle fortress guarding the border between Boeotia and Attica. From here again they continued to Piraeus and took up their position on the Mounychia hill. When the troops of the Thirty, supported by Spartans, arrived, they entered Piraeus, gathered at the main Hippodamian market, and tried to attack Thrasyboulos' men on Mounychia from there, but were defeated and ejected from Piraeus (Xen. *Hell.* 2.4.10-19; Diod. Sic. 14.33.2-3; for the topography, see Fig. 4).

After the battle of Mounychia, the Thirty asked for help from Sparta, who later in the spring sent an army commanded by Pausanias to Attica. Pausanias camped in the Halipedon plain (Xen. *Hell.* 2.4.30), just to the northeast of Piraeus, thus cutting off the route from the harbour to Athens. When Pausanias was returning to his camp from a tour to Kophos Limen to plan where to build a wall to blockade Piraeus, his troops were attacked by Thrasyboulos' supporters from the town.[33] Pausanias killed nearly 30 of the attackers and drove the rest back into town, all the way to the theatre at the foot of the Mounychia hill, where more of Thrasyboulos' men were gathering (for the topography, see Fig. 4). Subsequently Pausanias' troops were forced out of the town, in the process losing several men (Xen. *Hell.* 2.4.31-33). Outside Piraeus the two armies clashed in a fierce battle, from which Pausanias finally emerged as the winner. According to Xenophon (*Hell.* 2.4.34) about 150 of Thrasyboulos' troops were killed; the number of Spartan casualties is not given.

33 During the early nineteenth century, the Halipedon plain was (according to Ulrichs 1843: 648-49) flooded for large parts of the year; Piraeus might as a matter of fact at some stage in the past have been an island. Kophos Limen was probably the innermost muddy part of the main harbour (cf. von Eickstedt 1991: 68-69 for the state of research on this).

Both incursions into Piraeus must, based on Xenophon's description and the topography, have taken place somewhere at, or close to the Asty gate or the gate between the long walls. The final battle took place at some distance outside the demolished walls; the exact location remains unclear: Xenophon (*Hell.* 2.4.24) mentions that Pausanias withdrew 4-5 stadia to a small hill and that Thrasyboulos' troops at the end of the battle were pushed into the muddy ground of the marsh at Halai.[34] After the final battle, the two Athenian factions were reconciled and democracy restored to Athens. According to Xenophon (*Hell.* 2.4.33), the fallen Spartans were buried shortly after the battle in May – exceptionally – in the *demosion sema* of the Kerameikos. Here their burial has been found and excavated; a burial inscription verifies this matter.[35]

Xenophon does not mention where the fallen of Thrasyboulos' side were buried, with the exception of the *mantis*, or seer, who was killed in the battle of Mounychia and buried at the fords of the Kephisos river (*Hell.* 2.4.19: ἐν τῇ διαβάσει τοῦ Κηφισοῦ). This must have been somewhere in the Halipedon plain along the road leading to Athens; however, we do not know how far outside Piraeus, because the Kephisos river probably has changed its lower course several times since antiquity. There must have been others who fell on Thrasyboulos' side in the battle of Mounychia, they may well have been buried next to the *mantis*. The *demosion sema* must at any rate have been excluded as a possible burial place because of the ongoing *stasis*.

Concerning the battle at Piraeus, it has been suggested that those who fell on Thrasyboulos' side would have been buried at the Kerameikos

34 Ulrichs 1843: 673-74 identified the inner muddy part of the main harbour of Piraeus with Halai, but this was more likely Kophos Limen. Halai is rather to be looked for somewhere along the coast of the Halipedon plain, to the northeast of Mounychia.

35 Willemsen 1977, emphasises that since Pausanias after the battle moved his camp to the Academy not too far from the Kerameikos, this proximity was one of the reasons why the fallen Spartans were buried there. For further references to this burial, see Stroszeck 2013. Clairmont's suggestion (1983: 204), according to which the Spartans first would have been temporarily buried somewhere else and not re-buried before the burial enclosure was ready, finds no support in the archaeological record; the burials are inhumations. Cf. also Ma 2008: 84, showing that the burial enclosure at the Theban burial at Chaironeia was set up much later, probably together with the lion itself.

– just like the Spartans,[36] something I find highly unlikely, because the two sides were not reconciled until September 403,[37] before which the democratic faction at Piraeus had no access to Athens. Thrasyboulos' fallen men must rather, due to the exceptional situation, have been interred in a *polyandreion* close to Piraeus. Graves have been found outside both the Asty gate and the Eetioneian gate, but also along both sides of the entrance to the harbour.[38] A large tumulus with a diameter of ca. 76 m and a height of ca. 24 m was already back in 1802 excavated somewhere along the road leading from the Eetioneian gate towards Eleusis, unfortunately we do not know how far away from the gate itself. This grave dating to the 310s BC has recently been suggested to have belonged to the grandson of Konon and clearly shows that important graves were placed along the road leading out from the Eetioneian gate.[39]

Polyandreia were often located at symbolically important locations rather than at the exact battle sites.[40] The spot just outside the Eetioneian gate may well have been considered symbolically important. From here the monument would have been visible from widely around. Other important graves were obviously also placed here. This may even have been

36 E.g. Rhodes & Osborne 2003: 25; Buck 1998: 85; Azoulay & Ismard 2025: 90-91. This is based on Lys. 18.66: according to Rhodes & Osborne 2003: 25, this would indicate that it had been decided to give non-citizens who died fighting for the democrats at Piraeus a public funeral, a decision they believe would have been taken together with the decree of 401/400 BC, and preserved as an inscription (Rhodes & Osborne 2003: no. 4). Such a decision would then probably mainly have concerned soldiers dying later from their wounds, unless one believes that the fallen could had been cremated in the hope of later being brought to the *demosion sema*. But how likely was it that Thrasyboulos' men in May 403 would have been able to anticipate the coming truce with the oligarchic regime in Athens? But would such a re-interment really have encompassed all the fallen, even including the slaves, who had joined Thrasyboulos' troops?

37 Buck 1998: 82-83.

38 Williams 2014: 422 with further references. The most well-known grave located at the entrance to the harbour was the so-called Tomb of Themistokles (Wallace 1972).

39 For this tomb, excavated by Lord Elgin's agent Giovanni Battista Lusieri (who called it the tomb of Aspasia), see Williams 2014. For Lusieri, see Poulou 2016.

40 Ma 2008.

considered a specially fitting place for a *polyandreion* because of the military importance of the Eetioneia. It may be noted that Konon's grandson, whose grave was located somewhere close by, also had a military past, having served twice as general of Piraeus during the late 330s and frequently as a trierarch during the 320s.[41]

The lion most likely was added at a later stage to commemorate the fallen. John Ma has recently shown that the lion at Chaironeia may not have been erected until 315 BC in connection with Kassandros re-establishing Thebes and re-building its walls.[42] It took years for the wounds of the civil war to heal in Athens. The outbreak of the Corinthian war in 395 BC brought about a change; Athens joined the war against Sparta on the side of Thebes, Corinth and Argos.[43] The long walls and the walls surrounding Piraeus were rebuilt between 395 and 391 BC, partly as a result of Konon's victory in the battle of Knidos against the Spartans in 394 BC.[44] These events would likely have created a desire to commemorate those who had died fighting for Thrasyboulos against Pausanias at Piraeus, giving their lives in defence of democracy in Athens. The lion would then have been erected during the last years of the 390s or during the 380s BC.

John Ma stresses the link between the lion of Chaironeia and the famous lion of Thermopylai which we only know about thanks to Herodotos (7.225). In Ma's view, the lion of Chaironeia should not be understood only as a memorial of the battle against Philip II, but also as a symbol for the "pan-Hellenic narrative of liberty and remembered good deaths."[45] I would like to add both the lion of Thebes, recently connected to the battle of Haliartos in 395 BC (although a marker of a single grave),[46] and the lion of Piraeus to the same narrative of liberty and remembered good

41 Williams 2014: 431. He also had his residence in Piraeus.

42 Ma 2008: 84-86, referring to modern war memorials, for which there typically exists "a memorial gap of a generation or two, for the rawness and violence of events to settle into something that could bearably be reified and monumentalized". Neither was the famous lion at Thermopylai (Herod. 7.225; Clairmont 1983: 114-15) erected in connection with the battle in 480 BC, although we lack further information of when it was put up.

43 For an excellent overview of the political development, see Funke 1980.

44 Cf. e.g. von Eickstedt 1991: 27-28, 33; Rhodes & Osborne 2003: 46-49 n. 9.

45 Ma 2008.

46 Papazarkadas 2022.

deaths, in these cases while fighting against what at the time of their erection must have been experienced as Spartan tyranny.

There is more that unites the lions of Thermopylai, Thebes, Piraeus and Chaironeia than the narrative of liberty. They all symbolise the valiant fight and death in defence against a superior and stronger aggressor. This aspect is also built into the posture of the seated lion that symbolises defence and safeguarding. This is beautifully encapsulated in the old Athenian saying concerning the lion lying down at the Kerameikos as compared to the seated one at Piraeus: *Tu peux bien dormir, Lion d'Athenes, celuy du Port veille pour toy*.[47]

The Danish connection

The lion of Piraeus is strongly connected to the Nordic countries through the runic inscriptions cut into its legs and flank (Fig. 5). None of the early travellers who described the lion in Piraeus mentions the inscriptions, except for Evliya Çelebi, who thought that they had been made by Canpolat Mustafa Paşa during the early 1630s.[48] The Swedish scholar Johan David Åkerblad in 1800 was the first to understand that they were runic inscriptions carved by Vikings, without however suggesting a reading.[49] Because of the poor preservation of the inscriptions, there have been many suggestions as to how to interpret them, several of which are based on pure phantasy. Thorgunn Snædal recently reached the conclusion, in

47 Spon 1678: II, 177; Guillet de Saint-George 1675: 254 (who refers to two lions guarding; the one in Piraeus and another one on acropolis, which has not been preserved).

48 For an English translation of Evliya Çelebi's description, see Dankoff & Kim 2010: 290-91. Çelebi speaks about pictures created on the body of the lion with the help of different colours. For more on the early travellers, cf. Forsén 2024. Rune inscriptions were widely known already during the seventeenth century with some Swedish officers during the Thirty Years' War even using them as cipher for their correspondence. Rafn 1856a: 74, had already noted that Anna Agriconia must have been aware of rune inscriptions because two well-known rune stones stood close to the church, where her father was priest back in Sweden.

49 Åkerblad 1800 (in Swedish) and Åkerblad 1804 (in French). Laborde 1854: II, 243 n. 1, mistakenly considers Åkerblad a Dane.

a new and thorough study, that they were carved on three different occasions, the first sometime during the late 1020s or early 1030s, and the last during the last decades of the eleventh century.[50]

Because of the unique runic inscriptions, the lion of Piraeus attracted particular interest in the Nordic countries. A copy of the lion was ordered during the 1890s and exhibited in the Swedish History Museum in Stockholm. Plaster casts of the inscriptions had already been made by the Danish historian and antiquarian Carl Christian Rafn, who in 1856 published the first detailed description and interpretation, together with drawings, of the lion and its inscriptions in a bilingual (French and Danish) monograph.[51] Rafn's reading of the inscription is today mostly superseded, but his publication is important because through it the lion became more widely known.

Denmark in 1848-1851 fought the First Schleswig War against the Germans in revolt in the duchies of Schleswig, Holstein and Saxe-Lauenburg that then all belonged to the Danish crown.[52] The rebellious Germans created a provisional government and army that were supported by the German Confederation and above all by Prussian troops. The war led to a strong growth of Scandinavism, as other Nordic people sympathised with the Danes. Great Britain and Russia supported in their turn the Danish claims over the mutinous duchies, because they were afraid of Prussia gaining too much influence over the Danish straits. The war ended in a return to the status quo.[53] After the war in 1858, the Danish sculptor Her-

50 Snædal 2016.

51 Rafn 1856a; Rafn 1856b. For the plaster casts, see Rafn 1856a: 47-48. Sacconi 1991: 52, is wrong in considering Rafn a Swede. Already Laborde 1854: II, 242, had published small-scale sketches of the lion.

52 The Duchy of Schleswig was in 1848 part of Denmark, whilst the Danish king was Duke of the Duchies of Holstein and Saxe-Lauenburg which belonged to the German Confederation.

53 For the first Schleswig War, see e.g. Svendsen 2008; von Bezold 2014 with further references.

man Vilhelm Bissen was commissioned to create a lion monument commemorating the Danes who had fallen in the war's largest battle at Isted, which in 1862 was erected in Flensburg (Fig. 6).[54]

The coat of arms of Denmark included three lions and the coat of arms of Schleswig in its turn had two lions, which explains why the Isted monument had to include a lion.[55] Bissen faced the same challenge as had Jean-Louis van Geel, who was commissioned to make a lion monument for the battle site of Waterloo, or more specifically to mark the spot where the elder son of King William I of Netherlands had been wounded. The royal Dutch coat of arms also included lions, but van Geel planned his monument of 1826 on the base of the Medici lions, one of which is a Roman second century AD marble statue depicting a standing lion with its right paw on a globe.[56] van Geel was not the only early nineteenth century sculptor drawing inspiration from antiquity for lion sculptures. Bertel Thorvaldsen was, for instance, influenced by the Archaic Keos lion when planning his lion for the monument in Lucerne of 1821 commemorating the members of the Swiss guard killed in 1792 while defending the Tuileries in Paris against revolutionaries.[57]

Bissen, just like van Geel and Thorvaldsen, sought inspiration among the ancient sculptures. According to his statements, he decided to plan

54 On the base of the lion there was an inscription referring to the battle of Isted 25.7.1850. However, the lion was not erected on the battlefield, but rather at St Mary's cemetery in Flensburg, where soldiers fallen during the war in general had been interred. This led from the very beginning to a discussion as to whether the lion should be seen as a victory monument just for the battle at Isted or rather as a national monument honouring all who had fallen fighting for the Danish side in the war. The German subjects of Schleswig and Holstein regarded the lion an arrogant victory monument, ridiculing their national feelings. Cf. e.g. Adriansen 1993: 94-98.

55 Ostwald 1993: 49.

56 For the Medici lions, see e.g. Haskell & Penny 1981: 247-50. As a pair the Medici lions served well to flank a doorway or a staircase and were often used to decorate palaces. For another single lion of this type commemorating a battle, see the Swedish Narva lion erected in 1936 to commemorate the battle at Narva in 1700.

57 Thielen 2020. Thorvaldsen had apparently access to drawings by Cockerell of the Kean lion. He was also heavily influenced by the lions in Canova's monument to Clement XIII.

his monument based on the lion of Piraeus.[58] He had probably seen it already when he visited Venice in 1824 as a young man, but he had had a chance in 1853 to re-study the lion in detail together with Rafn when the latter collected information for his study on the runic inscriptions.[59] Rafn's publication of 1856 had also made the lion of Piraeus widely known in Denmark. It must have seemed predestined as a suitable prototype because of the runic inscriptions, taking into account the important role Vikings played in the Scandinavism movement. Emphasising the importance of the lion of Piraeus as a source of inspiration was without doubt politically and culturally the correct thing to do. However, while finalising his lion Bissen was probably more influenced by the naturalistic seated lion made by the French Antoine-Louis Baryes 1847/1848, although he does not mention it himself.[60]

Could Bissen perhaps also have been influenced by the lion of Chaironeia? The remains of it had been found already back in 1818, but it was not until 1839 that a reconstruction was considered. Christian Heinrich Siegel finished the reconstruction proposal in 1842, but the project was stopped by the Greek revolution in 1843. Though it would not be before 1902 that the lion of Chaironeia was reconstructed,[61] yet Siegel's proposal was published by F.G. Welcker, by coincidence also in 1856, together with a drawing of the planned reconstruction of the monument (Fig. 7).[62] There are several obvious parallels between Bissen's monument and Siegel's reconstruction proposal for the Chaironeian lion. First of all, the base of Bissen's lion is nearly identical with Siegel's modern base, which does not rest on any ancient evidence.[63] Secondly the posture of Bissen's lion is much closer to that of Siegel's planned lion than

58 Ostwald 1993: 54, with reference to a letter by Nissen to Orla Lehmann 29.7. 1858.

59 For Bissen's visit to Venice in 1824, see Schultz 1934; for his visit together with Rafn in 1853, see Ostwald 1993: 48, or Rostrup 1945: 373. We know next to nothing of what Bissen saw in Venice 1824.

60 Ostwald 1993: 58-59. The final rendering of the Isted lion also very much resembles Johann von Halbig's lion in Lindau, which had been erected in 1856. It remains unclear to what degree Bissen was aware of von Halbig's lion.

61 For a good overview of the history of publication and reconstruction, see Ma 2008.

62 Welcker 1856.

63 Ma 2008: 80, who emphasises that the base nonetheless occurs in modern studies on ancient statue bases.

to the more upright seated Piraeus lion, or to the reconstruction eventually implemented in 1902 by Lazaros Sochos at Chaironeia (Fig. 8). The upright posture of Sochos' reconstructed Chaironeia lion may as a matter of fact have been influenced by the lion of Piraeus.[64]

Artists do not always reveal the sources of their inspiration. It is also without doubt easier to admit that you have been influenced by a piece of ancient art than to say that it was by the work of a contemporary colleague.[65] Because of nationalistic and political reasons, it would at any rate have been impossible for Bissen to admit that he had been inspired by Siegel. Bissen was born in Schleswig ca. 30 km to the south of Flensburg, Siegel in Wandbek close to Hamburg, at that time part of the Duchy of Holstein. Both were thus subjects of the Danish king, and both likewise studied at the Royal Danish Academy of Fine Arts. Bissen came from a bilingual family, his father originating from Holstein, while his mother belonged to the Danish speaking minority of Schleswig. He was appointed professor of sculpture at the Royal Danish Academy of Fine Arts in 1834, then director of the same institution in 1850, and made several important Danish nationalistic sculptures. Siegel who was 10 years younger than Bissen was still studying in Copenhagen when Bissen was appointed professor. Siegel's career brought him later via Bavaria to Greece, where he finally became the first professor of sculpture at the Royal School of Fine Arts.[66]

The lion of Piraeus has thus, in addition to the Nordic connection created by the runic inscriptions, also a more specific Danish connection embodied by Bissen's Isted lion, which commemorates those Danes who fought and died against the rebellious Germans of Schleswig and Holstein, supported by the German Confederation. Fate later forced the Isted lion, just like the lion of Piraeus, to 'take to the road'. After the Second

64 Ma 2008: 80-81, who correctly describes Sochos' lion as "a modern statue, built out of ancient fragments".

65 Cf. Rostrup 1945: 378, according to whom Bissen could not afford to refer to Baryes, because he had declared that he despised modern art.

66 For Bissen, see e.g. Rostrup 1945; Schultz 1934; for Siegel, see Thielen 2020. Siegel was originally hired by the Bavarian king Ludwig I to plan a monument for the Bavarian soldiers who had died from typhus in Nauplion while following Leopold I's son Otto there when he became king of Greece in 1832. This monument, the Bavarian lion of Nauplion, is strongly inspired by Thorvaldsen's dying lion in Lucerne.

Schleswig War in 1864, the victorious Prussian troops transported the lion to Berlin, where it was re-assembled in 1868 at the Zeughaus, later to be moved to the Cadet Academy in Lichterfelde. In addition to this, the Germans in 1874 erected a zinc copy of the lion in Berlin close to the Colonie Alsen association of war veterans. Bissen's original lion was returned to Copenhagen in 1945, and finally in 2010 re-assembled on its original place in Flensburg. The zinc copy has remained in Berlin, today moved to the shore of Wannsee, where it sits, looking out at the lake.[67]

Concluding remarks

Scholarly interest in the lion of Piraeus has so far mostly focused on the runic inscriptions cut into its legs and flank, whereas other aspects of it largely have been ignored. I have here discussed where the lion originally stood as well as the date and reason for its erection, why and when it was moved to the harbour shore and rebuilt as a fountain, as well as how during the nineteenth century it was exploited as a source of inspiration for modern lion sculptures. Because of the lack of written sources and the difficulty of dating fourth-century BC lion sculptures, we will probably never be able to prove with certainty why and when the lion was erected. However, combining Cyriacus of Ancona's description of the lion's original location with our general knowledge of Piraeus' topography and history makes it likely that the lion was erected during the last years of the 390s or the 380s to honour those who had fallen in the battle(s) of Mounychia and/or Piraeus in 404/403 BC. In addition to commemorating those who gave their lives to enable the re-establishment of the democratic government in Athens, the lion also functioned as a symbol for liberty, in this case from Spartan tyranny.

The lion of Piraeus was during the early fifteenth century re-used by the Acciaiuolis who reigned as Dukes of Athens from 1358. Piraeus had been known as Porto Leone at least since the early fourteenth century (being first attested by this name in a map of Pietro Visconte from 1318), based on the lion that stood outside one of Piraeus' gates. The Acciaiuoli

67 For the wanderings of the Isted lion, see Adriansen 1993 and Adriansen 2011, with a description of the re-assembling in Flensburg on pp. 119-27.

family, who had a lion with raised paws in their coat of arms, moved the lion to the shore of the main harbour next to the road leading to Athens, thus drawing more attention to it. The road from Piraeus entered Athens close to the Kerameikos, where another lion, reclining on its side, had been placed. Both lions had been reworked to serve as fountains for thirsty travellers, and both were later in 1688 taken as war booty by Morosini to Venice, where they were placed in front of the entrance to the Arsenal.

Unique runic inscriptions cut into the flank and legs of the Piraeus lion attracted the interest of Nordic scholars, beginning with Åkerblad in 1800. The first detailed publication of the lion and the runic inscriptions was published by the Danish scholar Rafn in 1856, although the debate concerning the runic inscriptions has continued all the way up until today. The lion of Piraeus finally became a source of inspiration for the Danish Isted monument erected in Flensburg eleven years after the First Schleswig War. It thereby in a way creates a bridge from the defenders of Athenian democracy in 403 BC to scholars and artists in Denmark, thus also neatly symbolising the long and very productive academic career of Mogens Herman Hansen.

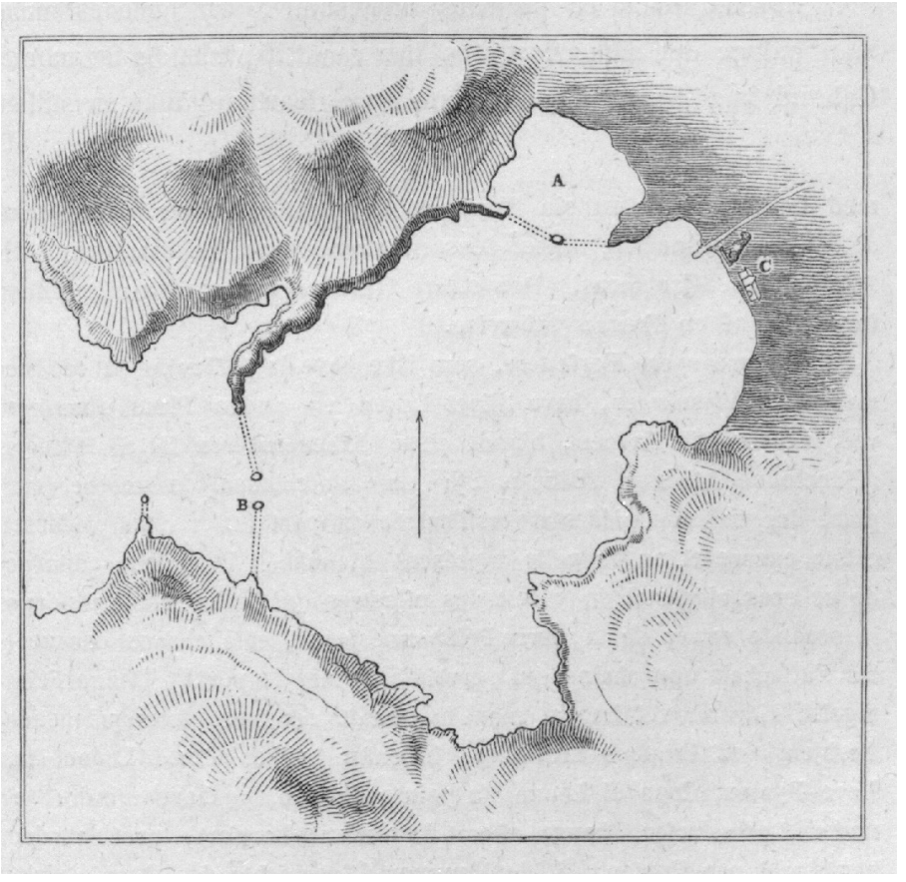


Fig. 1

Map of the main harbour of Piraeus in 1685, made during Etienne Gravier d'Otières' expedition to the Levant and before the lion was moved to Venice by Morosini in 1688. The lion can be seen top right, in between the beginning of the road leading to Athens and a customs house, the only building at Piraeus then. After Rafn 1856b: 69.



Fig. 2

The back of the lion of Piraeus, showing how during the fifteenth century a water pipe was cut into the lion, leading water to exit from its mouth, from where it flowed out into a basin placed before its feet. Photograph: Björn Forsén.

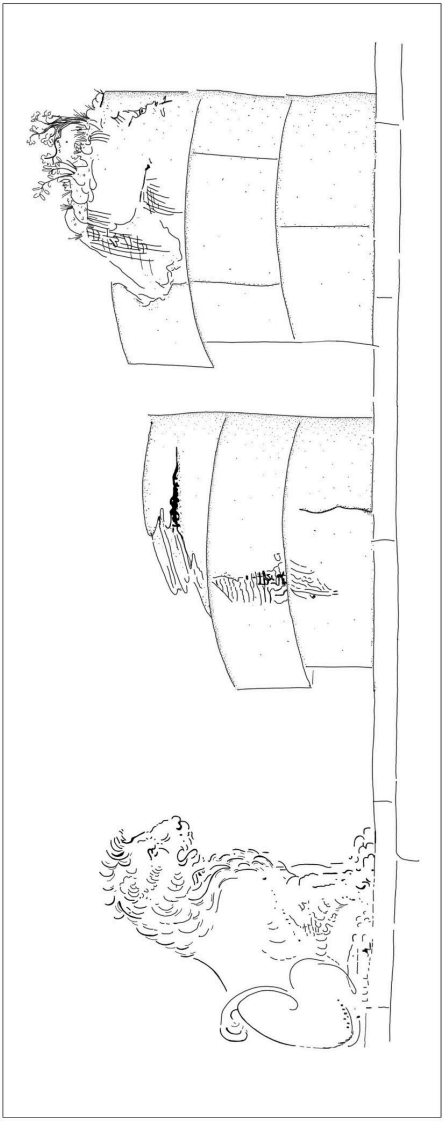


Fig. 3

Drawn copy of part of the Codex Barberini of the Bibliotheca Vaticana (Vat. Lat. 4424), fol. 29v, depicting the lion of Piraeus sitting in front of two round towers seemingly flanking a gate, probably the Eetioneian one. Drawing: Hanna Immonen based on Chatzidakis 2017: fig. 252.

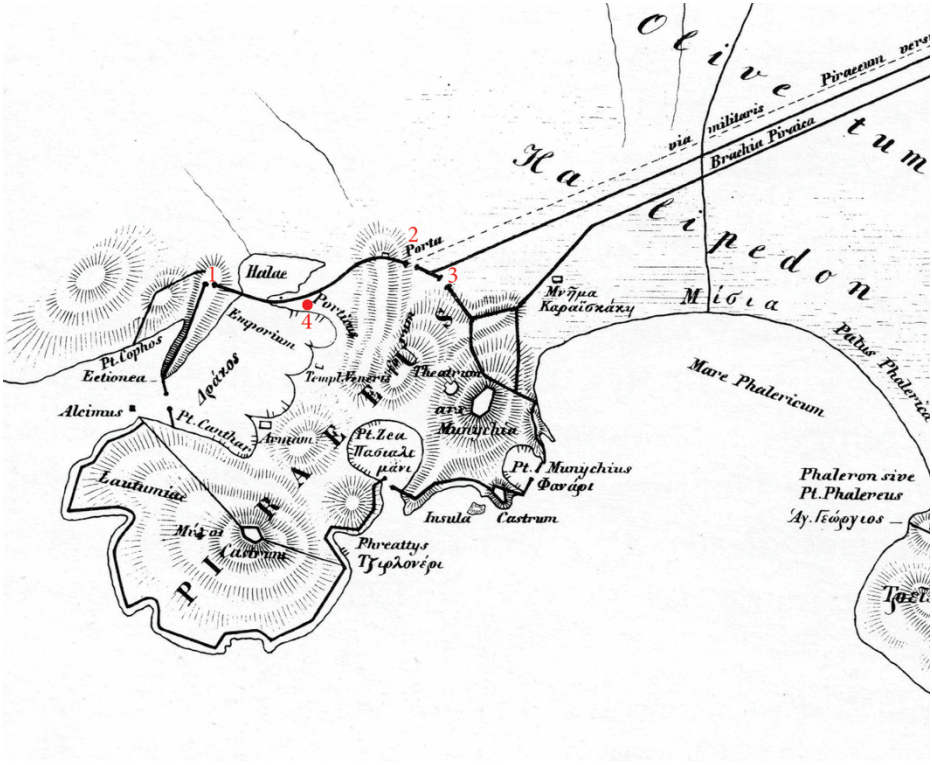


Fig. 4

The topography of Piraeus. Visible are the fortification walls, the long walls and the main road to Athens. Marked are the Eetioneian gate (1), the Asty gate (2), the gate between the long walls (3) and the rough position of the lion from the late 1430s/1440s until 1688 (4). After Ulrichs 1843: pl. I.



Fig. 5

The lion of Piraeus with runic inscriptions visible on its right flank and leg. Photograph: Björn Forsén.



Fig. 6

The Isted lion by H.W. Bissen, first erected 1862 in Flensburg. Side-view taken 2007 when the lion was exhibited in Copenhagen. © Wikimedia Commons.



Fig. 7

Reconstruction proposal for the lion of Chaironeia by C.H. Siegel, from 1842. After Welcker 1856: pl. I.



Fig. 8

The lion of Chaironeia as reconstructed by L. Sochos in 1902. Photograph: Klaus-Valtin von Eickstedt 1984.

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"… MORE POWERFUL THAN THE GODS' VENGEANCE": VIOLENCE AND RECONCILIATION IN CLASSICAL ATHENS

By Peter Funke

Summary: Based on Hans-Joachim Gehrke's foundational research on the anchoring of revenge in the socio-political environment of ancient Greek societies, the omnipresence of revenge and violence as defining constituents of everyday experience is first described. The terror regime of the '30 Tyrants' in Athens (404/3 BC) is then examined from the perspective of guilt, retribution and revenge. Using the term 'organised guilt' introduced by Hannah Arendt, specific mechanisms for securing power are identified. Finally, the significance of the amnesty that paved the way for overcoming the tyranny of the '30' is determined, which at the same time also provides a key to understanding political action in the social environment of Greek societies.

Anyone seeking an appropriate approach to the 'classical period' of Athens should start at its end and focus on a period that has long been described as a time of decline – as 'late classical' or even 'post-classical'.[1] Here, one is confronted with upheavals and changes to what supposedly constituted the 'classical' period. However, it is only from this perspective that the characteristics of the classical period – not only *in politics* – can be properly understood. It is precisely these upheavals, in all their disturbing moments, that bring the essence of this epoch into sharper focus.

One of these disturbing moments is the constant presence of violence

1 In the wake of Claude Mossé's significant and lasting impact on research with her theses on the decline of Athens in the fourth century BC (see Mossé 1962; Mossé 1973), Mogens H. Hansen contributed decisively to a fundamental change in perspective with his numerous studies on Athenian democracy (see Hansen 1999 and, most recently, 2018). A critical review of Mossé's theses can be found in the forthcoming publication of contributions to the international conference organised by David M. Pritchard & Ian Worthington in July 2023, entitled *Fourth-Century Athens at War: After Claude Mossé*.

Peter Funke: '"… More Powerful than the Gods' Vengeance": Violence and Reconciliation in Classical Athens' C&M Supplementum 4 (2026) 53-75.

and vengeance. There has been no shortage of attempts – especially in recent years – to describe this phenomenon in its various manifestations. Recently, the topics of violence and vengeance have regained relevance, not least against the backdrop of contemporary experience, and by no means only regarding antiquity.[2] In this context, Hans-Joachim Gehrke's relevant studies are of particular importance. He does not content himself with merely describing the act of vengeance. In his comprehensive study of *stasis* – Greek civil war – in classical times and, above all, in a foundational study on 'Die Griechen und die Rache', he assigns vengeance and retribution a central place in the Greek mentality.[3] Going beyond mere description, he determines the anchoring of this thinking and acting in what Edmund Husserl called 'Lebenswelt' ('life-world'),[4] and he asks – here entirely in the tradition of Jakob Burckhardt[5] – which 'Sitz im Leben' ('place in life') vengeance held among the ancient Greeks.[6]

The question of where vengeance and retribution have their 'seat in life' and how this is justified is answered by Gehrke with reference to a psychology of vengeance, which he uses to position vengeance within the inextricable web of loss through injustice and, above all, loss of honour. Defining vengeance as a decisive factor in Greek behavioural norms and firmly locating it in the socio-political environment of Greek societies offer a new approach to understanding them.

In the following, I would like to build on Gehrke's thoughts on violence and vengeance in ancient Greece with a view to a historical event in the history of Athens that was indelibly inscribed in the cultural memory of the Athenians (and not only the Athenians). I am referring to the rule of the so-called '30 Tyrants', who, immediately after the end of the Peloponnesian War established, with Spartan support, a reign of terror in Athens for a short period of just eight to nine months.[7] Analysing the events surrounding the establishment and eventual overthrow of

2 A comprehensive overview of the more recent literature can be found in Gilhaus 2017; see also Riess & Fagan 2016; Foraboschi 2018; Breuer & Walter 2023; Ammann 2024.

3 Gehrke 1985; Gehrke 1987.

4 Husserl 1936.

5 See Burckhardt 1977: 319-95.

6 Gehrke 1987: 138; cf. also the addendum in Gehrke 2019: 398-99; McHardy 2008.

7 See Lehmann 1972; Azoulay & Ismard 2025 (with further literature).

this regime of terror from the perspective of guilt, vengeance and retribution seems to be a suitable way of clarifying the specific mechanisms of securing power. I will present my thoughts in three steps, first describing the omnipresence of violence and vengeance as defining constituents of everyday experience, and then discussing the case of the rule of the '30 Tyrants'. In a third step, I will determine, in the context of the preceding considerations, the significance of the Amnesty, which paved the way for the final overthrow of the tyranny of the 'Thirty' and its consequences, but which, beyond this particular event, also provides a key to understanding the specific framework conditions of political action in the social environment of Greek societies.

First, let us consider the almost normative impact of the concept of vengeance. Anyone seeking to trace the concept of vengeance in Greek culture will first be directed to dramatic literature, specifically tragic poetry. In no other form of literature or drama is the interplay of violence, vengeance and retribution addressed and portrayed as thoroughly as in the Attic tragedies of the fifth century. Accordingly, there is no shortage of relevant detailed studies, to which I do not wish to add another here. It may suffice to point out a common feature of many of these studies: the difficulty of dealing with the inevitability of the act – usually murder – that follows from the ideal of vengeance and which, in its seemingly cruel consequence, disturbs us again and again. So disturbing was this juxtaposition in fact, that, for example, the subject matter of Euripides' *Medea* underwent a change in later versions of European literature up to the present day, in that attempts were always made to "explain Medea's act, the killing of her own children, in some way – usually as a crime of passion – to make it acceptable, thus removing the ultimate horror of the act or at least marginalising the perpetrator as demonic and superhuman."[8] Euripides takes a completely different view. "Here, the act is nothing more than a bare act of vengeance," to which what Wolf Hartmut Friedrich summarises in one sentence applies: Medea "does not say anything in Euripides that would have seemed strange in the 5th century, i.e. before Socrates and Plato."[9]

8 Gehrke 1987: 128 with reference to Friedrich 1967 and Dihle 1976; cf. also Prata & Verano 2024.

9 Friedrich 1967: 52; cf. also Gehrke 1987: 128; Descharmes 2013.

However, the act of vengeance also found its limits on stage. What determined the thoughts and actions was verbalised, but not everything was depicted. Horace therefore recommends:

> Either an event is acted on the stage, or the action is narrated. Less vividly is the mind stirred by what finds entrance through the ears than by what is brought before the trusty eyes, and what the spectator can see for himself. Yet you will not bring upon the stage what should be performed behind the scenes, and you will keep much from our eyes, which an actor's ready tongue will narrate anon in our presence; so that Medea is not to butcher her boys before the people, nor impious Atreus cook human flesh upon the stage, nor Procne be turned into a bird, Cadmus into a snake. Whatever you thus show me, I discredit and abhor.[10]

What applied to the stage did not apply in the same way to the visual arts' engagement with myth. I would like to illustrate this with a few brief, sketchy considerations, especially since research by Luca Giuliani, Anja Klöckner, Ralf von den Hoff and Susanne Muth has opened up new perspectives for my question.[11]

When Luca Giuliani gave a lecture at the Berlin Wissenschaftskolleg on the 'Problem des Mitleids bei antiken Darstellungen von Gewalt', he wisely added a question mark to the title 'Marsyas als Märtyrer?'[12] The starting point for Giuliani's remarks was the story of the satyr Marsyas, who dared to challenge Apollo to a musical contest on his flute, on the condition that the winner could do with the loser as he pleased. As is well known, Apollo won with his kithara and had Marsyas hung from a tree and flayed alive. Giuliani focused his considerations on a Hellenistic group of statues from the late third or early second century BC, which depicts Marsyas tied to a tree in an extremely realistic manner, looking in panic at his tormentor kneeling before him, who seems to have just finished sharpening his knife to skin Marsyas.[13]

10 Hor. *Ars P.* 179-88 (translated by H.B. Fairclough).
11 See Giuliani 2004; Klöckner 2005; von den Hoff 2005; Muth 2008.
12 Giuliani 2005; Giuliani 2006.
13 See the pictures in Giuliani 2005.

Since this group of statues was probably originally a votive offering to Apollo, Giuliani ruled out any sympathetic bias towards the victim of the god's wrath. The nature of a votive offering to Apollo precludes such an interpretation, instead establishing "partisanship for the god and against Marsyas".[14] And indeed, everything seems to indicate that the sight of such a precise depiction of a violent scene, the gruesome outcome of which was well known to every viewer, was nothing more than an "occasion for aesthetic pleasure", as Giuliani calls it.[15] This is a finding that seems very strange at first, but it is entirely justified in Greek thinking, in which there was no place for pity for Marsyas. In this context, Giuliani rightly referred to Aristotelian rhetoric, in which pity – *eleos* – could be shown only to those threatened by evil without deserving it.[16] Marsyas, however, deserved it: by arrogantly challenging the god, he had violated his honour. And according to the Greeks, this honour (and by no means only that of the gods) could, indeed had to, be restored through retribution. What happened to Marsyas was therefore nothing more than an act of vengeance, that corresponded to the expected and logical restoration of violated honour.

Thus, violence gains its firm place in a structure of action that is determined by a dialectic between vengeance and retribution. This dialectic was omnipresent in the lives of the Greeks and also found meaningful and visible expression in art. Nowhere is this clearer than in the mythical traditions. To illustrate this, I will add two further examples to the story of Marsyas from an infinite wealth of material. First, Niobe, the daughter of King Tantalus, who was also cruelly punished by the gods for his arrogance, had mocked the goddess Leto for having only two children, whereas Niobe had many. Apollo and Artemis avenged their mother's wounded honour by killing all of Niobe's children. Niobe – described by Jakob Burckhardt as the *mater dolorosa* of myth[17] – froze in pain and turned to stone and was carried away as a rock to her Lydian homeland.

14 Giuliani 2005: 218: "Parteinahme für den Gott und gegen Marsyas."

15 Giuliani 2005: 225: "ein Anlass zu ästhetischem Vergnügen."

16 Arist. *Rh.* 2.8. (1385b11-1386b7); see also Giuliani 2004; Hall Sternberg 2005; Giuliani 2006.

17 Burckhardt 1977: 325.

Once again, it is the interplay of wounded honour, vengeance and retribution that erupts in a violent manner here. This emotionally charged yet merciless pathos, with which vengeance is carried out, is confusing and finds its iconographic expression in countless ancient vase paintings that possess a coolness which repels our own perception of such violence.

A third and final case, impressively analysed by Anja Klöckner,[18] is the story of Procne, daughter of the Athenian king Pandion, who was married to the Thracian king Tereus. After Tereus raped and mutilated her sister Philomela, Procne killed her own son Itys and served him to her husband Tereus at dinner. After the meal, when the sisters presented Tereus with Itys' head, he discovered the horrific deed and sought vengeance. At this point, Zeus interrupted the vicious circle of violence and retribution by turning them all into birds – Tereus into a hoopoe, Philomela into a swallow and Procne into a nightingale, which now mourns her dead son Itys for all eternity.

It may surprise us – and yet it is significant – that at the time of the Peloponnesian War, the Athenians erected a group of statues of Procne and her son in a prominent place on the Acropolis, in the immediate vicinity of the Parthenon, and that at the same time several tragedies dealt with the fate of Procne. Anja Klöckner was right to see Procne in a role conflict, which she resolved in accordance with the prevailing norms by choosing her family of origin, since her own parents and sister were irreplaceable, whereas her husband and child were fundamentally replaceable. This is an attitude that is often found in Greek thinking and which Sophocles, for example, also attributes to Antigone when he has her justify her actions – burying her own brother despite the express prohibition of the King of Thebes – with the words:

> ... for never, had children of whom I was the mother or had my husband perished and been mouldering there, would I have taken on myself this task, in defiance of the citizens. In virtue of what law do I say this? If my husband had died, I could have had another, and a child by

18 Klöckner 2005; cf. also Manioti 2018; Mancuso 2022.

> another man, if I had lost the first, but with my mother and my father in Hades below, I could never have another brother.[19]

Procne therefore behaved entirely as expected. This was also the view of Pausanias, who had seen the statue group of Procne and Itys on the Acropolis in the second century AD, when he wrote:

> They say that Tereus, though wedded to Procne, dishonoured Philomela, thereby transgressing Greek custom, and further, having mangled the body of the damsel, constrained the women to avenge her.[20]

This compulsion to seek vengeance, resulting from an all-encompassing concept of honour, made violence omnipresent in Greek society and, under certain conditions, even necessary and justified. Therefore, the *polis* could seek to secure the community's existence only by containing violence and regulating vengeance, not by prohibiting it. And that was a laborious undertaking, especially since the gods could not and probably did not want to turn all humans into birds – after all, they themselves were subject to the same maxims of action. The effort to subject violence to a principle of order is already reflected in the mythology and poetry of the Archaic period. In his *Works & Days*, Hesiod invokes Dike, the personification of justice, in the famous parable of the hawk and the nightingale, to set limits on *bia*, that is unregulated and unbridled violence.[21] And the early Draconian and Solonian legislation in Athens aimed to limit, and ideally prevent, blood feuds, which posed an existential threat to the *polis* community. The subsequent development of Greek legal thinking saw the "domestication of vengeance"[22] through law, but not its replacement. At best, the law functioned as a regulatory mechanism, merely "chaining down vengeance".[23]

These few examples from Greek imagery and imagination should have made it sufficiently clear to what extent categories such as honour,

19 Soph. *Ant.* 908-15 (translated by H. Lloyd-Jones).
20 Paus. 1.5.4 (translated by W.H.S. Jones).
21 Hes. *Op.* 202-218.
22 Gehrke 1987: 130.
23 Gehrke 1987: 141: "die Rache an die Kette legen."

vengeance and retribution shaped perceptions and determined actions. This applied equally to the private and public spheres, with the result that the Greek world of the Classical period was in a virtually permanent state of war. Echoes of this situation can still be found in the apologetic work *Katà Kélsou* (*Contra Celsum*) by the Church Father Origen, written at the turn of the third century AD. In it, he reflects on the possibilities of spreading Christian doctrine throughout the world, categorically ruling it out in times "when a war was necessary, such as that between the Peloponnesians and the Athenians, and similarly in the case of the other nations which fought one another. Accordingly, how could this teaching, which preaches peace and does not even allow men to take vengeance on their enemies, have had any success?"[24]

What Origen had in mind here were the events of the Peloponnesian War, in which violence fuelled by mutual acts of vengeance unfolded in all its brutality and exerted its destructive force both in the conflict between states and in countless civil wars. Thucydides impressively described the extent to which the war affected the innermost conditions of the Greek *poleis* in his account of the bloody civil war conflicts in Kerkyra during the first years of the war. With sharp analytical insight and skilful literary technique, Thucydides sketches a concise but apt pathology of war and the brutalisation of political customs that it causes:

> And so the cities began to be disturbed by revolutions, and those that fell into this state later, on hearing of what had been done before, carried to still more extravagant lengths the invention of new devices … by … the monstrousness of their vengeances. … To get vengeance on someone was more valued than never having suffered injury oneself. … The cause of all these evils was the desire to rule which greed and ambition inspire, and also, springing from them, that ardour which belongs to men who once have become engaged in factious rivalry. For those who emerged as party leaders in the several cities, by assuming on either side a fair-sounding name, the one using as its catchword 'political equality for the masses under the law', the other 'temperate aristocracy', while they pretended to be devoted to the common weal, in reality made it their prize; striving in every way to get

24 Origen. *C. Cels. 2*.30.

> the better of each other, they dared the most awful deeds and sought vengeances still more awful, not pursuing these within the bounds of justice and the public good, but limiting them, both parties alike, only by the moment's caprice.[25]

As is well known, Athens was not spared these internal political upheavals either. The brutality of the war also turned inwards here. And with that, I would like to move on to the second aspect of my remarks, the rule of the so-called '30 Tyrants' in Athens in 404/3 BC, immediately after the Peloponnesian War ended.

Following the swift fading of the high hopes that had been pinned on the conclusion of the so-called 'Peace of Nicias' in 421 BC, the anti-democratic forces in Athens seized their opportunity to incite a revolution. A more detailed account of the events[26] is not necessary here, as I am concerned only with a specific aspect of the domestic political upheavals in Athens. The devastating catastrophe in Sicily, the continued presence of Spartan troops in Attica and severe military setbacks in the Aegean had put Athens in a precarious situation in 412/11 BC. This also led to serious domestic political tensions. The anti-democratic forces in Athens, often organised in small exclusive clubs known as *hetaireiai*, finally saw a chance to pursue their long-cherished plans for a coup. Through murder and manslaughter, they created an atmosphere of fear and terror in the city paving the way for the overthrow of democracy. Thucydides' account vividly depicts the systematic terror employed:

> Now this was only a specious pretext intended for the masses, for the very same men who were endeavouring to change the government were going to have control of the state. The people, however, and the council chosen by the bean were none the less still convened; but they discussed nothing that was not approved by the conspirators; nay, not only were the speakers from this party, but what should be said had been previously considered by them. And none of the others spoke against them any longer, out of fear and because it was clear that the

25 Thuc. 3.82.3-8 (translated by C. Forster).

26 On this, see Lehmann 1972; Funke 1980; Krentz 1982; Lehmann 1997: 25-61; Azoulay & Ismard 2025 (with further literature).

> conspiracy was widespread; and if anyone did oppose it, he was immediately and conveniently killed. And no search was made for those who did the deed, nor, if they were suspected, was any legal prosecution held; on the contrary, the populace kept quiet and were in such consternation that he who did not suffer any violence, even though he never said a word, counted that a gain. Imagining the conspiracy to be much more widespread than it actually was, they were cowed in mind, and owing to the size of the city and their lack of knowledge of one another they were unable to find out the facts. For the same reason it was also impossible for any man that was offended to pour out his grievances to another and thus plot to avenge himself, for he would discover any person to whom he might speak to be either a stranger or, if an acquaintance, faithless. For all the members of the popular party approached each other with suspicion, as though everyone had a hand in what was going on. And, indeed, there were among them men whom one would never have expected to change over and favour an oligarchy; and it was these who caused the greatest distrust among the masses and rendered the most valuable service toward the few in securing their safety by confirming in the populace this distrust of their own people.[27]

When Thucydides expressly emphasises that it was impossible to take vengeance for the injustice suffered, it becomes clear that a whole new dimension of violence was expressed here. This overrode the usual interplay of vengeance and retribution, bringing with it a completely different experience of violence for the Athenians. This actually had all the elements associated with the concept of terror, primarily linked to the dark side of the dawn of modernity at the end of the 18th century. The events in Athens at that time certainly showed signs of 'terreur' as a violent means of enforcing ideological objectives, leaving a bloody trail through history from the French Revolution to the present day.

The result was fatal, albeit short-lived: the Athenian popular assembly, frightened and intimidated by the oligarchically-minded *hetaireiai*, agreed to the introduction of a new constitution in June 411 BC. All democratic offices and institutions were dissolved. Only 5,000 citizens were

27 Thuc. 8.66 (translated by Ch. Forster).

permitted to retain their political rights, and the affairs of government were transferred to a council of 400 members. However, the body of 5,000 full citizens was never constituted. The Council of 400, filled with the coup leaders' sympathisers, held all decision-making power.[28]

Although the oligarchic experiment failed after a short time due to the determined resistance of the democratic Government-in-Exile formed in Samos, the 411 BC coup was by no means inconsequential; its failure did not mean an end to violence in Athens. On the contrary, the collapse of the oligarchic regime once again set in motion the spiral of violence and counter-violence marked by thoughts of vengeance, which, as Thucydides noted, had come to a standstill due to the oligarchic terror. The democrats, having regained power, did their part to deprive their oligarchic opponents of any opportunity to resume their activities. However, they did not entirely succeed in doing so in the following years, especially since the measures taken against the oligarchic partisans (trials, executions and exile) merely kept their hatred of the democratic system alive and evoked a desire for vengeance.

The time for vengeance came when Athens' defeat in the Peloponnesian War was finally sealed. Already in the desperate final phase of the war, the oligarchic *hetaireiai* were revived and began to spread terror and panic through opaque and uncontrollable machinations. Once again, terror became a means of vengeance that was impossible to elude. In addition, shortly afterwards, in the wake of the Spartans, the oligarchically-minded emigrants also returned to Athens, having left the city – as far as they could – after their defeat in 410 BC. The Spartans relied entirely on these forces and established a junta of thirty pro-Spartan politicians who were entrusted with all governmental power. Many of these 'Thirty' had already distinguished themselves as oligarchic activists in 411 BC. The 'Thirty' occupied the council and magistracies with their supporters and restricted Athenian citizenship to 3,000 people who were exclusively their supporters and were unconditionally sworn in to the new regime.

With the backing of a Spartan occupation force, the 'Thirty' unleashed a reign of terror that claimed the lives of approximately 2,500 people – including more than 1,500 Athenian citizens – in less than a year. To ap-

28 Cf. the literature cited in note 24.

preciate the scale of this, it is instructive to note that this figure is numerically comparable to the approximately 2,600 people who ended up on the scaffold during the 'terreur' phase of 1793/4 in Paris. Contemporaries of the French Revolution already shared this view. The economist Dupont de Nemours, a former moderate deputy who had only escaped the guillotine thanks to the fall of Robespierre, drew parallels between the 'terreur' and the rule of the 'Thirty' in Athens by adapting the Attic orator Lysias' speech *Against Eratosthenes* (Lys. 12) on the acts of terror committed by the 'Thirty' to the welfare and security committees, replacing the names of the Athenian perpetrators with those of the corresponding members of these committees.[29]

Critias, one of the 'Thirty', is said to have commented on the large number of victims with the words:

> Gentlemen of the Senate, if anyone among you thinks that more people than is fitting are being put to death, let him reflect that where governments are changed these things always take place. ... It is true, of course, that all sorts of changes in government are attended by loss of life [...].[30]

Contemporary sources reveal the progressive dynamics of systematic violence and terror, which Plutarch would later describe as follows:

> The first man put to death by the Thirty was a certain informer (sycophant) who was said to deserve it, and so was the second and the third; but after that they went on, step by step, until they were laying hands on honest men and eventually did not spare even the best of the citizens.[31]

Arrests, executions and confiscations were the order of the day and were carried out with no regard for any semblance of right. However, the victims were by no means only opponents of the regime. To flush more

29 Nippel 2008: 189.

30 Xen. *Hell.* 2.3.24.32 (translated by C.L. Brownson).

31 Plut. *Mor.* 959D (translated by H. Cherniss & W. Helmbold); see also Plut. *Mor.* 998B; [Arist.] *Ath. Pol.* 35.

money into their coffers, the 'Thirty' also seized and killed wealthy citizens and metics, even though they had done nothing wrong. These violent excesses reached a cruel climax with the mass murder of the Athenian civic population in Eleusis and Salamis, in which 300 people were killed solely because the 'Thirty' had built a refuge in these places as a precautionary measure and saw the local population as a threat to their own safety.[32]

The arbitrariness and brutality of the action may well have been fuelled by a desire for vengeance for the overthrow of the oligarchic regime in 410 BC, but that alone cannot adequately explain the events of 404/3 BC. By this point, it was no longer solely about seeking retribution and satisfying feelings of vengeance, but about securing their own position of power at any cost. However, in a society dominated by thoughts of vengeance, the 'Thirty' had to anticipate the vengeance of their opponents. The terror they exercised inevitably provoked vengeance, so they did everything in their power to prevent the cycle of vengeance and retaliation from starting again. Their totalitarian regime was intended to break any resistance from the outset. In his indictment of Eratosthenes, a member of the 'Thirty', Lysias later summed it up as follows:

> Remember how they snatched some from the market, others from the sanctuaries, and killed them violently; how they tore others away from their children, their parents, and their wives, forced them to commit suicide, and did not allow them a proper burial. For these people believed that their rule was more powerful than the gods' vengeance.[33]

The 'Thirty's' hybrid claim to power is understood here in terms of vengeance and is perceived as an excessive violation of all behavioural norms. At least in terms of its claim, it seeks to evade any resistance, even that of the gods. However, this interpretation only illuminates one aspect of the tyranny of the 'Thirty'. Contemporary source material also reveals another side to their rule that is closely linked to the aforementioned point, yet which nevertheless requires separate consideration.

32 Xen. *Hell.* 2.4.8-9; Lys. 12.52; 13.44.

33 Lys. 12.9 (translation by author).

Ancient accounts of the atrocities repeatedly emphasise that the 'Thirty' junta systematically sought to force Athenian citizens who appeared to be sympathetic to the oligarchic government into showing loyalty to the regime by actively participating in violent acts. The 'Thirty' not only decided that each of them should seize and execute a wealthy metic and confiscate his property to fill the state coffers and pay the Spartan occupation troops,[34] but also demanded the same of many citizens, including Socrates. In Plato's *Apologia*, Socrates recounts how he and four other citizens were summoned to the office of the 'Thirty', where they were ordered to bring Leon, a citizen of Salamis, to be executed. Socrates then continues:

> They ordered many others to do things of this sort, wishing that as many as possible would be implicated in the responsibility. Then, however, I showed again, not in speech but in deed, that I do not care about death in any way at all – if it is not too crude to say so – but that my only care is to commit no unjust or impious deed. That rule, as strong as it was, did not shock me into doing anything unjust. When we came out of the Tholos, the other four went to Salamis and arrested Leon, but I departed and went home. And perhaps I would have died because of this, if that rule had not been quickly dissolved.[35]

And when the 'Thirty' demanded that the citizens who remained in the city condemn their completely innocent fellow citizens from Eleusis to death, the 'Thirty' did so on the following grounds:

> We, gentlemen, [...] are establishing this government no less for you than for ourselves. Therefore, even as you will share in honours, so also you must share in the dangers. Therefore you must vote condemnation of the Eleusinians who have been seized, that you may have the same hopes and fears as we.[36]

34 Xen. *Hell.* 2.3.21.
35 Plat. Apol. 32c-d (translated by T.G. West).
36 Xen. *Hell.* 2.4.9 (translated by C.L. Brownson).

The 'Thirty' could not have articulated the objectives of their violent politics more clearly. The rituals and initiation rites developed by the *hetaireiai* and political clubs to strengthen their internal cohesion provided a model for what was practised here in politics. One need only recall Alcibiades, who is said to have tested the reliability of his *hetaireia* members by attempting to make them accomplices and participants in a murder, albeit a fictitious one.[37] Among the 'Thirty', such tests became deadly serious. The more partisans they could involve in their murderous craft and thus entangle in guilt, the stronger the cohesion within the oligarchically-minded citizenry would become – even if it was primarily based on fear and terror. Thus, terror becomes a means of securing power.

In such contexts, the German term 'Kollektivschuld' ('collective guilt') is often used to describe the effects of this practice of rule.[38] The term is certainly apt when one considers the intentions of those in power and the outcome. However, it falls short when it comes to understanding and describing the mechanisms and functioning of this system of rule. Another term – developed by Hannah Arendt in a short essay, written in November 1944 and first published in English translation in the January 1945 issue of the magazine *Jewish Frontier* – is more suitable for this purpose.[39] In it, Arendt impressively and concisely analyses the methods used by National Socialist rulers to make as broad a section of the German population as possible participants in the murderous regime. If they could not be integrated into the "people's community of crime", the Na-

37 Polyaenus, *Strat.* 1.49.1.

38 On the origin of the term 'Kollektivschuld' see Frei 1997.

39 Arendt 1945a. In September of the same year, an abridged version of the German-language manuscript appeared in the Argentine magazine *La Orca Alemania* (Arendt 1945b), and in April 1946, the complete original manuscript was published for the first time in Germany in the fourth issue of the first volume of the magazine *Die Wandlung*; reprints appeared in 1948, 1978 and 2019 (Arendt 1946). This article is based on the 2025 edition of Arendt. For the historical context, see Meyer 2025: 11-31; Sznaider 2025.

tional Socialist rulers at least wanted to push them into the role of accomplices and confidants, thus striving for "the total complicity of the German people".[40]

The first publication of her article, which appeared in English under the title 'Organized Guilt and Universal Responsibility', also contains the term 'collective guilt'.[41] In the original German manuscript, however, Hannah Arendt uses the term 'Gesamtschuld' instead of 'Kollektivschuld'.[42] But she centres her considerations on another term she coined: 'organised guilt', in order to outline more sharply the emergence of the collective that is bound up in guilt. My aim here is not to reopen the debate on 'Kollektivschuld', but to assess whether 'organised guilt' can serve as an effective historical interpretative model to explain, or at least succinctly describe, the interplay between the reign of terror and the stabilisation of power. Through the concept of 'organised guilt', Hannah Arendt sought to reveal the interplay between securing the position of those in power and entangling as many people as possible in common perpetration and complicity. This is precisely the kind of interplay that the 'Thirty' also pursued to establish a stronger foundation for their rule, and that process can be adequately understood from the perspective of organising guilt.

Such a mechanism for stabilising power, which functioned according to the principle of 'organised guilt' and which could have been illustrated by many other examples, not only from ancient history, was bound to be particularly successful in a society such as that of ancient Athens. Even though the 'Thirty' believed their rule to be "more powerful than the gods' vengeance",[43] all those who had joined the regime remained fearful of the vengeance of the others in the event of failure. While this undoubtedly strengthened cohesion among the ranks of the 'Thirty's' supporters,

40 Arendt 2025: 364: "Die Berichte über diese Verbrechen ... werden heute [1944] von den Nazis völlig offen als Liquidierungsmaßnahmen zugestanden, um diejenigen 'Volksgenossen', welche man ... in die 'Volksgemeinschaft' des Verbrechens (hat) aufnehmen können, wenigstens in die Rolle der Mitwisser und Komplizen zu drängen. Die totale Mobilmachung hat in der totalen Komplizität des deutschen Volkes geendet."

41 Arendt 1945b: capt. II.

42 Arendt 2025: 367.

43 Lys. 12.96.

it also strengthened the front of their opponents. The faster the spiral of violence and terror spun, the deeper the rift within Athenian society became, marked by hatred and a thirst for revenge.

This rift was correspondingly difficult to overcome when a democratic resistance movement formed in exile brought about the downfall of the 'Thirty' (and a short-lived successor regime) in bitter fighting after only eight months, restoring the democratic constitutional order. The signals were set to effect reconciliation, not least due to pressure from Sparta, and a general amnesty for all civil war crimes, from which only the inner core of the terrorist regime was excluded, served as the basis for a settlement between the two sides. All citizens swore an oath to *ou mnesikakein*, i.e. never again to remember past injustices or seek vengeance for them – with the exception of the crimes committed by members of the 30 and the 10 in Peiraieus.[44] Nevertheless, mistrust in the permanence of this Amnesty was so great that both sides of the civil war agreed to divide the city and establish a separate oligarchic state within the territory of Athens at Eleusis. This mini-state was intended to offer refuge to those who did not trust the agreed reconciliation. The coexistence of the two Attic states was contractually regulated down to the detail of a kind of laissez-passer arrangement.[45]

This mistrust was not entirely unjustified. Despite the agreed Amnesty, there had been numerous attempts to undermine it, to exact retribution and to take vengeance. This was to be expected, as a general amnesty contradicted common perceptions and expectations, representing an unacceptable imposition. After all, it meant unconditionally renouncing vengeance, which the Greeks believed to be nothing less than a 'duty'.[46] One example of this is the case of the Athenian Dionysodoros, who had been sentenced to death by the 'Thirty', about whom Lysias reports:

44 See Funke 1980: 1-26; Loening 1987; Flaig 1991; Ober 2005; Loraux 2006; Meier 1997; Meier 2010: 15-40; Carawan 2015; Harter-Uibopuu & Mitthof 2013; Joyce 2022; Azoulay & Ismard 2025: 96-137.

45 See Lehmann 1972.

46 Gehrke 1987: 123.

> Now, when the sentence of death, gentlemen, had been passed on them, and they had to die, each of them sent for his sister, or his mother, or his wife, or any female relative that he had, to see them in prison, so that they might take their last farewell from their people before they ended their days. In particular, Dionysodoros sent for my sister – she was his wife – to see him in prison. ... In the presence of my sister, Dionysodoros, after disposing of his personal property as he thought fit, referred to this man Agoratus as responsible for his death, and charged me and Dionysios his brother here, and all his friends to execute his vengeance upon Agoratus; and he charged his wife, believing her to be with child by him, that if she should bear a son she should tell the child that Agoratos had taken his father's life and should bid him execute his father's vengeance on the man for this murder. To show the truth of what I state, I will produce witnesses to these facts.[47]

The case of Dionysodoros shows how deeply rooted the Athenians' desire for vengeance was, and how much resistance the amnesty agreements had to overcome. It was only thanks to the farsighted policies of leading democrats, who insisted on strict and unconditional compliance with the amnesty that the course of events in Athens changed, leading to the dissolution of the Eleusinian separate state and the political reunification of Attica within two years.

The uncompromising and consistent enforcement of the amnesty had not failed to have an effect, so that Isocrates was able to state in the same year that the amnesty had made it possible to live together in harmony again and that the Athenians were therefore considered the happiest and wisest of all Greeks.[48] And in the same year, Andokides emphasised that all of Greece admired the Athenians for preserving the *polis* rather than seeking vengeance.[49] Lysias also emphasises that the victors were not interested in vengeance against their enemies, but in saving the *polis*.[50]

47 Lys. 13.39-42.
48 Isoc. 18.45-46.
49 Andoc. 1.140.
50 Lys. 2.64.

Ultimately, it was not the rule of the 'Thirty' that proved "more powerful than the gods' vengeance", but the will for concord (*homónoia*) in the *polis*. The fact that this was also linked to the common will to restore Athens' lost foreign policy power is another matter. Nevertheless, the sustainability and permanence of the amnesty demonstrate that the power-political aspects were a necessary but not sufficient condition for the extraordinary act of the amnesty.

Vengeance is "structurally rooted in an environment of irreconcilability."[51] This must be kept in mind if one wants to understand the political actions of the Greeks, which often seem so alien to us, especially since irreconcilability encompasses much more than mere political opposition. If one wanted to overcome the irreconcilability, the only way was the *ou mnesikakein*, that is, to erase what had happened from memory in order to stop the cycle of vengeance. However, in practice the amnesty actually involved precisely the opposite of what it claimed to involve: namely an act of forgetting. The constant recourse to the amnesty in the day-to-day dealings of Athenian politics, which was apparently necessary, shows that the events were deeply imprinted in people's memories and could not be forgotten. Paradoxically, the amnesty thus became a way of coping with memory. The past should never be amnestied, but always remembered. This is because "there is a connection between remembering and not only expectations of justice and demands for vengeance, but also the guarantee of peace, including inner peace, integration and social identity". [52]

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FLEET DISPATCHES IN FOURTH-CENTURY BC ATHENS[1]

By Vincent Gabrielsen

Summary: In his *First Philippic*, Demosthenes ranks the Athenian navy as inferior to Philip II's Macedonian navy primarily because of its unpreparedness and dilatory fleet dispatch procedures. In accord with this assessment, a recent paper makes particularly the quarrels and lawsuits between trierarchs the causes of delayed expeditions and the poor performance of the Athenian navy in the fourth century. The present paper scrutinizes both of these claims. It concludes that a larger body of evidence contradicts Demosthenes' assessment and shows the claims of the recent paper to lack empirical support.

I

Modern assessments of Athens' naval effectiveness in the fourth century often refer to a passage from Demosthenes' *First Philippic*. Deploring the unpreparedness of Athens' navy and its tardiness in sailing out to check Macedonian expansion in 351/0 BC, Demosthenes says the following:

> ἐν δὲ τοῖς περὶ τοῦ πολέμου καὶ τῇ τούτου παρασκευῇ ἄτακτα, ἀδιόρθωτα, ἀόρισθ' ἅπαντα. τοιγαροῦν ἅμ' ἀκηκόαμέν τι καὶ τριηράρχους καθίσταμεν καὶ τούτοις ἀντιδόσεις ποιούμεθα καὶ περὶ χρημάτων πόρου σκοποῦμεν, καὶ μετὰ ταῦτ' ἐμβαίνειν τοὺς μετοίκους ἔδοξε καὶ τοὺς χωρὶς οἰκοῦντας, εἶτ' αὐτοὺς πάλιν, εἶτ' ἀντεμβιβάζειν, εἶτ' ἐν ὅσῳ ταῦτα μέλλεται, προαπόλωλεν τὸ ἐφ' ὃ ἂν ἐκπλέωμεν·
>
> However, in what pertains to war and its preparation everything is disorderly, irremediable, ill-defined. Consequently, we wait till we

1 I would like to thank the editors for offering me the opportunity to honour Mogens' memory with a contribution to this memorial volume. Special thanks are due to Adam Schwartz for referring me to works on the military review. Finally, I thank the anonymous peer reviewer for offering me several useful suggestions.

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> have heard some piece of news, and then we appoint trierarchs and deal with the *antidosis*-challenges between them, and we deliberate over sources of revenue, and next we resolve to man the fleet with resident aliens and slaves living apart from their masters, then with citizens again, then to embark the former groups instead, then while we thus delay, the object of our launching a fleet is lost.[2]

This chaotic situation has in a previous passage been contrasted to the orderly, well-funded and meticulously organized festivals of the Panathenaea and the Dionysia, the costs and organization of which were taken care of by timely appointed *choregoi* and other liturgists (Dem. 4.35-36). But the main contrast this passage seeks to highlight is between, on the one hand, the weakness of the Athenian navy, and on the other hand, the superior effectiveness of Philip II's Macedonian navy.

Demosthenes was not unbiased. He had a clear personal interest to magnify the threat posed by Philip II and hence also the effectiveness of the Macedonian king's navy.[3] Moreover, in the same speech, he was proposing a naval reform that would enable the Athenians to deal with the alleged Macedonian superiority at sea (4.16-22). He therefore had an interest to present the current naval system, which had been introduced by Periander's reform of 358/7, as highly dysfunctional. Besides, his previous naval reform proposal of 354 (Dem. 14.16-30) had been turned down by the Athenians. Nevertheless, his statements still carry weight with scholarship.

Demosthenes' assessment of Athens' navy prompted Friedrich Blass in 1877 to pronounce that 'Der Mangel an Ordnung und Zucht im athenischen Seewesen wird uns jedenfalls durch diese Rede sehr grell gezeigt'; this pronouncement has adherents.[4] A most recent one is David Pritchard, who holds that the poor performance of the fourth-century

2 Dem. 4.36-37, revised Loeb Classical Library translation. Cf. Dem. 8.10-11. For the date: MacDowell 2009: 210-18; Worthington 2013: 116-22. In the following, all dates are BC. The *antidosis* (exchange of properties) was the procedure that a newly appointed liturgist could use for becoming exempt from the service: see Gabrielsen 1987 and p. 90 below. For a slightly different reconstruction of the procedure: Christ 1990.

3 See, e.g., Worthington 2026: 239-40.

4 Blass 1877: 527; Mossé 1962: 331; MacDowell 2009: 216-17; Nash 2024: 192-98.

navy until ca. 340 owed to the great delays in dispatching fleets.[5] Those to blame for the delays were, according to Pritchard, the trierarchs. For, ever eager to be exempt from a financially onerous service, members of the trierarchic class, just before fleets were to depart, became embroiled in time-consuming lawcourt disputes, notably those arising from *antidosis*-challenges. With Demosthenes' reform of the trierarchy in 340, Pritchard holds, all this changed: costs became more equitably distributed among trierarchs; *antidosis*-challenges between them became less frequent; more men were willing to serve as trireme captains and thus the navy regained its fifth-century effectiveness.

Pritchard's view squares with logic. But is it also correct? In this contribution, the passage from Demosthenes' *First Philippic* (Dem. 4.36-37) and the latest interpretation of it are put to test. Unavoidably, my approach is going to take a critical tone, perhaps at times it will be bordering the 'politely quarrelsome'. Even so, that would almost certainly have been pleasing to Mogens, to whom I dedicate this paper in respectful memory.

II

It seems useful initially to clarify an important issue: how did the Athenians go about it when they dispatched fleets in the fourth century? A reasonably reliable reconstruction of the procedure can be given by piecing together the information provided by several sources, most of them from the fourth century. Richest in detail is a decree of 325/4 cited in the naval record *IG* II^2 1629, lines 165-271, which can therefore serve as the centrerpiece of our reconstruction.[6] The decree orders the establishment of an Athenian colony somewhere in the Adriatic, which is to function as a naval station and as a grain trade hub. Henceforward, it is referred to as the colonizing decree.

5 Pritchard 2026: 77-81. For the opposite view: Cawkwell 1984; Gabrielsen 2026.

6 Republished as *IG* II^3 1 370. See also Rhodes-Osborne, *GHI* no. 100. The decree cited in the naval record is a summary of the original decree. On the inscriptions referred to here as the naval records, see Gabrielsen 2013: 63, with n. 2.

All fleet dispatches (*apostoloi*) were authorized by a decree of the Assembly.[7] Besides stating the purpose or purposes of the expedition, such an enactment usually specified the number, classes and types of ships to be launched;[8] the way they were to be manned;[9] and how the expedition was to be funded.[10]

The next steps of the procedure required that all the administrative bodies assisting the dispatch were in readiness at the navy's Headquarters, the dockyards (*neoria*) at the three war harbours of the Piraeus: Kantharos, Zea and Mounichia.[11] The daily business there was taken care of by the Superintendents of the Dockyards (*epimeletai ton neorion*).[12] These officials collaborated closely with the ad hoc elected board of ten Dispatchers of Naval Expedititons (*apostoleis*),[13] and after 358/7 also with the *epimeletai* of the twenty trierarchic symmories, also called 'the Twenty'.[14]

7 *IG* II^2 1629.165-69: [Ψήφισ]μα καθ' ὃ παρέλαβε [Μιλτ]ιάδης τὰς τριή[ρεις] καὶ τετρήρεις [καὶ τ]ριακοντόρους καὶ τὰ σκεύη. See further [Dem.] 50.4 (referring to 362): Ἑβδόμη γάρ φθίνοντος μεταγειτνιῶνος μηνὸς ἐπὶ Μόλωνος ἄρχοντος (...) ἐψηφίσασθε τὰς ναῦς καθέλκειν τοὺς τριηράρχους. [Dem.] 17.20 (referring to 338): ἐψηφίσασθε τριήρεις ἑκατὸν πληροῦν καὶ καθέλκειν εὐθύς. See also Dem. 3.4; [Dem.] 47.20; [Dem.] 51.4; *IG* II^2 1623. 237-41; 1628.37-39. The key words are καθέλκειν (sc. ναῦς) and ἔκπλους (sc. τριήρων).

8 From the 360s, all triremes were divided into four classes according to their qualities, in ascending order: 'third', 'second', 'first' and 'select', the latter called also 'fast sailing', *tachynautousai* (Gabrielsen 2013: 65). Moreover, from 330/29 the fleet included quadriremes (*tetrereis*), and from 325/4 quinqueremes (*pentereis*) and thirty-oared ships (triaconters). Thus, a decree authorizing an expedition specified how many warships of a certain *type* and of a certain *class* were to be launched.

9 Through use of conscription: e.g., Dem. 3.4 (embarkation of the age-classes 20-45). Or by hiring naval labour: e.g., [Dem.] 50. 7. See Gabrielsen (forthcoming). There is not a single text to corroborate Demosthenes' statements about the Athenians' indecisiveness regarding how their warships were to be manned.

10 Through an *eisphora*-tax levy, from the Military Fund (*stratiotika*), from allied contributions (*syntaxeis*) or from a combination thereof: see Brun 1983.

11 On the harbour installations, see Lovén et al. 2011-2021.

12 See, e.g., *IG* II^2 1611.1-4; 1629.178-183; [Dem.] 47.21.

13 [Dem.] 47.26-27, 33. The colonizing decree shows that the ten citizens serving as *apostoleis* were appointed on the occasion of the expedition: τοὺς δὲ αἱρεθέντας ἐπιμελεῖσθαι τοῦ ἀποστόλου (lines 224-226).

14 [Dem.] 47.21-22, 24: ἐπιμεληταὶ οἱ ἐν ταῖς συμμορίαις. *IG* II^2 1623.155: οἱ εἴκοσιν (the Twenty). See also *IG* II^2 1617.29-67.

In the colonizing decree, for instance, the *epimeletai* of the dockyards are instructed to hand over to the trierarchs the ships of the expeditionary force and their equipment, while the *apostoleis* seem to have performed various tasks in connection with getting the fleet ready for dispatch. One of their tasks was to assist trierarchs about to sail in recovering public equipment from the trierarchs previously in charge of their ships.[15]

Heading the entire administrative apparatus was the Council of the Five Hundred (*boule*), a body with extensive powers over the navy.[16] Like the Assembly, it could authorize the issuing of hulls and their equipment to trierarchs.[17] According to the colonizing decree, the *boule* is to direct also the work of the *apostoleis* (lines 251-258). And the *prytaneis* are ordered to make the 'mole' (*choma*, on which see below) the *boule*'s seat so as "to deal continuously with matters relating to the fleet's dispatch until its departure" (τοὺς δὲ πρυτάνεις ποεῖν βουλῆς ἕδραν ἐπὶ χώματι περὶ τοῦ ἀποστόλου συνεχῶς, ἕως ἂν ὁ ἀπόστολος γένηται: lines 247-251). The *boule* (and the *prytaneis*) had to be on duty on the spot during the preparation process. Fifth-century evidence indicates the longevity of some of these procedures.[18] Moreover, the *boule* is to punish disobedient trierarchs (lines 242-247) and has the right to pass such additional enactments as there might be needed, provided these do not nullify the Assembly's decisions. In fact, the *boule* of the colonizing expedition did make use of that right: by a separate decree it enlarged the expeditionary force with the addition of the quadrireme *Eueteria*, a ship built in 328/7 (lines 272-278).

The board of ten generals was responsible for trierarchic appointments.[19] In the 320s, however, that responsibility fell on only one general, the *strategos* over the symmories (*strategos epi tas symmorias*), who, according to a contemporary account, "makes a roster of the trierarchs

15 [Dem.] 47.33. See also [Dem.] 50.10.

16 Rhodes 1972: 113-22.

17 Ships: *IG* II^2 1623.200-1; 1629.272-73. Equipment: *IG* II^2 1609.111; 1629.1135-36.

18 See the second decree for Methone: Meiggs-Lewis, *GHI* 65, lines 52-53 (ca. 430): ἐπειδὰν ἐσέλ[θει ἑ π]ρυ[ταν]εία ἑ δευτ[έρα] μετὰ τὰς ἐν τõι νεορίοι ἕ[δρας]. Cf. Rhodes 1972: 118.

19 *IG* II^2 1623.153-56. On the appointment procedures: Gabrielsen 1994: 68-78.

about to serve, deals with *antidosis*-challenges among them and introduces to court the suits (*diadikasiai*) concerning them".[20] The colonizing decree confirms this and specifies that this *strategos* is to conduct his duties in collaboration with the *thesmothetai* and indirectly with the treasurers of the Goddess (lines 205-217). Finally, the same decree makes the *euthynos* and the *paredroi* stand as guarantors for unpaid fines owed by offenders, that is, those violating the decree's provisions (lines 238-242).

Reading now Dem. 4.36-37 against this background, it becomes hard to recognize the picture Demosthenes' paints of everything being "disorderly, irremediable and ill-defined". Quite the contrary, one must say, and the evidence supporting this comes from before as well as after 340, the year which according to Pritchard marks a crucial change. In sum, Athens does not seem to have been bedevilled by a dysfunctional naval organization in the fourth century. Could the supposed failure then lie in the procedures? These can be summarized, in the stages they occurred, as follows.

(a) appointment of trierarchs and treatment of claims to exemption among their group (*skepseis* or *diadikasiai*);[21]
(b) distribution by the *epimeletai* of the dockyards of hulls and equipment to those de facto serving as trierarchs;
(c) provision of ships with complements (conscripts and/or hired crews); and
(d) launching of the ships (τὰς ναῦς καθέλκειν), after which the trierarchs had to "bring them round to the mole" (παρακομίζειν

20 [Arist.] *Ath. Pol.* 61.1; *IG* II^2 1629.204-213.

21 *Skepseis* and *diadikasiai* are used interchangeably to refer to three kinds of suits: (a) those arising in connection with an *antidosis*-challenge (e.g., Dem. 28.16-17 with Dem. 30.15-17. Cf. Gabrielsen 1987; Christ 1990); (b) those concerning claims to exemption from service on other grounds ([Arist.] *Ath. Pol.* 56.3 and 61.12. Cf. Rhodes 1981: 624-25, 679); and (c) those deciding the issue of culpability for lost or damaged naval material (*IG* II^2 1629.746-749; 1631.343-347. Cf. Gabrielsen 1994: 138-39, 160). In the colonizing decree, the *thesmothetai* are instructed to provide 201 jurors for two law-court meetings (*skepseis*), one on the 2nd the other on the 5th of the month Mounichion. On these days the *strategos* over the symmories is to introduce the suits concerning the trierarchs of the expeditionary force (lines 204-17). Here, as also in a fifth-century text ([Xen.] *Ath. pol.* 3.4), *skepseis* probably refers to (a) and (b) above.

> ἐπὶ τὸ χῶμα)[22] for undergoing trials (ἀναπείρωσις νεῶν)[23] and inspection (ἐξέτασις)[24] before the ships can be declared ready for the expedition (παρασκευασμέναι εἰς πλοῦν).[25]

Postponing discussion of claims to exemption in (a) to section III, the remaining stages normally did not cause delays. As regards (b), although trierarchs are often seen to haggle (between them and with naval officials) over publicly owned ship's equipment, many owned and used their private sets.[26] And the sole known case in which the tenacious refusal of a trierarch to surrender public equipment to his successor threatened the timely dispatch of a fleet – that of the overly recalcitrant Theophemos in [Dem.] 47.20 passim – seems to be an aberration.[27] As regards (c), Athens seldom experienced problems in recruiting naval manpower, and even though conscription might sometimes fail to produce the desirable turnout, as it did in 362, there was a well-supplied and well-functioning naval labour market in the Piraeus most of the time.[28] Desertion during campaigns was the real problem. Still, one might insist that the procedure sketched above does look like being laborious and time-consuming. However, caution is advisable. For, there is a set of indications to the effect that the Athenians were mindful of the possible pitfalls of their dispatch procedures and thus took measures to deal with the matter accordingly.

22 [Dem.] 50.6; *IG* II^2 1629.179-87. [Dem.] 51.4 has περιορμίζειν ('anchor around') instead of παρακομίζειν. Lines 10-11 of the fifth-century decree *IG* I^3 153 (440-425) are restored to provide that no less than one hundred men shall be present in the act of περι[ορμίζειν]. The *choma* was an artificial mole perhaps in the harbour of Mounichia: Morrison et al. 2000: 121.

23 [Dem.] 51.5.

24 *IG* II^2 505.17-20: εἰς τε τὴν πρώτη[ν ἐξέτ]ασιν, that is, the first in a succession of reviews during dispatches; for the procedure, see also Thuc. 6.42.1; Isoc. 7.82; [Arist.] *Ath. Pol.* 31.2. In military contexts, the word *exetasmos* is also used: *Hell. Oxy.* D 15.1. (Bartoletti); Diod. Sic. 11.3.7; Dinsmoor 1954: 287, no. 182 (271/0), line 16. See Cawkwell 1972: 262, n. 4.

25 *IG* II^2 1629.188-90.

26 See the cases discussed in Gabrielsen 2026: 104-6.

27 For this case, see Gabrielsen 1994: 164-66.

28 [Dem] 50.6-7 with Gabrielsen (forthcoming).

One indication consists of a nearly standard provision in resolutions authorizing fleet dispatches: that the force is dispatched 'speedily' (*dia tachous*)[29] or 'immediately' (*euthys*).[30] For example, the colonizing decree is introduced with the following statement: "So that the matters decided by the *demos* are implemented as speedily as possible (*dia ten tachisten*)" (lines 173-175). That this was not just a noble intention is confirmed by several elements of the same resolution. Firstly, a tight schedule is applied throughout: suits concerning trierarchic exemptions (*skepseis*) are to take place on the 2nd and 5th of the month Mounichion (lines 204-213), while the trierarchs are to present their ships at 'the mole' for inspection before the 10th of the same month (lines 183-190), which implies that the force left shortly after. Also, the continuous presence of the *boule* and the *prytaneis* at that inspection site is indicative of the seriousness with which the specification 'speedily' was taken.

Secondly, rewards and punishment are systematically used to induce trierarchs and officials to get the fleet under way as speedily as possible. Anyone who does not act in accordance with the colonizing decree is to be fined 10,000 drachmas, which will be consecrated to the goddess Athena (i.e., defaulters will stand directly as debtors to the goddess); the *euthynos* and the *paredroi* are made responsible that these fines are paid, otherwise they themselves shall be fined 10,000 drachmas (lines 233-242). To underline once more that defiance is considered a major offense, the Athenians round off the colonizing decree with the statement "all of the above concern the protection of the territory" (*phylaken tes choras*: lines 270-271).[31] As a reward for completing their supervisory tasks satisfactorily, on the other hand, the *boule* and the *prytaneis* are to be crowned with a gold wreath worth 1,000 drachmas (lines 258-263).

In the same spirit, and in pursuance of the same purpose, the Athenians seem to have turned the preparation of fleets (*paraskeue*) into a prize-winning contest (*agon*). As [Dem.] 51 (from after 361) shows, the first trierarch to bring his ships to the mole for inspection and trials, and whose ship was found to be properly prepared, was awarded an honorific

29 [Dem.] 50.6: ἐψηφίσασθε (...) καὶ διὰ τάχους τὸν ἀπόστολον ποιεῖσθαι. [Dem.] 47.20: ἔκπλους ὧν τριήρων καὶ βοήθεια ἀποστελλομένη δια τάχους, cf. 50.

30 [Dem.] 17.20: ἐψηφίσασθε (...) καὶ καθέλκειν εὐθύς. Cf. Thuc. 6.50.2.

31 For *chora* in the sense 'territory', see Hansen 2006: 57-58.

wreath (4-5, 7, 17). In contrast, those failing to do so on the date set by the authorities, were to be set in fetters for being surrendered to a court of law (4-7, 17). Similarly, the colonizing decree ordains that "the trierarch who is the first to bring his ship to the mole is to be crowned by the *demos* with a gold wreath worth 500 drachmas, the one coming second with a wreath worth 300 drachmas and the one coming third with one worth [200] drachmas". The awards of wreaths are – as an extra honour – to be proclaimed by the herald of the *boule* at the contests during the Thargelia festival. These wreaths are said to make visible the 'love of honour' (*philotimia*) which the recipients show towards the *demos* (lines 190-204). Thus were the winners in that contest commended. As for the losers (those failing to keep the dispatch schedule), the punishment was, as we saw, a fine of 10,000 drachmas, an amount twice as much as the cost of an expensive trierarchy (see below p. 89-90). Apparently, to sum up, these measures purported to instil into the trierarchs strong motives to have their ships ready for dispatch at, or indeed even before, the appointed date. Yet, these measures had a no less important effect: properly prepared ships meant ships which, besides having already been rated according to their capabilities, were fully manned,[32] fully equipped and in good performing condition.

How does Philip's navy in 351/0 then fare in a comparison with a navy prepared for dispatch in this way and by such an administrative apparatus? Poorly, indeed. In a recent paper reassessing the strength of Macedonian naval power and warfare in the period 353-340, Joseph Roisman compellingly revises earlier optimistic assessments. Roisman's critical appraisal of the evidence concludes that, though the Macedonian king did command naval resources, "there was little in Philip's naval force that would have made him proud".[33] The Macedonian navy of that period performed well against single ships, non-military vessels and at times against pirates, but when it came to regular naval battle against a capable opponent, Philip's favourite tactic was evasion. It was only after 338 that

32 [Dem.] 51.17 indicates that to pass the inspection and win the prize, a ship had not only to be fully manned, but also to be manned with its own oarsmen: τοὺς ναύτας (...) οἰκείους εἶναι τῆς τριήρους τῆς ληψομένης τὸν στέφανον.

33 Roisman 2004, quote from p. 88. Earlier assessments: Hauben 1975: 59; Hammond 1992: 35.

Philip could claim maritime hegemony, though he may not actually have had it.[34]

Still, one may ask: could it be that, as Demosthenes implies at Dem. 4.36-37, the Macedonian navy of 351 outcompeted the Athenian navy in being faster to prepare and dispatch? It is very doubtful. In this area, Athens had the clear – but seldom appreciated – advantage of conducting its naval mobilization all at once at *one* naval facility compound where its sizeable fleet was based in its entirety:[35] the Piraeus Headquarters. That mobilization, moreover, was routinely carried out by one administrative apparatus and according to a single set of rules. Philip's navy lacked that advantage. Macedonian fleets were mobilized by assembling such modest naval contingents as had been prepared locally by several port towns under Philip's control in Macedonia and Thessaly, particularly Amphipolis, Pagasae, Pydna and Methone.[36] We can of course not exclude that these and further places used preparation procedures and protocols similar to those of Athens.[37] Yet, even if they did, their geographical disparity would still have put them in an inferior position to a navy that was kept unified and under one administrative roof. Demosthenes' implication, we must conclude, is distorting.

III

What about Pritchard's view that until 340 naval expeditions were often delayed because relatively many wealthy Athenians tried to avoid trierarchic service? Do our sources show that time-consuming *antidosis*-challenges and lawcourt disputes between trierarchs habitually delayed Athenian fleets? I answer these questions by way of treating briefly three issues.

34 Roisman 2024: 98.

35 In 353/2, Athens possessed 349 triremes: *IG* II^2 1613.284-92.

36 De Souza 2007: 361.

37 Grzybek 2008: 72, no. 2 (116-81 BC), line 9: ἀποδείξει τᾶν ναῶν attests to the use of the naval review/inspection procedure in Hellenistic Rhodes.

1. Manpower shortages and their effects

That some wealthy Athenians tried to avoid trierarchic service is, as Matthew Christ's seminal study demonstrates, a well-documented phenomenon (Christ 2006: 143-204). Though equally well-documented is the presence of citizens who, whether out of patriotism or self-interest, undertook trierarchies voluntarily;[38] who waved aside their right to temporary exemption from the obligation;[39] and who spent on a service more wealth and personal labour than they were obliged to do by law.[40] To promote voluntarism, the Athenians adopted several measures over time. Nearly every single known reform of the institution of the trierarchy – from the introduction of the syntrierarchy in ca. 407 through to Periander's law of 358/7 and Demosthenes' law of 340 – contained its own package of generous concessions to the trierarchic class.[41] A most conspicuous concession consisted of Athens' willingness to tolerate massive naval debts that remained overdue for a long time, thus showing an astonishing degree of leniency towards these public debtors.[42] At a minimum, all this suggests that Pritchard's equation 'heavy expense = evasion of the obligation' is overly simplistic.

That said, however, there is no denying that in certain periods Athens did experience difficulties in recruiting enough warship captains for its fleets. Especially so after the introduction of the syntrierarchy in ca. 407, as this reform created the need for at least twice as many individuals as there were active ships.[43] Elsewhere, I have adduced epigraphic evidence to show that in some years a considerable number of Athenian triremes remained 'unallotted' (*anepiklerotos*) to a trierarch throughout the year, most probably because of manpower shortages.[44] This, however, was confined to certain periods of time, broadly the 370s and 360s.[45] With the introduction of the twenty trierarchic symmories by Periander's law of

38 Gabrielsen 1994: 48, 59-60, 199-200.
39 E.g., [Dem.] 50.8-9.
40 E.g., Lys. 21.5.
41 On these reforms, see Gabrielsen 1994: 173-217.
42 The documentation is laid out in Gabrielsen 1994: 146-69.
43 Gabrielsen 1994: 178-80.
44 Gabrielsen 1994: 80-82, 180.
45 Documented by the naval records *IG* II^2 1604-1610.

358/7, the ships were no longer allotted to individuals but to the symmories, which, according to the same law, were manned by twelve hundred trierarchs. Nevertheless, the occasional occurrence of manpower shortages in the 370s and 360s is not in doubt.

The crucial question is, though, whether these shortages, as Pritchard holds,[46] had a negative impact on Athens' sea power. It does not seem so. In the naval record of 378/7 over half of the fleet had to remain unallotted "because of unavailability of single trierarchs or syntrierarchs to take charge of them".[47] And yet in precisely that year Athens enhanced again its power considerably by becoming the leader of a new League, the Second Athenian League;[48] and in 376, Chabrias carried out a successful naval campaign which included the defeat of the Spartan fleet at Naxos.[49] Again, the naval record of 373 lists twenty unallotted triremes, which is a little less than one-fourth of the effective force.[50] But obviously this was not an obstacle at all to Athens' launching, in the same year, a force of sixty ships captained by sixty trierarchs, which under Timotheos' command was sent to a grand expedition around the Peloponnese and thence to the Ionian Sea.[51] One is thus prompted to infer that, in these cases at least, manpower recruitment problems, even though real enough, did not have a negative effect on what Athens could do as a sea power. Paradoxical? Perhaps. But a fact, nonetheless.

2. The heaviness of financial burdens

Next, we must deal with the intricate question of costs: how burdensome was the trierarchy in the fourth century? In Pritchard's view, the financial burdens would have put a real strain on many an elite Athenian.[52] For, compared to the fifth century, it is held, there were simply fewer citizens/properties to finance a still substantial amount of naval activity.

46 Pritchard 2026: 78-79.
47 *IG* II^2 1604, quote from Gabrielsen 1994: 180.
48 Rhodes-Osborne, *GHI* no. 22 (charter of the new league); Cargill 1981.
49 Xen. *Hell.* 5.4.60-61; Diod. Sic. 15.34.35.
50 *IG* II^2 1607-08. Cf. Gabrielsen 1994: 180.
51 Xen. *Hell.* 6.2.11-14; Diod. Sic. 15.47.2-7; Dem. 49.11-12.
52 Pritchard 2026: 80 with notes 143, 144.

Indeed, the trierarchy was indisputably the costliest liturgy. However, once again caution is warranted.

A persistent feature is that the operational costs – which sometimes are mistakenly perceived as the total trierarchic costs – varied markedly. Whereas one individual, for example, spent a yearly average of 2,666 dr. for three years' continuous service as sole trierarch (Lys. 19. 29, 42), another sole trierarch paid the yearly average of 5,142 dr. for seven years' continuous service (Lys. 21.2); both individuals, we should note, had disregarded their right to respite of one (or two) years. Syntrierarchies were of course meant to be and sometimes were cheaper than sole trierarchies, but variation existed with these as well: compared to the 2,000 dr. paid for one syntrierarchy (Dem. 21.80), the 2,400 dr. paid for another (Lys. 32. 24, 27) may have been considered as belonging to the high end of the spectrum. And as the case of Apollodoros in [Dem.] 50 (*Against Polycles*) demonstrates, personal ambition, or excessive voluntarism, could easily push the limit of lavishness to still higher levels; Apollodoros' costly service, too, was a syntrierarchy (ibid. 40, 58). Not infrequently, on top of the operational expenses came the expenses accruing from a trierarch's responsibility to compensate for damaged or lost hulls and/or their equipment. When it occurred, such expenditure could range from moderate to (very) sizeable, depending on the circumstances. The basic compensatory rates were in themselves substantial: 5,000 dr. per hull, 2,169 dr. per set of equipment.[53] To exemplify 'sizeable', I cite here the amount which an individual was asked to pay in compensatory fines incurred over a period of fifteen years: 34,923 dr.[54]

Cost variation, finally, became even more ordinary as the habit of leasing a trierarchy out to naval contractors (*misthosis trierarchias*) became widespread (further on this below). Newly appointed trierarchs, we are told, were wont to seek out those contractors who were willing to take over their active part of service for the smallest price possible ([Dem.] 51.7). A pair of syntrierarchs paid their contractor(s) 4,000 dr. (Dem. 21.80). In contrast, as a sole trierarch Meidias paid his contractor 6,000 dr. (Dem. 21.155).

53 Gabrielsen 1994: 139, 152-53.

54 These expenses were incurred by Konon Timotheou Anaphlystios: Gabrielsen 1994: 222.

Given such a diversification in expenditure, one must inevitably ask: what exactly was it that put a strain on many an elite Athenian? Was it the 2,000 dr. for a syntrierachy, or the 5,142 dr. for a sole trierarchy, or again the far higher sums that included compensations of naval material? Additionally, how do we decide whether those supposedly being strained were 'many'? Lastly – and irrespective of the answers one gives to these questions – one ought to consider seriously the rival and very plausible view that fourth-century liturgical expenditure actually boosted the private economy of liturgists and the economy of Athens: to obtain the surplus with which to cover their liturgical expenses, the Athenian propertied class tended to increase considerably their production of marketable agricultural goods thereby making themselves and Athens richer.[55] This is of course not to say that there were not wealthy citizens who abhorred trierarchic service and its cost. But it is to say that contemporary generalizations about the tendency of liturgical spending to ruin the Athenian upper-class citizens,[56] which previous scholarship accepted as credible,[57] likely represent exaggerated, partisan views. In sum, the picture is more variegated than Pritchard envisages it to be.

3. Legal disputes

As mentioned above (p. 78 and note 2), a newly appointed trierarch who pleaded financial inability to discharge the service had the option of seeking exemption through resort to an *antidosis*. Thereby, he challenged another citizen, whom he deemed wealthier than himself, either to take over the service or to exchange properties with him. In some cases, the parties settled the matter in private and relatively quickly.[58] But if no private settlement could be reached, the case was brought before a court of law (as a *diadikasia* or a *skepsis*), where the jurors decided who of the

55 Osborne 1991.

56 See, e.g., [Xen.] *Ath. pol.* 1.13; Isoc. 8.128; Theophr. *Char.* 26.6; Antiphanes fr. 204, apud Ath. 3.103F.

57 Böckh 1886.I.1: 670; Andreades 1933: 358-63.

58 This was, for example, the case with the trierarchy undertaken through an *antidosis*-challenge by Demosthenes in his youth: Dem. 21.78 with 28.17.

two opponents was to perform the service.[59] It was these suits which, according to Pritchard, delayed the dispatch of fleets in the period before 340, but ceased to do so after that year because their frequency dwindled.[60] The *antidosis* is attested from ca. mid-fifth century to 325/4.[61] But what do we know about its frequency? What is the evidence for the alleged decisive shift in that frequency?

The answer is, there is no such evidence. Nor are there any means to clarify the core issue, which remains unaddressed: the ratio of cases settled in private to cases settled by a court. Matthew Christ maintains that resort to *antidosis* was frequent, but the arguments supporting his view are at best speculative.[62] Pritchard, on his part, uses the main effect of Demosthenes' trierarchic reform of 340 – relocation of the heaviest financial burdens from the less affluent to the most affluent trierarchs – to infer a (very?) low frequency from that year on. However, one can use that same effect of the reform to draw the opposite and perhaps more plausible inference: an upsurge in the use of the *antidosis* after 340, as a substantial minority of super-rich and powerful citizens now had reason to express their discontent by seeking exemption from the trierarchy.

Almost certainly, Demosthenes' reform of 340 did spread the financial burdens more equitably among the trierarchs. The naval records confirm that the ships of active fleets were henceforward distributed among sole trierarch and syntrierarchs in such a way that there was a graduation of the relative burdens, with the heavier burdens likely falling on the wealthiest members of their group. Liabilities and risks, too, were spread among more ships and persons, according to this fairness principle.[63] The naval records confirm also that Demosthenes' reform of 340 did not, as is often asserted, reduce the number of those liable to the trierarchy from twelve hundred to three hundred persons. It only compelled the

59 See the works cited in note 2 above.

60 *Pace* Pritchard (2026: 78-79), Apollodoros' conflict with his successor Polycles (in [Dem.] 50) is inadmissible evidence: their dispute was not about who of the two would serve but about money, and Apollodoros sued Poycles *after* his term of service,

61 Earliest attestations: *IG* I^{3} 254 (440-415?); [Xen.] *Ath. pol.* 3.4. Latest: [Arist.] *Ath. Pol.* 61.1; *IG* II^{2} 1629.204-13.

62 Christ 1990: 163, *pace* Gabrielsen 1987: 29. Ober 1986: 221, to which Christ refers, does not provide any support.

63 Dem. 18.102-8, with the epigraphic evidence cited in Gabrielen 1994: 207-13.

three hundred richest members of the Twelve Hundred to shoulder a greater financial load than their fellows.[64] It was consequently individuals from these three hundred who, according to our sources, reacted against Demosthenes' reform law, trying to quash it both before and after its enactment. Their line of action included offers of bribes to Demosthenes to make him withdraw his proposal as well as an unsuccessful indictment of the proposal by a *graphe paranomon* while it was preliminarily treated in the Assembly.[65] And Deinarchos (1.42) raises the accusation that Demosthenes did in fact receive bribes to alter and redraft his proposal in every meeting of the Assembly. Thus, this evidence cannot be adduced to show that the frequency of *antidosis*-challenges decreased. For, if anything, it suggests that another segment of the trierarchic class – the three hundred – now had a clear motive for using the *antidosis* more often. Whether they actually did so, however, remains unknown.

The focus on the *antidosis* and legal disputes among trierarchs has detracted attention from another way in which an individual could obtain partial exemption from service; a way that in addition may have shielded one from charges of liturgy avoidance. A newly appointed trierarch could resort to a *misthosis trierarchias*, that is, he could pay a contractor to take over the active part of his duty, all the while he himself continued to be formally responsible for the ship and to carry the title of trierarch; the contractor, in contrast, remained formally anonymous (see also p. 89 above). I curtail detailed discussion here by referring to my treatment of this practice elsewhere.[66] Three points, however, must be highlighted briefly.

The first consists of the growing scholarly consensus that the practice was quite widespread, perhaps already from the early fourth century.[67] The second is that, although it likely emerged as an informal 'reform' instigated by the trierarchic class itself, the *misthosis trierarchias* seems to have had institutional offshoots both in Hellenistic Athens (the grant to

64 Gabrielsen 1989.

65 Dem. 18.102-108; Aesch. 3.222; Hyp. fr. 134 (Jensen/Kenyon). On the indictment by a *graphe paranomon*: Hansen 1974: 36, 44-45.

66 Gabrielsen 1994: 95-102; Gabrielsen 2026: 106-8.

67 Cawkwell 1984: 340; Christ 2006: 175, 199.

a trierarch of ἀτέλεια τοῦ πλοῦ, 'exemption from sailing') and in Hellenistic Rhodes (the officer titled *epiplous* as a substitute for the formally appointed trierarch on board the ship).[68] The third point emerges when we combine what we know about the practice with inscriptional evidence documenting trierarchies performed by persons beyond the military age (over sixty years old). The point itself is that the hiring out of trierarchies tended to alleviate any manpower shortages Athens might experience by mobilizing the properties of those who, while physically unable to serve in person, in economic terms qualified for the liturgy: Isocrates undertook a trierarchy when he was over eighty years old.[69] Just like the *antidosis*, moreover, the *misthosis trierarchias* made all these naval financiers responsible for finding their own replacements. For a person seeking to be relieved from the trierarchy (whether below or above the military age), the *misthosis trierarchias*, though it only gave partial exemption, stood as a cheaper and – in terms of legal entanglements – safer alternative to an *antidosis*.

IV

In conclusion, contrary to Demosthenes' claims at Dem. 4.36-37, in 351/0 the Athenian navy was markedly superior to the navy of Philip II; not merely with regard to size and operational effectiveness, but also with regard to quick preparation for dispatch. Epigraphic and literary sources combine to show that the Athenians possessed a naval infrastructure and employed procedures that were unavailable to Philip at that time. Demosthenes' statement on the tardiness and weakness of the Athenian navy (Dem. 4.36-37) is rhetorical and tendentious. Furthermore, Pritchard's suggestion that for most of the fourth century quarrels and lawsuits between trierarchs delayed Athenian fleet dispatches lacks empirical support and is in fact contradicted by our sources. Normally, Athenian squadrons and fleets were timely and properly prepared for expe-

68 Athens: *I.Rhamnous* 31 (225/4), cf. Thomsen 2024: 88. Rhodes: Segre 1936: 228, line 3, cf. Gabrielsen 1997: 101 with n. 96.

69 Isoc. 15, 5, 9. For the remaining evidence, see Gabrielsen 1994: 247 n. 29.

ditions, not in spite of, but largely thanks to the seemingly laborious procedures and protocols in use. Failures in Athens' foreign policy in the fourth century, if any, cannot, therefore, be credibly explained with reference to the inefficiency of its navy. In 1984, George Cawkwell stated that "the charge that it was the naval system that in large measure led to Athens' ruin is false" (Cawkwell 1984: 334). His thesis is fully backed by our evidence.

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CIVIC ENGAGEMENT AND THE ATHENIAN JURY

By Adriaan Lanni

Summary: Why did hundreds of Athenians show up for jury duty, even though the vote of any one juror was unlikely to affect the outcome of a verdict issued by a 201- or 501-person jury? This paper draws on the extensive political science literature addressing an analogous modern problem – the paradox of voter turnout – to suggest a framework for approaching this puzzle. The modern theoretical and empirical literature suggests several possible factors to explain why people vote, including material incentives, social incentives, a sense of civic duty, and the expressive benefits of voting. This literature tends to focus on a robust sense of civic duty and expressive voting as the primary reasons for modern voter turnout. I argue that expressive voting was likely the most important motivating factor for ancient Athenian jurors, but that the expressive benefits of judging in Athens were specific to the Athenian context. Serving as a juror gave ordinary Athenians the satisfaction of being able to express a judgment about the behavior of wealthy citizens and to make moral judgements about public norms.

Mogens Hansen was the rare classicist who made major contributions to a granular understanding of how Athenian institutions worked while also offering important theoretical insights. He also made judicious use of modern comparisons to shed light on the nature of both ancient and modern democracies.[1] It is in the spirit of Hansen's comparative work that I offer this small contribution in honor of his memory.

The classical Athenian jury system required massive citizen participation: Hansen estimates that at the time of Aristotle somewhere between 1500 to 2000 jurors would be required on each of the 175-225 days per year when the courts were in session.[2] As far as we can tell, the Athenians did not struggle to fill the jury benches. The Athenians apparently

1 E.g., Hansen 1996, 2005, 2010.

2 Hansen 1999: 186-87.

Adriaan Lanni: 'Civic Engagement and the Athenian Jury' C&M Supplementum 4 (2026) 97-109.

did not need to increase jury pay over time to maintain participation. The pay for jury service remained the same throughout the fourth century despite rising daily wages, and in the latter fourth century a full day of jury service on a public case paid less than attendance for a few hours at a meeting of the Assembly.[3] Kroll has suggested that the reuse of jury tickets – many of the surviving *pinakia* are palimpsests – indicates that there was competition for spots in the annual jury pool of 6000.[4] We also have some literary evidence suggesting anxiety among jurors who turn up at the courts that they might not be chosen to serve on that day.[5]

How did the Athenian jury system generate this impressive level of civic participation? This puzzle is all the more striking when we consider that the vote of any one juror was unlikely to affect the outcome of a verdict issued by a 201- or 501-person jury. It is often said that the *demos* exercised its power through the jury, and this is true, but it does not explain what motivated each individual juror to turn up for jury service and cast a vote that was unlikely to determine the verdict. And I deliberately say unlikely rather than impossible: we do have references suggesting that two court cases were decided by a single vote, the most famous of which was Lycurgus' *Against Leocrates*.[6]

There is an extensive political science literature on an analogous modern puzzle, known as the 'paradox of voter turnout': why do people show up at the polls when each individual vote is almost certain to have no effect on the election outcome?[7] This modern literature may offer a useful framework for approaching the puzzle of Athenian jury turnout. The modern voting literature provides four major types of reasons for voter turnout: material incentives, social incentives, a sense of civic

3 Hansen 1999: 188-99. Of course, because juries met more frequently than the assembly, jury service provided a more reliable and regular source of income than assembly service.

4 Kroll 1972: 69-90.

5 Isoc. 7.54; Ar. *Vesp.* 300-310.

6 Aeschin. 3.252 (Lycurgus' prosecution of Leocrates); Dem. 21.75 (trial of Euaion); cf. Thuc. 3.49.1 (close assembly vote in the Mytilene debate); Aesch. *Eum.* 753, 795 (tie vote in the trial of Orestes). Filonik 2025 catalogues the examples of close votes and points out that speakers' reporting of vote counts may not be reliable.

7 E.g. Gerber et al. 2008; Blais 2000; Blais et al. 2000; Achen & Blais 2019; Campbell 2006; Verba et al. 2005; Brennan & Lomasky 1993; Fiorina & Ferejohn 1974; Downs 1957.

duty, and the expressive benefits of voting (that is, the value a voter places on being empowered to express a preference, even if it has no effect on the outcome).[8] The literature tends to focus on a robust sense of civic duty and the expressive benefits of voting as the primary reasons for modern voter turnout.[9] In this paper, I argue that the expressive benefit of voting was likely the most important motivating factor for ancient Athenian jurors.

Before we begin, I should say a few words about method. I am using the modern political science literature merely to suggest categories of potential explanations that then need to be independently tested against what we know about the ancient world: the fact that a particular explanation does or does not apply in the modern context tells us nothing about whether it applied to ancient Athens. For example, while the modern literature mentions but quickly discounts material and social incentives for voter turnout, we will see that there are a variety of potential material and social incentives at play in Athenian juror turnout that require careful consideration. Moreover, while expressive voting plays an important role in both the modern literature and in my account, the specific expressive benefits of judging in ancient Athens were unique to the social and political context. My final caveat: multiple motivations likely played a role in juror participation, and it is impossible to quantify the relative importance of each. While I argue that expressive voting was a critical factor, I do not deny that other incentives also played a role in generating juror turnout in Athens.

It may be helpful to briefly review what we know about the jury selection process in classical Athens.[10] Each year a panel of 6000 potential jurors were chosen by lot, likely from a pool of volunteer male citizens aged 30 and over who had put their name forward. On each day that court was in session, some portion of the 6000-person jury panel could choose to show up for jury duty. In the fifth century potential jurors lined up at the courts and were taken in order until the jury benches were full; in the fourth century an elaborate random selection procedure was used to determine who was to serve as a juror on that day and to assign jurors to

8 Achen & Blais 2019.

9 E.g., Achen & Blais 2019; Blais et al. 2000; Brennan & Lomasky 1993.

10 Hansen 1999: 183-88.

courts. Under both procedures we can imagine potential jurors enduring a lengthy wait before finding out whether they would be placed on a jury. Serving on a private case typically meant joining a jury of 201 for a trial that might last between half an hour and a few hours. Public cases lasted all day and were usually heard by juries of 501, though we hear of larger juries – as large as 2501 – being used in important political cases.

Let us begin with material rewards and punishments as potential incentives for jury service. Much has been written about the effectiveness of jury pay as an incentive to participation and practical considerations like traveling distance in the context of discussion of the demographics of the Athenian jury.[11] I cannot address all those arguments in this paper. The basic facts are clear: it seems that jury pay was 2 obols in the middle of the fifth century, was raised to 3 obols in 425 BCE, and remained at 3 obols through the time of the *Ath. Pol.*, even as the daily wage rose from 1 drachma (that is, 6 obols) at the end of the fifth century to 9-15 obols (1.5-2.5 drachmas) in the second half of the fourth century and as assembly pay rose from 3 obols in 390 to 6 obols in the 320s.[12] Scholars disagree about the extent to which jury pay could foster participation: some argue that it was barely enough to allow a citizen to support himself; others that by the mid-fourth century it was too low to have much effect with the result that most jurors were middle or upper-class; while still others argue that while the pay was not enough to live on, it would be an attractive bonus to those who had limited alternative sources of cash – particularly farmers and those too old to work.[13] What is most important for us is that the relatively low jury pay does not seem sufficient to explain the regular participation of thousands of citizens, particularly when we factor in the necessity for some of them to travel some distance to the courts with no guarantee of being assigned to a case on any given day. The fact that jury pay was not raised in the fourth century to keep up

11 E.g., Sing 2021; Hansen 1999: 183-86; Todd 1990; Markle 1985; Jones 1957.

12 Hansen 1999: 188-89.

13 Compare Sing 2021; Todd 1990; Markle 1985; Jones 1957.

with wages and that jurors spent more time but were paid less than assembly-goers in the fourth century also suggests that money was not the sole driver of jury civic engagement.[14]

What about social incentives? One thing that set Athenian jury duty apart from the other forms of political participation like service on the council or deme magistracies was that jurors did not face an accounting and did not risk being prosecuted based on their conduct in office. But that is not to say that there were no risks associated with jury service: several passages attest that jurors could be criticized by court spectators, fellow citizens, and even female members of their families who disagreed with their verdict. One passage imagines spectators, both foreigners and citizens, berating jurors as they leave the courtroom.[15] Typical is Aeschines' admonition to the jurors that their fellow citizens will hear about their decision: "Vote in this way, not only as judges but as men being watched, anticipating the judgement of citizens, who though not now present, will ask you what verdict you have given."[16] I have argued elsewhere that the presence of bystanders and the publicity surrounding trials may have served as an informal *euthyna* for jurors, partially compensating for the lack of formal accountability for their verdicts.[17] Dinarchus suggests as much when he tells the jury that they are on trial before the spectators: "While you are about to render judgment concerning the defendant, the bystanders and all the others are judging you."[18] Given the importance of reputation and honor in Athenian society, the reputational risks and social sanctions associated with participating in a controversial jury verdict should not be underestimated.

If jury duty entailed a risk of social and reputational sanctions, were there social rewards to serving on a jury that might have helped encourage participation? Here again jury duty is distinct from serving as a councillor or magistrate in that jurors did not receive honors for their service:

14 Cf. Sing 2021, who argues that pay was the primary incentive for jurors, and that the decreasing real value of jury pay made the jury less diverse, but did not reduce participation sufficiently to require a pay increase.

15 Dem. 59.109.

16 Aeschin. 3.247.

17 Lanni 1997.

18 Din. 2.19.

jurors were not awarded crowns and could not lend their name to legislation or receive other forms of public recognition. Moreover, serving on a jury was not treated as a public service meriting honor and *charis* in the same way as performing liturgies or even routine military service: in our court speeches orators do not include jury service when listing their various state services to demonstrate their good character and to request favor from the jury. Liddel has also pointed out that jury service is not included on any surviving funerary reliefs.[19]

There is, however, some indication that jurors took pride in their service on the jury, as evidenced by the presence of jury tickets in graves.[20] And in the *Wasps* Philocleon purports to enjoy a certain amount of deference from powerful men while serving as a juror: he describes litigants begging and groveling as jurors approach the courts, and later brags,

> So don't I wield great authority, as great as Zeus? I'm even spoken of in the same way as Zeus. For instance, if we're in an uproar, every passerby says "Zeus Almighty, the jury's really thundering!" And if I look lightning, the fat cats and the VIPs say a prayer and shit in their pants.[21]

In this way, while jury service did not confer civic honors or public recognition, it seems that jurors derived satisfaction from being in a position to sit in judgment on wealthy and powerful individuals. We will see that this satisfaction is one aspect of the expressive benefits of jury duty in Athens.

The explanation that dominates the literature on modern voter turnout is a robust sense of civic duty: the primary reason people vote today is that they have internalized a norm that one's duty as a citizen includes

19 Liddel 2007: 259.

20 Kroll 1972.

21 Ar. *Vesp.* 619-30 (transl. Henderson 1998). See also Ar. *Vesp.* 550-55 (transl. Henderson 1998): [Phil.] What living thing is there today more fortunate and felicitated than a juror, more coddled or commanding, oldster though he is? To begin with, I crawl out of bed to find big men, six-footers, watching for me at the court railings. As soon as I approach, one of them gives me his soft hand, fresh from stealing public money. They beg and they grovel, pitifully pouring out their pleas.

voting.[22] Did the Athenians have a similar attitude toward jury duty? Did they view jury duty, for example, as analogous to military service, or the assembly, that is, something that every good citizen was obliged to participate in? While we do not have direct evidence on this question, I tend to think that the answer is no. There was of course no formal obligation to participate on a jury. Both putting one's name forward to be selected to the annual jury pool and showing up on any given day at the courts appear to have been entirely voluntary; there is no hint in our sources that members of the jury panel were expected or encouraged to turn up to serve on a certain number of days or at all. The famous statement in Pericles' funeral oration that Athenians were obliged to take an interest in politics seems to refer to deliberations in the assembly rather than jury service.[23] Perhaps most telling is the sense we get from some of our literary sources that Athenian jurors were overwhelmingly poor and elderly: whether or not this is an accurate description of juror demographics throughout the fourth century, these statements suggest that Athenians of all qualified ages and of all social statuses did not – and likely were not thought obligated to – volunteer for jury service on an equal basis.[24] For all these reasons, it seems unlikely that a sense of civic obligation was the primary motivation for Athenians to participate on juries.

The final explanation for voter turnout in the modern literature is the expressive benefits of voting – that is, the satisfaction a voter experiences in being able to express a preference, even if their vote will not affect the outcome.[25] In the context of modern elections, the expressive benefits of voting are generally described as a function of the voter's strength of preference. In other words, if a voter thinks an election is important and has a strong preference as to the outcome, she will get satisfaction out of being able to express her preference by voting, even though her vote will not affect the outcome. According to the literature,

22 E.g., Achen & Blais 2019.

23 Thuc. 2.40

24 Ar. *Vesp.* 230; 300-14 (jurors poor and elderly); see also Dem. 21.182 (describing poverty as a motivation for jury service); 24.123 (a member of the elite who had fallen into poverty on the jury).

25 Brennan & Lomasky 1993.

these expressive benefits of voting play an important role in modern voter turnout.

I think that expressive voting also played an important role in Athenian juror turnout, but the expressive benefits of judging in Athens were specific to the Athenian context. For one thing, Athenian jurors typically did not know what case they would be placed on, so their decision to show up for court was not related to how important a juror thought a particular case was (except, perhaps, in unusually high profile public cases where jurors might turn up in the hope that they would be seated on that case). On the other hand, we will see that the jurors' sense that many Athenian court cases involved important public norms *did* enhance the expressive benefits of judging.

For an Athenian juror, voting offered two types of expressive benefit. First, as I already mentioned, serving as a juror gave ordinary Athenians the satisfaction of being able to express a judgment about the behavior and character of wealthy and powerful citizens. It is this satisfaction, along with litigants' accompanying fear and deference, that Philocleon revels in in the *Wasps*. The enumeration of votes in jury verdicts (as opposed to the use of acclamation, without a tally of votes, in the assembly) may have both enhanced and detracted from the expressive power of voting: on the one hand in nearly all cases the vote tally reinforced the reality that any one juror's vote was not determinative. On the other hand, the vote ensured that every juror's preference was counted. Even apart from voting, Athenian jurors were able to vocally express their views about litigants' arguments by shouting down speakers during the trial, a practice ingrained enough to merit a term of art: *thorybos* ('clamor').[26]

The second distinctive aspect of expressive voting in Athens is that Athenian jurors, unlike modern jurors, were often called not simply to determine facts or apply the laws as written, but to make moral judgements about public norms and proper modes of conduct.[27] The role of the Athenian courts as a forum for debating and elaborating public norms meant that the satisfaction or expressive benefit of jury service stretched

26 Bers 1985; Thomas 2016.

27 For case studies on the Athenian courts as sites for debating and shaping norms, see Lanni 2016: 150-70.

beyond what Unites States Chief Justice John Roberts would term 'calling balls and strikes' to encompass expressing a preference on the important issues of the day. In fact, I will argue that there may have been more expressive benefit to voting in the Athenian courts than in the assembly because the Athenian court system was a particularly effective forum to elaborate public norms. This may, in part, explain why pay increases were required to keep the assembly at quorum, but the Athenians never seem to have lacked for willing jurors. For the remainder of this paper, I want to flesh out this aspect of the expressive benefits of Athenian jury service.

First, controversies over important public norms were likely to come up more often in the context of court cases than in political assemblies. The assembly rarely revised its statutes related to corruption, treason, citizenship, violence, and contracts, but disputes in court frequently presented an opportunity for jurors to make judgments on these matters. The Athenians' flexible approach to evidence and laws made the courts a particularly receptive form for debate over important public norms.[28] The vagueness of many Athenian laws invited litigants to debate the definition, purpose, and merits of the norm expressed in the law, rather than simply the application of the law to the facts of the particular case. For example, Conover has shown how the broad laws against bribery opened a space for the Athenians to contest and articulate what constituted legitimate and illegitimate political practice as they shifted over time.[29] Moreover, because jurors were not bound to strictly apply the law or follow precedent, even where the law was clear, litigants could question the normative underpinning of a particular law and jurors had dis-

28 The Athenian approach to statutory argumentation and relevance has been much debated in scholarship. My own view is elaborated in Lanni 2006. Even scholars who argue that the Athenian system reflected a 'rule of law' similar to our own concede that Athens' vague statutes had an 'open texture', leaving room for extensive interpretation by jurors in applying the law to specific situations (e.g. Harris 2000).

29 Conover 2010.

cretion to apply the law in a way that would bring it into line with popular sentiment.[30] In addition, the normative debate initiated by individual court cases may have been richer than the discussion over more general laws in the assembly. Court cases invited litigants and jurors to contemplate what constituted proper behavior in the context of a specific situation, with all its complexities and confounding features.

Hyperides, *Against Athenogenes* may offer an example.[31] In that case, the prosecutor, Epicrates, fell in love with an enslaved boy and offered to buy the freedom of the boy as well as of his brother and father from their owner, the defendant Athenogenes. When they met to conclude the deal, Athenogenes proposed that Epicrates buy the enslaved persons instead, along with the perfume shop they managed. This would mean that Epicrates would become liable for any debts they owed, but Athenogenes assured him that the stock in the shop was worth far more than any debts. Epicrates admits that Athenogenes read out the contract, but he claimed that he was too distracted and eager to get access to the boy to listen carefully. Soon after concluding the deal, he learned that the boy's father had considerable debts and that the contract included a provision that Epicrates would assume responsibility for any debts owed by the father to anyone else.

The applicable law stated simply that any voluntary agreement made between two parties was binding.[32] One can imagine that the assembly debate over such a general and seemingly uncontroversial law likely would not generate significant discussion about norms in business transactions, since the lawmakers made no effort to anticipate and provide for circumstances where jurors might consider making an exception to the rule. Epicrates' case, by contrast, invites debate about how to assess the conduct of each party and how the state should react. Certainly, Athenogenes does not come off well, at least in Epicrates' telling. But Epicrates

30 The best example of this phenomenon is Lysias 1: the law clearly stated that a man was permitted to kill an adulterer caught in the act with his wife, yet the defendant is clearly worried that the jury might nevertheless convict him contrary to the law due to changing norms that disfavored lethal revenge in these circumstances (Lys. 1.49).

31 Hyp. 3.

32 Hyp. 3.13; Dem. 42.12; 47.77; 56.2.

is not without fault either: he walked into a deal intending to buy some enslaved persons' freedom and walked out the owner of a perfume shop without doing any due diligence, and he admits that he barely listened to the reading of the contract terms before signing the agreement. Should the court punish the unscrupulous seller even though the contract was in order, or should it take the position that the careless and gullible buyer got what he deserved? One can imagine jurors and court spectators discussing this case, and the broader question of what is and isn't acceptable business behavior, in barbershops and with their neighbors; it is harder to imagine that the passage of the general contract law would have generated as much discussion and debate about business norms. It is precisely the opportunity afforded to jurors to express their preference on what should constitute proper behavior in cases like these that may have encouraged jurors to show up even if their individual vote was unlikely to be determinative.

A final thought: let us consider how this Athenian system compares with modern jury duty. At least in theory, modern juries are not supposed to make decisions about what is right and wrong. Instead, they are supposed to find facts, like human polygraph machines, so that the moral judgments already embedded in highly specific laws can be applied to those facts. And as we all know, when applied to specific situations these detailed and abstract laws often yield surprising and unjust results which modern jurors are all but helpless to avoid. Though modern juries sometimes manage to nullify the law, they often are not given enough information to consider the moral implications of their verdict. In fact American jurors are often prohibited from hearing information, including the sentence attached to the offense, that might lead them to make a moral judgment rather than apply the law: for example, the jurors who convicted Gary Ewing of stealing three golf clubs were not told that their verdict would result in a twenty-five year to life sentence due to the application of California's Three Strikes law.[33] The Athenian experience was different. Jurors applied broad, open-ended rules to simple and competing accounts of wrongdoing. An Athenian juror was there not merely to discern the truth, but to determine right and wrong – to do all the work that today is (for better or worse) divided up among legislators,

33 *Ewing v. California*, 538 U.S. 11 (2003).

regulators, trial judges, and appellate judges. That the Athenians apparently found their job more rewarding than modern jurors find theirs – well, this comparison may trouble us, but it should not surprise us.

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THE CADETSHIP OF CLASSICAL ATHENS*

By David M. Pritchard

Summary: The classical Athenians voted for a fulltime preparation-program for new hoplites in 335/4 BC. There have for a long time been three debates about this cadetship. The first debate is whether all eighteen-year-olds or only those who had chosen to be hoplites were ephebes. The second debate concerns dating. On one side are those ancient historians who think that the *ephebeia* ('cadetship') dates back to the early fourth or even the fifth century. But the other side insists that the cadetship was entirely brand new in the mid-330s. The third debate is about why the *demos* ('people') actually voted for this military reform. The predominant view is that their vote was a response to the crushing defeat of Athenian hoplites at Chaeronea. But there have always been doubts about whether this was the main reason. J.L. Friend and T.R. Henderson have recently published book-length studies of the Athenian cadetship. Theirs are the first monographs on the *ephebeia* in sixty years. By championing minority views and making innovative arguments, Friend and Henderson have injected considerable new heat into these old debates. This article reconsiders the three debates in light of their important books. It aims to settle each debate one way or another by weighing up all available evidence.

1. Three Debates about the Ephebes

In, probably, 335/4, the Athenians voted for a *nomos* ('law') that a certain Epicrates had formulated about the *epheboi* ('ephebes').[1] His law created a fulltime program of training and reserve military service for 18- and

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1 Harp. s.v. *Epikrates*. For the date see e.g. Chankowski 2010: 128-29; 2014: 18; Friend 2019: 50; Henderson 2020: 37-36; Rhodes 1981: 592.

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19-year-old Athenians. The *demos* agreed to spend on this major reform 50 talents ('t.') or so per year.[2] This state subsidisation was more than what they were spending at the time on the cavalry-corps.[3] Their decision to dedicate such significant new public spending to the military preparedness of fellow citizens shows how they continued to see themselves as 'the backbone' of the Athenian armed forces.[4] In this *ephebeia* ('cadetship'), first-year participants were required to guard the Piraeus. While living in this port, they also received professional training.[5] The state hired several *didaskaloi* ('teachers') to instruct them in hoplite and non-hoplite modes of combat as well as two *paidotribai* ('athletics teachers'), whose classes helped them to acquire *euexia* ('physical fitness').[6] The second year saw the ephebes put some of this training into practice. Ps.-Aristotle writes of this year (*Ath. Pol.* 42.4): "they live in the forts and patrol (*peripolousi*) the countryside". Participants in the *ephebeia* were legally required to be free of all other commitments (5). To this end, the *demos* exempted them from liturgies and barred them from participating in lawsuits.

There are now three open debates about the cadetship among ancient historians. The first concerns the participation-rate in this military institution. Some still agree with C. Mossé that every single Athenian joined the *ephebeia* when he had turned 18.[7] But the fact that participants appear to have been training to be hoplites gives others pause.[8] Because the participation-rate in the hoplite corps had historically been only 30

2 Friend 2019: 55-56; cf. Chankowski 2014: 17; Hansen 1991: 310; Migeotte 2014: 563-64; Schwartz 2026: 146.

3 The *demos* spent 40 t. per year on the pay of horsemen throughout the fourth century (Xen. *Eq. Mag.* 1.19; *Vect.* 6.1; Blaineau 2015: 229; Bugh 1988: 222).

4 Burckhardt 1995: 131; cf. Schwartz 2026: 152.

5 Friend 2019: 76-87.

6 [Arist.] *Ath. Pol.* 42.3. *Didaskaloi* are often mentioned in the ephebic inscriptions of the 330s and the 320s (e.g. Friend 2019: cat nos. T4.6-7; T6.10-11; T9 column I.33-38; T14.7-8). For the *paidotribai* see e.g. Friend 2019: cat. no. T25.1-2; Henderson 2020: 127; Pritchard 2013: 163.

7 E.g. Chankowski 2010: 125-27; 2014: 20; Friend 2019: 95-100; Mossé 1962: 322-26; 1973: 83-84; Schwartz 2026: 151; Sekunda 1990: 149-58; Vidal-Naquet 1968: 12.

8 Rhodes 1981: 503.

percent or so,[9] this side of the debate doubts that it would have trebled after 335/4. The second debate about ephebes is whether the *nomos* of Epicrates created a new institution or reformed a pre-existing one. U. Wilamowitz-Moellendorff made the strongest possible case for its being all brand new in the 1890s.[10] The twentieth century witnessed a series of ancient historians challenging him by pushing back the *ephebeia*'s creation to the early fourth or even the fifth century.[11] The current prevailing view is that Epicrates most probably reformed a pre-existing cadetship.[12] There would not even be an ongoing debate about dating if it were not for two recent monographs. J.L. Friend and T.R. Henderson have published the first book-length studies of the Athenian *ephebeia* in sixty years.[13] Both of them thoroughly critique the case for an earlier cadetship and fully endorse the original one of Wilamowitz.[14]

The third debate concerns the reasons why the *demos* voted for what Epicrates had formulated in the first place. The traditional argument focusses on the crushing defeat of Athens at Chaeronea in 338/7. This battle in Boeotia saw the 6000 Athenian hoplites conscripted for it perform disastrously against the highly trained Macedonian phalanx. Ancient historians have for a long time argued that the main reason for the law of 335/4 was to bring the Athenian hoplite corps up to the manifest new performance-standard.[15] Yet, the two new books about the Athenian *ephebeia* reject this reason categorically. Instead, Henderson argues that the reform's main reason was civic education. For his part, Friend argues that it was a response to a different military problem that only emerged three years after Chaeronea.

9 Pritchard 2019a: 36-38.

10 Wilamowitz-Moellendorff 1893: 191-94.

11 For the early fourth century see e.g. Chankowski 2010: 117-24; 2014: 19, 59, 65; Gauthier 1976: 190-95; Ober 1985: 90-95. For the fifth century see e.g. Barringer 2001: 47-50; Pélékidis 1962: 71-79; Reinmuth 1952; Schwartz 2026: 145, 153 n. 14; Sekunda 1990: 149-58; 2025: 18; Winkler 1990: 26-31.

12 E.g. Chankowski 2022; Christ 2001: 416; Harding 2015: 45; Mossé 1973: 83-84; Ridley 1979: 534; Rhodes 1981: 494-95; 2012: 125; Sekunda 2025: 57.

13 The last to publish such a book was C. Pélékidis in 1962.

14 Friend 2019: 8-33; Henderson 2020: 36-55; cf. Pritchard 2015: 110.

15 E.g. Bugh 1988: 168-69, 178; Burckhardt 1995: 131; 2018: 161; 2024: 143-44; Pritchard 2013: 162; Rawlings 2000: 242; cf. Friend 2019: 37.

2. The Extent of Participation

There is no doubt that what Epicrates formulated for the *demos* in 335/4 was a preparation-program for new hoplites.[16] His *ephebeia* clearly sought to habituate participants to serving in the regular hoplite corps.[17] When entering at 18 years of age, ephebes, like hoplites, were divided into ten tribal units ([Arist.] *Ath. Pol.* 42.2-3). In each *phule* ('tribe'), one ephebe served as the *taxiarchos* and others as *lochagoi* ('subunit commanders').[18] The latter led the *lochoi* ('subunits') into which the regular army's taxiarch divided his tribe's hoplites for a particular campaign.[19] First-year ephebes also received training in *hoplomachia* or fighting as a hoplite (3). It gave them a skill in weapons-handling that was recognised as critical for hoplites in land battles (e.g. Pl. *Lach.* 182a-b). At the start of their second year, ephebes paraded before assemblygoers ([Arist.] *Ath. Pol.* 42.4). This parade allowed them to demonstrate their skill at manoeuvring as part of their tribal units. It concluded with each of them receiving, as gifts from the state, a hoplite-shield and spear. Non-elite Athenians chose which branch of the armed forces they would serve in when they reached manhood.[20] Because ephebes were clearly hoplites in training, it is likely that only those who had chosen this branch would participate in the cadetship. This means that full participation in the *ephebeia* presupposes that every 18-year-old would have now chosen to be a hoplite. Historically, the hoplite corps had included no more than a third of Athenians. Therefore, there is good reason to doubt that ephebic participation was as high as it has often been claimed.

Fortunately, we have reliable evidence for settling this first debate. From 332/1, when the first ephebes graduated, the council and the *demos* began to award public honours to them. Each tribe and, often, the rural demes in which its ephebes had spent their second year, duplicated these honorary decrees. An inscription of these decrees for a tribe's graduating

16 Kucewicz *et al.* 2021: 229; Schwartz 2026: 146; Vidal-Naquet 1968: 12-13.

17 Chankowski 2014: 23-24.

18 These ephebic officers were regularly mentioned in the contemporaneous ephebic inscriptions (e.g. Friend 2019: cat. nos. T6.14-18; T8.6-7, 7-10; T9 column I.19-28, column II.15-21; T14, 2-6; T15.1-5; T22.3-15; cf. Henderson 2020: 98-99).

19 Pritchard 2019a: 36.

20 Pritchard 2019a: 105.

ephebes was, it appears, always set up, to which a roster of their names was attached.[21] The rosters of 7 such inscriptions from the 330s and the 320s are more or less complete.[22] They suggest that the average number of 19-year-olds graduating from the cadetship each year was 500.[23] The work of M.H. Hansen on ancient Greek demography remains widely accepted.[24] Hansen convincingly estimated that there were 30,000 adult Athenians in the later fourth century.[25] His age-distribution-model suggests that 19-year-olds were 3.3 percent of all adult males.[26] This means that there would have been more or less 990 of them when the first class of the cadetship graduated in 332/1. Therefore, the participation-rate of citizens in the *ephebeia* of the 330s and the 320s was around 50 percent.

It is not clear that such an increase in hoplite participation was an explicit aim of Epicrates.[27] But Friend must be right that it was largely the result of his reform.[28] The 50 t. that the *demos* was spending on the *ephebeia* made participating in this corps easier: hoplites now had accommodation and all other living expenses covered by the state for their first 2 years and also obtained for free most of a hoplite's equipment ([Arist.] *Ath. Pol.* 42.3-5). After Chaeronea, there was also simply a great deal more social pressure on all citizens to serve in the armed forces.[29] Mossé argued that more and more Athenians refused to be combatants as the fourth century progressed.[30] The truly enormous increase from 334/3 in the participation-rate of them in the hoplite corps undercuts her famous argument.

21 Sekunda 2025: 58.
22 Friend 2019: 97-98; Hansen 1986: 12, 47-50; Rhodes & Osborne, *GHI* pp. 453-54.
23 E.g. Burckhardt 1996: 37; Reinmuth 1971: 37.
24 Moreno 2007: 28-31; Pritchard 2019b: 45-46.
25 Hansen 1986: 37-43, 66.
26 Hansen 1986: 9-13.
27 *Pace* Burckhardt 2018: 161.
28 Friend 2019: 99-100 *pace* Pritchard 2010: 55.
29 Pritchard 2013: 79.
30 E.g. Mossé 1962: 315, 318-19.

3. Dating of the Cadetship

Friend and Henderson rightly remind us of the strong points that Wilamowitz originally made in his case for the cadetship's being brand new. The first is the dating of the 31 ephebic inscriptions surviving from classical Athens. None of them can be dated with certainty before the graduation of those who joined the *ephebeia* in 334/3.[31] The earliest literary description of the Athenian cadetship appears to be chapter 42 of the *Constitution of the Athenians*. The second strong point is that Ps.-Aristotle wrote this treatise in the early 320s.[32] The third is that the *demos* erected a public statue for Epicrates in recognition of his *nomos* about the ephebes (Harp. s.v. *Epikrates*). Because this was one of their highest civic honours,[33] they clearly judged his action as extraordinary. Taken together, these three strong points do suggest that Epicrates was the creator of the Athenian *ephebeia*.

Proponents of an early cadetship have always disputed the second point that Wilamowitz made. They argue that there is firm literary evidence for a cadetship dating back to the 370s.[34] In the mid-340s, Demosthenes prosecuted Aeschines for treason. His speech cast aspersions on

31 Some have tried to date one of these 31 inscriptions (Friend 2019: cat. no. T1) to the early fourth century. But Friend 2019: 12-13, 187-88 and Henderson 2020: 48-54 canvass well the solid case against any such dating of them before 334/3. O. W. Reinmuth famously placed this ephebic inscription in 361/0 by restoring Nikophemos as the eponymous archon in its first line (1971: 1-4). D.M. Lewis (1973) and F.W. Mitchel (1975) objected that the inscription's spacing and letter shapes were clearly those of the 330s and the 320s. They also realised that the gap in the first line required a longer name. Their proposed restoration was the genitive of Ctesicles, who was the eponymous magistrate in 334/3. Forty years later, A.S. Chankowski attempted to revive the earlier dating (2014; cf. 2022). His strongest argument is that a spelling of several genitives in this ephebic inscription was more common before 350 (especially 54-56). Chankowski rightly points out that there are archon names from the 350s that could fit the lacuna in line 1. But the spelling on which he focusses persisted on inscriptions well after this decade (Henderson 2020: 54). What undermines Chankowski's attempt still more is the original objection of Lewis and Mitchel: epigraphically Friend 2019: cat. no. T1 generally belongs to the Lycurgan era.

32 For the date see e.g. Rhodes 1981: 51-57.

33 Friend 2019: 36; Henderson 2020: 38-39; Pritchard 2019a: 208.

34 E.g. Chankowski 2010: 114-15.

this rival politician's military record (e.g. Dem. 19.113). In the law-court case, Aeschines responded by presenting himself as one who had always been an exemplary soldier (2.167-69). The first proof that his defence speech offered was what he had done in the late 370s.[35] When he had turned 18, Aeschines claimed that he had "become a *peripolos* ('patroller') of this countryside for 2 years" (167). Because this apparently back-to-back service as a patroller was unusual, Aeschines detailed that he would be calling 'my fellow *epheboi* and our commanders as witnesses'. Those challenging Wilamowitz assume that *epheboi* here can mean only 'participants in the *ephebeia*'. They also think that the details of Aeschines 2.167 parallel Ps.-Aristotle's description of Epicrates's cadetship.

It is true that the ephebic inscriptions and Ps.-Aristotle did use *epheboi* as a term to describe participants in the *ephebeia*. Yet, it cannot be assumed that Aeschines did the same in this particular speech. Friend and Henderson put beyond doubt that *ephebos* had an earlier meaning that persisted into the 330s. This word is a neologism that first appeared in the *Cyropaedia* that was published after 362.[36] There, Xenophon explicitly called it an *helikia* or age-class and used it as such to describe young men who had turned 18 (1.2.4-13). *Ephebos* relates to a cluster of older Greek words that describe a male who is an adult.[37] It is most closely related to *ephebao*, which means 'I am an adult'. Yet, in the aorist tense, this verb signifies a person who has just reached adulthood.[38] P. Chantraine thus defined *ephebos* as 'one who has arrived at manhood'.[39] Friend plausibly suggests that it was the new system for conscripting hoplites that pushed the Athenians to invent this new word.[40] Before 387/6, they had used *hoi neotatoi* ('the youngest') to describe the hoplites who were 18- and 19-years-old.[41] Yet, with the new age-class system for conscripting hoplites, they needed now to differentiate between these two age-classes and so

35 For the dating of his service as a patroller see e.g. Friend 2019: 14; Henderson 2020: 25.

36 For the publication-date see e.g. Gera 1993: 23-25.

37 E.g. Henderson 2020: 3-35; Rhodes 1981: 495.

38 E.g. Aesch. *Sept.* 664-667; Eur. *Supp.* 1213-1215; Hdt. 6.83.1.

39 Chaintraine 1999: s.v. *hebe*.

40 E.g. Friend 2019: 17, 21-22, 168.

41 E.g. Thuc. 2.13.7. This new system was probably introduced in the early 370s (Pritchard 2026: 71-72).

came up with *epheboi* for those who were 18. Later, when Epicrates's cadetship came into operation, they began also to use *ephebos* in a new sense to describe the 18- and 19-year-old participants.

There is a clear use of *ephebos* in its earlier sense in a legal speech from 330. In it, Lycurgus reminded the jurors (1.76): "you have an oath that all citizens swear, when they are registered in the *lexiarchikon grammateion* and become *epheboi*". The *lexiarchikon grammateion* was each deme's register of citizens.[42] At the time of this speech, the demes entered the names of new citizens into this register a few months before the hoplites among them started ephebic training.[43] The oath that eighteen-year-olds swore is first attested in a deme-decree of the 340s.[44] New citizens had most probably been swearing it from the beginning of Athenian democracy itself.[45] We have already established that only 50 percent of 18-year-olds participated in the *ephebeia*. Consequently, Lycurgus cannot be implying here that 'all citizens' are doing this hoplite training. Rather, he was using *epheboi* to describe the moment when young Athenians were recognised as having reached adulthood. It is a distinct possibility that Aeschines, like others in the 340s, was simply using *epheboi* in the same sense for those who had turned 18.[46]

Henderson draws our attention to the major differences between what 18- and 19-year-old hoplites did in the late 370s and from the mid-330s.[47] He, along with Friend, also convincingly argue that Aeschines's first period of military service was no different from what the *neotatoi* had been called up to do from at least the 410s.[48] There is no mention of training in Aeschines 2.167. Because Demosthenes mocked him for it, we know that Aeschines began working as an undersecretary for magistrates as soon as he had turned 18.[49] Consequently, Aeschines would have been juggling patrolling and work-commitments in the late 370s. After

42 E.g. Pritchard 2019b: 46.
43 [Arist.] *Ath. Pol.* 42.1; Henderson 2020: 21, 146-47.
44 Rhodes & Osborne, *GHI* no. 88.
45 E.g. Siewert 1977; cf. Chankowski 2010: 127-28.
46 E.g. Aeschin. 1.49; 2.167; Dem. 19.302-304.
47 Henderson 2020: 47.
48 Friend 2019: 28-30; Henderson 2020: 28-29.
49 E.g. Dem. 18.127, 261; 19.20, 200, 249; Pritchard 2015: 81.

335/4, by contrast, ephebes got a year of training before becoming *peripoloi* and were legally required to be free of all other commitments.

Fifth-century Athenians were loath to conscript the *neotatoi* for actual battles.[50] Typically, these 18- and 19-year-old hoplites were called up to man Attica's forts and the city's walls only when there was a perceived threat.[51] By 415/14, this home guard was being called the *peripoloi* or patrollers (e.g. Ar. *Av.* 1177; *IG* I^3 93.41-42). In this guard, the *neotatoi* served alongside Athenian hoplites who were older than 50 as well as metic hoplites (e.g. Ar. *Av.* 1367). *Peripoloi* were divided into units that had individual commanders, while a solitary *peripolarchos* commanded the home guard as a whole (Thuc. 8.92.5). We know that the *demos* deployed patrollers for a few consecutive years after large-scale war recommenced in 378/7 (Xen. *Hell.* 5.2.1). They would have perceived that the threat to Attica was even higher five years later; for, by then, Thebes had attacked nearby cities and had emerged as a potentially dangerous rival.[52] Therefore, it is likely that the *demos* again deployed their *peripoloi* in back-to-back deployments in order to man their rural forts during the late 370s. What Aeschines described at 2.167 is consistent with these deployments. This means that this passage is not firm evidence for an *ephebeia* before 335/4.[53]

50 Pritchard 2019a: 36-37.

51 Pritchard 2019a: 52.

52 E.g. Xen. *Hell.* 6.4.19-20; Baldacini 2026: 185; Harding 1988: 64; 2015: 36-37; Henderson 2020: 29, 48.

53 P. Gauthier (1976: 190-95) famously argued that Xen. *Vect.* 4.51-52 is also firm evidence for an *ephebeia* before Epicrates. Written in the 350s, this passage focussed on those men ordered (1) to train for torch-races, (2) to guard forts, and (3) both to be peltasts and to patrol the countryside (52). Xenophon claimed that the men performing these three tasks would do so more enthusiastically upon receipt of a state subsidy. Because it was *epheboi* who did these tasks after 335/4, Gauthier argued that Xenophon must be referring to an earlier cadetship. Influential as his argument has been (e.g. Chankowski 2014: 19-20; Sekunda 2025: 51-52) – it rests on long-recognised errors (Friend 2019: 22-26; Henderson 2020: 44-45; cf. Forbes 1929: 121). The first error is to read the group from which the men performing the three tasks came as the ephebes. Xen. *Vect.* 4.51 actually explicitly states that this group was the *polis* itself. The second error is to ignore Xenophon's use of *te* three times to link his men performing the three tasks. Such conjunctions put beyond doubt that he was describing three distinct subgroups rather than one doing all three tasks.

4. The Reasons for the *Ephebeia*

The Spartans had stood apart from all other fifth-century Greeks for their training of hoplites. Indeed, the state-sponsored *agoge* ('education') of Spartan *paides* or boys "resembled nothing so much as a military assault course".[54] The Athenian *demos* boasted that their hoplites needed no such preparation (e.g. Thuc. 2.39). They claimed that the *arete* ('courage') of all Athenian combatants arose effortlessly out of their democratic way of life.[55] Boasts aside, there was a simple reason why the Athenians got away with not training their hoplites for most of the classical period (Xen. *Mem.* 3.12.5). With the exception of the Spartans, their enemies did not have state-sponsored training either.[56] The resulting equal amateurism of both phalanxes drastically reduced the deadliness of land battles.[57] However, this equality disappeared in the course of the fourth century because other Greeks began to copy the Spartans.[58] The first to do so successfully were the Thebans. After 378/7, they created a fulltime corps of hoplites, called the Sacred Band, who were highly trained, and began to drill the rest of their hoplites in manoeuvres.[59] These reforms enabled Thebes to crush Sparta at the battle of Leuctra in July 371, with 400 of the 700 Spartan hoplites present being killed (e.g. Xen. *Hell.* 4.4.1-19). Within several years, Thebes had liberated Sparta's slaves, the Messenians, and dismantled the Peloponnesian League.[60]

This spectacular collapse of the centuries-long military dominance of Sparta encouraged others to introduce public training for hoplites.[61] Among those to do so was Philip II, who had been held as a hostage in Thebes during the 360s.[62] After taking Macedon's throne in 359, he began

54 E.g. Arist. *Pol.* 1338b27-29; Xen. *Lac.* 1.4; 4.2-6; 5.8-9; *Mem.* 3.5.15-16; Cartledge 2001: 79-90; Hodkinson 1999: 149-50. Quotation from Cartledge 2001: 86.

55 E.g. Ar. *Vesp.* 1075-1091; Dem. 60.3-5; Hyp. 6.7-8; Lys. 2.20, 43, 50-51; Pl. *Menex.* 238c, 239a-b; Xen. *Cyr.* 2.1.18-19; 2.3.8-11; Hodkinson 2020: 350-51; Lenfant 2024: 373-74.

56 Fisher 2009: 532; Schwartz 2009: 228.

57 Friend 2019: 76-77; Pritchard 2013: 161.

58 See e.g. Arist. *Pol.* 1338b25-38; Lendon 2005: 106-14.

59 Hodkinson 1999: 160; Pritchett 1974: 221-22.

60 Cartledge 2002: 251-58.

61 Pritchett 1974: 228-29.

62 See e.g. Just. *Epit.* 6.9.5; 7.5.2; Plut. *Pel.* 26.5; Hammond 1997.

paying Macedonian hoplites to serve on back-to-back campaigns and imposing on them "a degree of training which no Greek army ever acquired".[63] What made this professionalisation possible was his careful management of Macedon's public finances.[64] For example, when Philip II captured Mount Pangaeum in 356, he massively expanded the gold mines there, resulting in 1000 t. of extra income per year (Diod. Sic. 16.8.6). In the next two decades, his nonstop campaigning turned his kingdom into a major regional power.[65] His decisive victory at Chaeronea in July 338 made Macedon Greece's new unrivalled superpower.[66] This battle also made clear how Macedonian hoplites were now operating at a far higher performance-level than their rivals.[67] Although the coalition army that opposed them was the same size as theirs, Philip's troops still killed the Sacred Band to a man as well as thousands of other Thebans (Diod. Sic. 16.86.5-6). They also cut down 1000 of the 6000 Athenian hoplites present and captured a further 2000.

Friend and Henderson reject categorically the traditional argument that this crushing defeat was the main reason for Epicrates's reform. It has to be said that this rejection is the most unconvincing aspect of their recent books. Our ancient sources for Chaeronea concur on the three weaknesses that the Athenian hoplites exhibited there.[68] The first weakness was that they were entirely untrained. The second weakness was that they lacked *euexia.* The Athenians recognised that such a lack of physical fitness could cause hoplites to give up in battle.[69] By contrast, our sources confirm that the Macedonians in 338/7 were much stronger in terms of training and *euexia*. The third weakness was that the Athenians brought to bear the wrong moral dispositions: they had a great deal of passion, which resulted in a costly lack of discipline. The same sources

63 See e.g. Diod. Sic. 16.3.1; Frontin. *Str.* 4.1.6; Polyaenus *Strat.* 4.2.10; Hammond 1997: 366; Hamilton 1999: 170; Hodkinson 2020: 341. Quotation from Pritchett 1974: 228-29.

64 Pritchard 2019a: 178-79.

65 Bosworth 1988: 5-19.

66 For this battle see e.g Diod. Sic. 16.85.5-86.6; Burckhardt 2024: 143-44; Worthington 2013: 248-51. For the date see e.g. Burckhardt 2024: 143.

67 Schwartz 2026: 150.

68 Frontin. *Str.* 2.1.9; Justin 9.3.9-10; Polyaenus 4.2.2, 7; cf. Diod. Sic. 16.86.2.

69 See e.g. Pl. *Prt.* 326b-c; Xen. *Mem.* 3.12.1-4; Pritchard 2013: 159-60.

explicitly state that Philip II deftly exploited these weaknesses in the pursuit of his victory.

The *ephebeia* that Epicrates formulated manifestly addressed all three weaknesses. Firstly, it trained future Athenian hoplites in weapons-handling as well as in mass manoeuvres. Secondly, it forced them to get physically fit. To this end, in their first year, ephebes participated in the regular sports classes of a *paidotribes*. This athletics teacher, it appears, also trained them in running the torch races at Athenian festivals.[70] Before 335/4, it had been only wealthier young men who had competed in such team footraces.[71] Epicrates now made torch races compulsory for all 18- and 19-year-old hoplites.[72] Thirdly, his cadetship taught future hoplites the moral dispositions that were required for victory in conventional land battles. This moral purpose of the reform is clear to see in the ephebic inscriptions. They often mentioned the magistrate who looked after each *phule* of ephebes.[73] He was called a *sophronistes* ([Arist.] *Ath. Pol.* 42.2-3), which literally means a teacher of *sophrosune* ('self-control'). These inscriptions always praised the graduating ephebes for this virtue as well as *eutaxia* ('good order') and *arete*.[74] This clear match between the Athenian weaknesses at Chaeronea and the reform's features leaves no room for doubt: the main reason for the *ephebeia* was indeed to raise the Athenian hoplite corps to the new required performance-standard. In voting for this reform, the *demos* were also seeking to increase the likelihood that Athens could win in future land battles against the Macedonians.

The alternate main reasons for the cadetship that Friend and Henderson propose are unconvincing. Certainly, the moral dispositions for which the ephebes were praised were also important in civilian life. For Henderson, this means that the main reason for the *ephebeia* was training for this non-military life.[75] But his argument simply ignores that *arete*

70 Friend 2019: doc. no. T25.1-2.

71 Chankowski 2010: 103-14; Pritchard 2013: 76-80.

72 Friend 2019: 120-26; Henderson 2020: 158-63; cf. Sekunda 2025: 18-19.

73 E.g. Friend 2019: doc. nos. T2.28-29, 54-56; T9.1-2; T10.1.

74 E.g. Friend 2019: doc. nos. T2. 31, 58; T5.3-4; T9.2, 7-8, 13-14, 30-31 ; Pritchard 2013: 214-16.

75 Henderson 2020: 56-79.

and *eukosmia* were primarily military virtues in classical Athens. It was a trope of Athenian public discourse that victory in battle depended on *arete*.[76] Xenophon writes: "*eutaxia* clearly saves men, while *ataxia* ('disorder') has already killed many" (*An.* 3.1.38-39; cf. *Eq. mag.* 1.24). He was not alone in thinking that *sophrosune* was another disposition that a soldier required (e.g. *Mem.* 3.5.1; Hyp. 6.8). Therefore, teaching these virtues was a critical part of training hoplites for their pitched battles. Doing so was entirely consistent with the primary *military* purpose of the *ephebeia*.

Friend offers two grounds for doubting that preparing hoplites for regular land battles was the main reason for the *ephebeia*.[77] The first grounds are that Epicrates formulated his *nomos* only three years after Chaeronea. As far as Friend is concerned, this yearslong delay proves that the reform was not about how Athenian hoplites had performed there. The second grounds are that ephebes also got a great deal of instruction in non-hoplite fighting. In addition to *hoplomachia*, their training covered archery, javelin-throwing and catapult-firing ([Arist.] *Ath. Pol.* 42.3) Friend's new explanation for the *ephebeia* accommodates both grounds. In mid-335, Alexander the Great captured Thebes by a direct attack on its walls during a battle.[78] The son of Philip II obliterated this state, selling thirty-thousand Thebans into slavery. This act of genocide put the absolute fear of God into the Athenian *demos* (e.g. Diod. Sic. 17.15.1). Friend hypothesises that it also created instability on the Attic-Boeotian frontier. In particular, Boeotians, he suggests, were now privately raiding Attica. Friend argues that the *ephebeia* was created so that there would be specialist troops to stop these raiders.

Unfortunately, his alternate main reason for the cadetship does not withstand scrutiny either. In fourth-century Athens, there often was a quite lengthy delay between a military problem's first manifestation and a subsequent reform.[79] Consequently, the three years that it took the *demos* to address what Chaeronea had made plain was par for the course.

76 E.g. Dem. 60.21; Lys. 2.4-6, 20, 24, 64-65; Pl. *Menex.* 243c, 240d; Pritchard 2010: 37.

77 Friend 2019: 34-57.

78 E.g. Ael. *VH* 13.7; Arr. *Anab.* 1.7.1-9.10; Diod. Sic. 17.12.1-14.4; Plut. *Alex.* 11-12; Harris 2024: 193.

79 E.g. Pritchard 2026: 71-72, 77-81.

Even more problematical is the complete lack of evidence for the border instability or for the cross-border raids that Friend hypothesises.[80]

What Friend does get absolutely right is the need to account for the non-hoplite training of ephebes. Critical here is that Philip II had become, well before the 330s, Greece's leading besieger of cities (e.g. Dem. 9.48-50; Diod. Sic. 16.8.2). The big fear gripping Athens in the days after Chaeronea was that Philip would employ his innovative siege engines to capture Athens.[81] Therefore, all available manpower was thrown into strengthening the fortifications as quickly as possible by digging temporary ditches and building palisades out of pillaged tombstones and felled trees (e.g. Aeschin. 3.236; Lycurg. 1.44). When the immediate danger had passed, the *demos* still voted for a systematic upgrading of the Athens-Piraeus circuit of fortifications (e.g. Aeschin. 3.23, 27-30; *IG* II^3 1 429). There was also set up on the Acropolis a storehouse with 50,000 missiles that could be used for defence during a siege ([Plut.] *X orat.* 852c). The fact that Alexander III could quickly take Thebes without siege engines undoubtedly pushed the Athenians to do more. In classical Greece, troops typically protected walls by firing or throwing arrows, javelins and catapult-bolts at enemies getting too close.[82] The main Athenian corps specialising in such non-hoplite combat had been disbanded more than forty years earlier.[83] Without the old archers, the *demos* knew that they were now relying on untrained troops to check any Macedonian assault against their walls. In 335/4, they agreed to remove this vulnerability by training the new hoplites, who could soon be asked to protect the walls, in how to despatch 'siege weapons' effectively.[84] This means that the secondary reason for Epicrates's *ephebeia* was to strengthen the city-fortifications.

Chaeronea clearly showed the *demos* that there was a pressing need for the public training of their hoplites. Three years later, Alexander the

80 Henderson 2020: 57-62.

81 Baldacini 2026: 188; Burckhardt 2024: 144; Worthington 2013: 256; cf. Harding 1988: 69-70.

82 E.g. Xen. *Hell.* 5.3.5-6; Friend 2019: 87; Henderson 2020: 128-131; Kucewicz et al. 2021: 227; Ober 1985: 91.

83 Pritchard 2019a: 78.

84 Baldacini 2026: 188.

Great's act of genocide against Thebes jolted them into enacting reform.[85] The cost to the public purse alone ruled out Sparta's education of boys as a model on which they could base this reform. Boys, as far as the classical Athenians were concerned, were aged between 10 and 17 years.[86] Males aged 18 to 80+ years on Hansen's age-distribution-model are 57.47 percent.[87] This means that his 30,000 adults in the later fourth century translate into 52,000 males in total. The same model suggests that 10 to 17-year-olds were 16.97 percent, which points to there being 8,858 *paides* or thereabouts. After 335/4, half of them went on to be hoplites. Giving 4429 *paides* the same level of support as the ephebes would have cost 4 to 5 times more than the *ephebeia*. Because Athens's annual income was only 400 t. in the late 340s,[88] a program based on Sparta's *agoge* would have been completely unaffordable. Likewise, hundreds of talents per year would have been required to pay for the back-to-back service of all active-service hoplites. Consequently, the Macedonian model for hoplite professionalisation was not viable either for the Athenian people.

By contrast, the truly unprecedented model that Epicrates had worked out required only 2 years of state subsidisation for the 18-year-olds that had chosen to be hoplites. This meant that the public purse was paying only 50 t. for 1000 fulltime ephebes in any one year. Moreover, hoplites who were 18 and 19 had traditionally been called up only for the home guard. This gave the *nomos* of Epicrates two further advantages. Firstly, his cadetship did not reduce the number of active-service hoplites. This was important because a land battle's outcome often turned on how many hoplites each side could mobilise.[89] Secondly, training 18-year-old soldiers in how to defend the walls and the forts effectively was entirely consistent with their traditional military role. There would have thus been little push back against this non-hoplite training. In conclusion, it is not hard to understand why the *demos* embraced the *nomos* of Epicrates about the ephebes and publicly honoured him as highly as they

85 Sekunda 2025: 57.
86 E.g. Golden 1990: 12-22, 68-69; 1998: 104-7; Pritchard 2004: 220.
87 Hansen 1986: 11-12.
88 Dem. 10.38; Harris 2024: 194, 198; Pritchard 2015: 15.
89 Pritchard 2019a: 50.

did. The early hellenistic period would see many ancient Greek states copy this new Athenian model for training young citizens.[90]

5. Conclusion: Settling the Three Debates

What the Athenian *demos* voted for in 335/4 was a fulltime program of training and reserve service for new hoplites. Non-elite Athenians chose the corps in which they would fight when they turned eighteen. Only those who had chosen to be hoplites were required to serve as ephebes for the next two years. Nevertheless, the new cadetship included generous new subsidies for participating in the hoplite corps. The state covered the living expenses of eighteen- and nineteen-year-old hoplites, and gifted them most of their equipment. Unsurprisingly, therefore, the *ephebeia* resulted in a huge rise in the participation-rate of Athenians as hoplites from thirty to fifty percent. It is true that the *ephebeia* was not entirely brand new. Eighteen-year-olds had always sworn an oath about civic obligations. Athenian democracy had for a long time treated the *neotatoi* differently. However, before the law of Epicrates, such new hoplites were called up only to protect the fortifications of the city or to patrol Attica during military emergencies. They were never offered any state-subsidised training and were free to devote themselves to fulltime civilian roles. These significant differences suggest that the cadetship of the Lycurgan era was more a new institution than a reform of a pre-existing institution. The Athenians suffered a crushing defeat at the hands of Macedonian hoplites at the battle of Chaeronea in 338. The Macedonians were simply much better trained and physically fitter. The main reason for the *ephebeia* indisputably was to get Athenian hoplites up to this new Macedonian performance-standard. But it is notable that this reform also trained the new hoplites in archery, javelin-throwing and catapult-firing. In classical Greece, such non-hoplite forms of combat were indispensable for protecting fortifications. By the 330s, the Macedonians had become the leading besiegers of cities. This suggests that a second-

90 E.g. Chankowski 2010; Kennell 2006.

ary reason for the Athenian cadetship was the need for well-trained soldiers to protect the Athens-Piraeus fortifications from sieges and frontal assaults.

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ARISTOTLE'S 'UNMIXED' MIDDLE *POLITEIA* AND ATHENIAN DEMOCRACY

By Malcolm Schofield

Summary: Aristotle's 'middle *politeia*' is proposed in *Politics* 4.11 as the answer to the question 'what is the best *politeia* and what is the best mode of life for most cities and most people, if we do not judge by a standard of excellence that is above the level of ordinary people'. But it is not often treated by scholars as so important for tackling issues of practical politics as his conception of a 'mixed' constitution, particularly as encapsulated in the notion he calls *politeia* (*Pol.* 4.9), in the more specific form of 'polity', the word employed in many translations as a term of art designating its distinctive compromise between oligarchy and democracy. There has been a tendency to suppose that the 'middle *politeia*' and 'polity' are versions of the same idea. The first section of this essay argues that they are conceptualised in quite different ways, and play quite different roles in Aristotle's argument in Book 4 of the treatise. 'Middle *politeia*' is an ideal of a community visualised in socioeconomic terms carrying ethical associations, and with a membership accordingly predominantly characterised by ethical attributes key for the best conduct of its political life. It is not the structure of organs and offices of state represented in the 'well-mixed' constitutional settlement of a 'polity', requiring discussion of rules for eligibility and mode of appointment. The second section of the essay considers the ideology of 'middle' *politeia*, and Aristotle's interest in finding the best approximation to this ideal in the contemporary Greek city. Despite his hostility to the form of democracy he sees as prevalent in his own time, he appears to accept that large democracies with substantial numbers of citizens equipped with 'middling and sufficient' resources present the best realistic chance of achieving something close to that ideal. Athens is the most obvious candidate, given recent work by historians on evidence for its socioeconomic composition, whereas on the scale of closeness to a 'well-mixed' constitution Aristotle deems it to score lowest.

'Polity' and middle *politeia*

In *Polis*, his recent historical blockbuster, John Ma writes at one point:[1]

1 Ma 2024: 217-18.

Malcolm Schofield: 'Aristotle's 'Unmixed' Middle *Politeia* and Athenian Democracy' C&M Supplementum 4 (2026) 133-154.

> Aristotle's *Politics* constitute an invaluable witness situated at the start of the great convergence in the second half of the fourth century BCE. ... In the end, and for all his hesitations, Aristotle seems to favor a form of constitution that he cannot quite bring himself to call *dēmokratia*, describing it as *politeia*, an inherence to the possibilities of the citizen-state and a corrective to the aberration that his elite-centered and philosophical frameworks force him to see in democracy (we could translate it by "republic," which has the same mealy-mouthed effect). *Politeia* is close to rule by the masses, as Aristotle admits; and is the result of compromise and negotiation – a concept that may prove useful for the interpretation of the great convergence.

By 'the great convergence', as I understand him, Ma refers to the outcome of processes whereby citizen-states of the Hellenistic era came to exhibit patterns of governance much more uniform than in previous periods of Greek history. What he has in mind especially is first the general prevalence and vigour of local autonomy, thanks particularly to the demise of hegemonic control earlier exercised by some such states over others (by Athens and Sparta above all); and secondly, the increasing failure of any system other than some form or other of democracy to prove sustainable. In the extract just quoted, Ma is invoking Aristotle in the *Politics* as witness – in his opinion reluctant witness – specifically to the second of these developments.

Many readers of Books 4 to 6 of the *Politics* will probably resemble Ma in taking Aristotle's treatment there of *politeia*, as particular form of constitution often rendered as 'polity' in English, to indicate his preferred option for best practicable citizen-state system of rule. He usually there sees 'polity' as a form of mixed constitution closer to democracy and rule by the *plēthos* (I think captured better by Ober's singular 'mass') than it is to oligarchy or aristocracy.[2] The employment of the word *politeia*, the general term used by Aristotle to connote 'constitution' or 'citizen-state system', for a specific form of constitution also, was apparently not his invention. His designation 'the so-called *politeia*' is the most obvious indication of that (*Pol.* 4.3.1290a17-18, 4.7.1293b9, 20, 4.11.1295a33-34). We might compare also its first mention in Book 3 (*Pol.* 3.8.1279a37-b4; cf.

2 Ober 1989.

also 2.6.1265b26-9, 5.7.1307a15-16). That Book 3 passage suggests among other things that in this use the term was originally designed to assert rule by *politai*, citizens generally (as opposed to elite control), in what modern scholars used to call the limited 'hoplite democracy' of the seventh and sixth centuries BCE that they posited.[3]

What Aristotle hoped for of such a *politeia* or 'polity' in his own day was a 'well-mixed' system whose intrinsic stability would derive (as he puts it at one point) from the fact, not that those who wanted it were in a majority, but that there should be no constituency within the city which would even want another system (*Pol.* 4.9.1294b36-40). Not, presumably, what any faction or interest group would go for if unconstrained. But in difficult and otherwise unpropitious circumstances, something not too unlike the outcome of the Good Friday Agreement on the status of Northern Ireland: giving every party to the concordat what it considers vital to secure, when apprised of what some other party might successfully attempt to take from it or inflict upon it, should it aim for more than that. Something, in short, worth settling for by 'compromise and negotiation' as best option available. It was aptly termed *politeia*, 'citizen-state system', presumably as catering in some measure for the aims and interests of all citizen groupings. As Aristotle himself puts it, more crisply (*Pol.* 4.9.1294b34-36): 'In the admirably mixed *politeia*, it should seem that both and neither [the democratic and the oligarchic] are salient.'

Such a mixture he often counts as a *politeia* or 'polity' when democratic features predominate, in line with what he says is usual linguistic practice – again presumably because there is then general citizen participation in the system (*Pol.* 4.8.1293b34-38; cf. 5.7.1307a15-20).[4] But if no such qualifications are in play, it is presented as just a mixture of oligarchy and democracy (*Pol.* 4.8.1293b33-34, 1294a22-23). And in the chapter of Book 4 (*Pol.* 4.9) devoted to its analysis, Aristotle focuses on principles and methods of mixture generally. He evinces an approval especially of

3 A historical concept now mostly abandoned: as discussed briefly for example by Raaflaub 1997, who notes an element of Aristotelian provenience in its profile (ibid. 26 and n. 5).

4 But he can speak of a 'so-called *politeia*' that tilts more towards oligarchy: an instance is *Pol.* 4.7.1293b20-21, as further discussed below (p. 141).

the stability such mixture tends to bring. Such endorsement of appropriate mixture is paralleled by the favouring of balance and moderation in constitutional arrangements of whatever types which is apparent throughout these books (as for example at *Pol.* 5.1.1301b26-1302a8; in Book 6 likewise, especially chapters 4 and 5).

Is polity Aristotle's 'favoured' form of constitution, however, as Ma supposes? That does not seem to be a claim he makes, neither in *Politics* 4.3-10, where he is surveying and discussing the main types of constitution and their individual varieties ('polity' included, as just observed), nor elsewhere in the treatise. The lion's share of the survey is devoted to democracy and oligarchy, the regimes most prevalent in his own day. Treatment in that order of what are ordinarily called aristocracies, 'polity', and tyranny is given much briefer consideration in its final pages: hardly the most promising context, one might think, for identifying and endorsing a candidate for 'favoured' constitution. To grasp how he does in fact tackle that issue, we need to consider the way that the whole body of material constituting Books 4 and 5 of the *Politics* is constructed.

We might begin by noting that the final section of the still introductory chapter *Politics* 4.2 (1289b12-26) sets out an ordered programme that political theory should implement, if it is to deal properly with the more empirically oriented tasks that fall within its scope (as prescribed in the opening chapter *Politics* 4.1). As the first task to be undertaken, the programme indeed envisages constitutional survey, focused mainly on democracy and oligarchy and their differing varieties. But thereafter a sequence of problems to be worked at is articulated – some more theoretical, some more practical – that legislators who are confronted with those more empirically oriented tasks will be best advised to digest, in the light of the results of the survey. Implementation of this programme, in that same order, occupies the whole of the rest of Books 4 and 5.

It is only in the next chapter following completion of the survey in *Politics* 4.3-10, *Pol.* 4.11, that Aristotle takes up the second and most fundamental topic proposed for consideration in the programme for Books 4 and 5 which is prescribed in *Pol.* 4.2.1289b12-26. That is the question:

'which form [of *politeia*] is the most capable of being shared in (*koinotatē*)[5] and which most desirable after the best *politeia*; and if there should have been in existence some other that is aristocratic and admirably constituted, what it is' (*Pol.* 4.2.1289b14-17). Here is how Chapter 11 of Book 4 begins, clearly meaning to address just those questions (*Pol.* 4.11.1295a25-31):

> But what is the best *politeia* and what is the best mode of life for most cities and most people, if we do not judge by a standard of excellence that is above the level of ordinary people, or of an education that needs natural gifts and means that depend on luck, nor by the standard of a *politeia* such as one might pray for (*kat' euchēn*),[6] but by that of a mode of life able to be shared by most people, and of a *politeia* possible for most cities to attain?[7]

We may note that in embarking on the topic, Aristotle now talks of the *politeia* that, though second best, is nonetheless itself best, presumably relative to other possibilities.

Aristotle's talk here is talk of *politeia* (in a general sense). But *Pol.* 4.11 does not read at all like the sort of attempt at constitutional design to which many of the other chapters of Book 4 are devoted. They are typi-

5 Published translations of this term as used here vary considerably. But its meaning is clear in the light of the introductory passage to *Pol.* 4.11 (now quoted) at 1295a30: *tois pleistois koinōnēsai dunaton.*

6 The expression *kat' euchēn* recalls the Platonic Socrates' concern in the central books of the *Republic* that his proposals for a good city should not be considered merely a 'prayer', an unrealisable wish (*Resp.* 5.450d, 7.540d-541b). For Aristotle, on the contrary, considering the *politeia* one might pray for is the prime object of the enterprise undertaken in the *Politics*: 'Our purpose is to consider what form of political community is best of all for those who are able to live so far as possible as they might pray to do (*kat' euchēn*)' (*Pol.* 2.1.1260b29: perhaps 'as they would ideally wish'). That ambition is reiterated at the start of Book 4 (*Pol.* 4.1.1288b23-24), and then again at the beginning of Chapter 4 of Book 7 (*Pol.* 7.4.1325b36), where such an ideal is one construed as realisable provided that a range of favourable preconditions are met.

7 In the next sentence, he takes up the issue, projected in the programme sketched in *Pol.* 4.2 (1289b15-17), of whether a form of aristocracy might supply a good answer. See below p. 140-41 for discussion.

cally preoccupied with the governmental structure of a city, with its offices and key executive bodies (*archai*), with entitlements to occupy or belong to them and to choose by one method or another those who do, and with like matters. That is entirely in accord with what Aristotle's initial definition of a *politeia*, understood as 'constitution' in a normal governmental sense of the word, would lead us to expect. Back at the beginning of Chapter 6 of Book 3, he had offered the succinct formulation (*Pol.* 3.6.1278b8-10; repeated in an abbreviated version at *Pol.* 4.3.1290a7-8): 'organisation of a city's *archai*, especially the supreme authority'.

As the Oxford scholar Richard Robinson observed in his 1962 Clarendon translation with comments, Chapter 11 of Book 4, by contrast, seems more akin to an exercise in political sociology reinforced (he thought unsuccessfully reinforced) with philosophical ethics.[8] Aristotle here envisages a *politeia* dominated in political weight and influence by a sufficiently large body of citizens of middling economic resources. They are described as neither 'exceedingly well-off' (*sphodra euporoi*) nor 'exceedingly short of resources' (*sphodra aporoi*) (*Pol.* 4.11.1295b1-3). But even more important for him is that such persons are those in the city who are most likely to have virtuous characters. They will hit the midpoint between over-reaching and over-submissive behaviour, as explained in the theory of the mean developed in the *Ethics*. To his mind, like Cicero's subsequently in *De re publica*, it is primarily the quality of the citizens (Cicero's *viri*) and their *mores* that matter most for a political community (*Rep.* 5.1). This focus more resembles that of the account of the best city of our prayers sketched in Book 7 of the *Politics* itself, or of Books 8 and 9 of the *Republic*, Plato's brilliant narrative of the forces which propel degeneration of the entire ethos of the life of such a community – of a *politeia* in the sense of 'social and political system', rather than 'constitution' – until it saddles itself eventually with a demagogue, a *prostatēs* who turns into a lawless tyrant.

In *Politics* 4.11 Aristotle discourses at some length on the moral vices that are apt to be fostered by great wealth and great poverty. The ideal

8 Robinson 1962: 100 (cf. 103). That *Pol.* 4.11 is mostly political sociology seems to be generally accepted in scholarship on the *Politics*, as for example recently in Samaras 2015: 132.

for a city is, he proposes (*Pol.* 4.11.1295b25-27), 'to consist so far as possible of persons who are equal and peers; and this desideratum is realised particularly among the middling people.' It is among them that friendship, and associated with that, political community, may be expected to flourish, not one in which one class is envious, the other contemptuous of the other, like masters and slaves, not free persons (*Pol.* 4.11.1295b21-24). Aristotle concludes (*Pol.* 4.11.1295b27-28): 'That city will necessarily, therefore, best conduct its political life when constituted of the sorts of person of which we are saying the city is by nature composed.'

Proper political community and the virtues of individual citizens, in short, are interdependent. And crucial for both is an economically based socio-political structure. Much of the rest of *Pol.* 4.11 expatiates on the need for a sufficiently large and influential middle class if the likelihood of domination of cities by overbearing oligarchic or democratic regimes is to be minimised, and on the regrettable preponderance in its absence of cities ruled by assertive democracies and oligarchies in Aristotle's contemporary Greek world. There is not a word, however, about a constitutional framework enabling the political weight of 'middling people' to be exercised.

Now to a question about how Aristotle regards a middle *politeia* of this kind (*Pol.* 4.11.1296a37-38), one 'that is through the middling people', brought into being or sustained – I take it he means – by the community-minded citizens they are (*Pol.* 4.11.1295b35). Does he take it to be identical with a polity or mixed constitution, as specified in the later part of the constitutional survey, at *Politics* 4.8 and 9? In other words, does he equate middle *politeia* with the *politeia* [= 'polity'] that Ma takes to be Aristotle's favoured form of constitution when it assumes a democratic bias? Robinson devoted a good deal of space in his comments on the chapter to discussing the matter. He recorded his impression that previous interpreters in general had asserted the identity.[9] Such a consensus appears mostly to have continued, as evidenced for example by Hansen,[10] in a chapter of his *Reflections on Aristotle's* Politics originally published in

9 Robinson 1962: 100-1. One instance was Newman 1902, as quoted below for example (p. 139).

10 Hansen 2013: 8.

1993, and in more recent treatments by Balot and Samaras.[11] At the same time, interpreters standardly note, sometimes with puzzlement, that such an identity is not anything Aristotle himself asserts.

Politics 4.11 contains just one explicit reference to the 'so-called *politeia* [or 'polity']'. In the programme of *Pol.* 4.2, Aristotle had envisaged some discussion, under the topic of 'the form of *politeia* most capable of being shared in and most desirable after the best *politeia*', of the additional question of 'some other that is aristocratic and admirably constituted, but will fit most cities' (1289b15-17). He picks up this issue briefly at the end of his initial statement in *Pol.* 4.11 of the sort of *politeia* he will be hoping to explore in the chapter, in these words (1295a31-34):

> For some of the so-called aristocracies that we have just been speaking of fall outside the reach of most cities, while some of them are close neighbours of the 'so-called polity' (so we should talk of the two of them as a single *politeia*).

His purpose here is plainly one simply of delivering brisk rejection of the possibility mooted in *Pol.* 4.2 that there might be an aristocratic constitution that would 'fit most cities'.

To elaborate on the issue to which Aristotle now returns: Would a form of aristocracy perhaps satisfy that requirement, stipulated as something demanded of 'the best *politeia* and the best mode of life' for cities in general that he has just proposed as the immediate subject of enquiry (1295a25-26)? His verdict is negative. An aristocratic *politeia* would not 'fit most cities', if the first forms of 'so-called aristocracy' articulated in

11 Balot 2015: 109-11, Samaras 2015: 132-34. But the consensus is not universal: see for example Johnson 1988: 197-203, arguing for non-identity, who makes some well-taken, some questionable points (offices in a middle *politeia* are said to be distributed to the 'middle class', for example, despite no mention of offices in *Pol.* 4.11); and Kraut 2002: 427-33, who does however suppose – 'although Aristotle does not say so explicitly' – that the middle *politeia* of *Pol.* 4.11 equates to *politeia* ('polity') as *first* introduced in *Pol.* 3.7.1279a37-b4. There 'polity' is presented not as a mixed constitution, but as a system in which 'the mass conduct political activity for the common advantage'.

Book 4's chapter on aristocracy (*Pol.* 4.7.1293b7-19) are considered. Carthage and Sparta respectively are instanced.[12] As to cases (not illustrated) of the third form mentioned in that chapter, Aristotle there takes them to be just versions of 'polity' that tilt towards oligarchy (1293b20-21). So, although conceivably within reach of most cities, they will presumably be appropriately described not as 'aristocracy' at all, but rather as examples of 'polity'. Here in *Pol.* 4.11 he is less forthright. But the comparability of these 'close neighbours' to polities of some kind still leaves him implying that they are so close that it is better not to use different terminology in speaking of them. 'Polity' would on Aristotelian premises appear to be a less misleadingly neutral name than 'aristocracy', given that there is nothing ethically admirable in the prizing of wealth that he takes to be key to oligarchy, tending to arrogance and greed as it is liable to do (*Pol.* 5.7.1307a19-20). He suggests that people call it 'aristocracy' only because 'culture and noble breeding are apt to attach more to the more well-to-do' (*Pol.* 4.8.1293b37-38).

At this point one might be inclined to ask (in some sympathy with Ma's parallel comments on polity and democracy): would it not be more straightforward to designate forms of so-called aristocracy close to polity as actually just 'oligarchy', of the most moderate, 'best mixed' kind, as identified at *Pol.* 6.6.1320b18-29? There Aristotle himself observes of that system, in so many words, that it is 'close to so-called *politeia* ('polity')' (1320b22).[13] And at various other points he comments on overlap between the constitutional types he specifies, perhaps most programmatically at the beginning of Book 6 (*Pol.* 6.1.1316b36-1317a10). Yet, as for example Balot points out, it is precisely the ambiguity of mixture that seems to be what attracts him to 'polity' as a distinctive form of constitution, neither obviously altogether democratic nor obviously altogether oligarchic.[14]

12 For obvious reasons, he does not mention here 'genuine and primary' aristocracy (*Pol.* 4.8.1294a24-5), as understood in Book 3: a *politeia* made up of those who have achieved excellence without qualification – in which the same person is both good man and good citizen without qualification (*Pol.* 4.7.1293b1-7).

13 For some discussion of the passage, see Keyt 1999: 221-22.

14 Balot 2015: 109.

There is no hint in *Pol.* 4.11.1295a33-44, however, that *politeia*, as 'polity' or mixed constitution of some kind, is indeed the best *politeia* offering the best mode of life that Aristotle undertakes to try to identify. A key contrast between the two conceptions needs to be borne in mind. In the chapter that he devotes to analysis of 'polity' (*Pol.* 4.9), he presents it as something that would need to be a construct of constitutional engineering or 'mixture'. The *politeia* that is to be investigated in *Pol.* 4.11, by contrast, is never spoken of in terms of 'mixture'. It is an ethical ideal given socioeconomic underpinning. As Aristotle explains at the end of the chapter, it is to serve as a yardstick for judging political systems. That concluding passage runs as follows (*Pol.* 4.11.1296b3-9):

> Now that the best has been defined, it is not difficult to see, among the other forms of *politeia* (for we say that there are various forms of democracy and various oligarchies), what kind is to be placed first, what second, and what next in this order, through one being better and another worse. For at each stage the form nearest to the best one must necessarily be superior, and the form that is more remote from the middle must be inferior.

Ober captured Aristotle's intent nicely in the Aristotle chapter of his 1998 book *Political Dissent in Democratic Athens*:[15]

> This regime, based on the dominance of "middling" persons (*hoi mesoi*), seems less an actual regime type than a model by which oligarchies and democracies may be judged and (it is hoped) made more moderate.

It is time to draw the threads together. The middle *politeia* has a conceptual profile and plays a role quite different from 'polity' or mixed constitution within the overall argument of Books 4 and 5 of the *Politics.* It supplies no more than the one key component – ethically sound, community-minded 'middling' people, with 'middling and sufficient' resources – of what would be an achievable socioeconomic best structure for a citizen-state, and a criterion for judging better and worse when the best is

15 Ober 1998: 335 n. 78.

not achieved. If it were to become a reality, it would be 'through the middling people' (*Pol.* 4.11.1295b35; cf. 1296a8): I suppose he means, by the speech and action in the public sphere to be expected of citizens committed to partnership, not faction, as those 'in the middle' are taken to be.

'Polity', on the other hand, encapsulates a package of possible permutations of institutions (*Pol.* 4.9). The permutations briefly sketched there in barest outline are designed to engineer a constitutional compromise – a mean – between oligarchic and democratic systems principally of franchise and political office-holding and participation.[16] Aristotle relaxes and gets more eloquent when in the second part of the chapter he explores the Spartan constitution. He considers it now, not as a form of aristocracy, but as a 'well-mixed' example of 'polity', and interestingly combines comments on both social system and constitutional provisions for office holding and selection (*Pol.* 4.9.1294b13-34). Yet that chapter is still only half the length of the chapter he will go on shortly to devote to the middle *politeia* (*Pol.* 4.11), perhaps giving some impression that its notion of mixture 'does not seem so important' to him as his hopes of a middling citizenry.[17]

As Andrew Lintott went on to note, 'the mixed constitution had already become an important part of Greek political thought' by the time Aristotle was writing the *Politics.*[18] By contrast, the idea of a middle *politeia*, dominated by citizens of middling resources who will exemplify virtues of moderation, seems to have been his own invention. In much of the detailed discussion of constitutions in Books 4 and 5 considerations of balance, compromise, and mixture are those to which he mostly has recourse, however. There he makes little mention of the role 'middling' people might play in politics. It is as though he had not yet got far in thinking that through.

16 No mention is made in *Pol.* 4.9 of 'middling people'. The second of the three mechanisms listed involves middling property assessment as a qualification for eligibility for political functions, with membership of popular assemblies the example (*Pol.* 4.9.1294b2-6). But it is accorded no prominence among the three.

17 Lintott 2000: 165.

18 Lintott 2000: 165.

In conclusion: Middle *politeia* is an achievable socioeconomic ideal of virtuous citizenry. 'Polity' is a constitutional structure produced by a formula for 'mixture'. In both, Aristotle emphasises the importance of a mean between extremes (as for example at *Pol.* 4.9.1294b16-18, 4.11.1295a34-40, 1296b22-27). But that does not licence us to treat the systems they envisage as identical or as versions of a single form of *politeia.* Middling people figure only once in a context where Aristotle talks of mixture. There, defusing the possibility of civil strife by increasing the strength of the middle element in the city is suggested as an *alternative* to a constitutional mixing of the needy and the well-off, not as an ingredient in a mixture (*Pol.* 5.8.1308b28-31). Nor is Aristotle's middle *politeia* itself presented as any kind of mixture.

Middling citizens and Athenian democracy

In much of the *Politics* 'middling' people make no appearance. For Aristotle, the now dominant political systems are oligarchy and democracy. And these, he argues, are properly characterised as regimes controlled not literally by the few and the many, but by the well-off (*euporoi*) and the needy (*aporoi*), usually treated in his pages as an exclusive disjunction. A middling category does not seem to be prominent in other fourth century authors writing in Athens either, if present at all. Not (so far as I have found) in the orators, Isocrates, or Plato or Xenophon, nor yet in Herodotus or Thucydides before them – except significantly in the very final sentence of the latter's account of the *stasis* at Corcyra (427 BCE). There he comments that the 'middling' element among the citizens was targeted for annihilation by partisans on both sides (3.82.8). The orators do now and again speak approvingly of a lifestyle that is *metrios*, measured or moderate, often in contrast with the arrogant and insulting behaviour of the wealthy. But the ideology of citizen equality had presumably by this time become so ingrained that it might have seemed undemocratic in a public forum to attribute such a lifestyle to a group of persons positioned between the wealthy and the *dēmos*. On one occasion, indeed, Demosthenes couples *metrios* with *dēmotikos*, 'a real man of the *dēmos*' (Dem. 21.183); and – to return to Aristotle – his great-souled man will

be *metrios* in his bearing towards the 'middling' people (*Eth. Nic.* 4.3.1124b19-20).

So how did the 'middling' people come to force their way into Aristotle's frame of reference? One clue is supplied by some words of the sixth century poet Phocylides that he himself quotes. He is rounding off the main argument in *Pol.* 4.11 he has been making for his ideal of a political culture shaped by equals and peers committed to communal values. The poet declares (*Pol.* 4.11.1295b33-34 [= Fr.12 West]):

> Many things go best for those in the middle: I want to be middle in the city.

Here Aristotle is tapping into a political ideology that can be documented in several poets of the archaic and early classical periods, as Ian Morris argued in a paper published thirty years ago.[19] Morris saw that ideology as an anti-aristocratic creation, originating (so far as our evidence goes) in the time of Hesiod and associated with the beginnings of a *polis* culture. Its middling status emerges particularly clearly in the poems of Solon, who describes himself *inter alia* as a 'boundary stone at the midpoint between them [i.e. the greater and more powerful and the people]' ([Arist.] *Ath.Pol.* 12.5 [= fr. 37.9-10 West]). And indeed, towards the end of the chapter Aristotle adds as an argument for the middle *politeia* the claim that 'the best legislators have come from the middling citizens'. He instances at the head of his list Solon, already appropriated for their own varying political agendas by other writers in mid-fourth century Athens, and appeals to the evidence of Solon's poetry (*Pol.* 4.11.1296a18-21).

The closest and fullest surviving parallel to his own conception of middling citizens, however, comes in a striking passage of Euripides' play *Suppliants* (staged in 423 BCE), as noted by Collard ad loc.[20] Theseus king of the Athenians, represented as a thoroughly democratised monarch, makes a long speech lambasting the king of the Argives *inter alia* for his political ineptitude. He includes for his edification the following morsel of socioeconomic analysis (Eur. *Supp.* 238-45):

19 Morris 1997.
20 Collard 1975.

> There are three classes of citizens. One lot are rich and useless and always craving for more. Others, 'have-nots' and destitute, fearful folk, investing too much in envy, shoot out grievous stings against the 'haves', beguiled by the eloquence of vicious leaders. But of the three classes, the one in the middle preserves cities, observing the order that the city ordains.

A complication is that those very Solonian verses were probably interpolated later into the text of Euripides.[21] So if they were what shaped and fuelled further Aristotle's own elaboration of the earlier 'middling' ideology, particularly the tripartite division of the citizen body in *Pol.* 4.11, in place of his standard exclusive categories of just *euporoi* and *aporoi*, interpolation would have to have occurred early, or he had perhaps recalled them from their original home in some other tragedy.[22]

The middle *politeia* of *Pol.* 4.11 is, to be sure, an ideal. But there can be no doubt that, by the time he wrote this chapter and the next, Aristotle had come to see the middling citizenry which he makes its central component as a present social reality. Here he is in the next chapter offering advice to the legislator (*Pol.* 4.12.1296b34-40):[23]

> The lawgiver must always in his constitution take in the middling people. If he is making the laws oligarchic, he must do so with the middling people his target. If democratic, he must attach them to the laws. And where the number of the middling people exceeds both the extreme classes together, or even one of them only, here it is possible for a constitution to achieve durability.

That line of thought in fact recapitulates a reflective observation that he had offered already in *Pol.* 4.11, immediately following his main argument for a middle *politeia* as 'best *politeia* ... for most cities and most people' (1295b35-40):

21 See the Loeb edition of Kovacs 1998 and Diggle's revised OCT (2025); and for discussion, especially Mueller-Goldingen 1987.

22 My thanks to Jonathan Barnes and James Diggle for some discussion of this matter.

23 The middling people play an important part in the argument of *Pol.* 4.12. But thereafter they figure significantly only at the end of *Pol.* 4.13 and again of *Pol.* 5.1, almost as afterthoughts when the main discussions of those chapters are over.

> It is possible for politics to be well conducted in those cities that are of the kind in which the middle element is numerous, and preferably stronger than both the other two, or at all events than one of them, for by throwing in its weight it sways the balance and prevents the opposite extremes from coming into existence. Hence it is the greatest good fortune if those engaged in politics possess middling and sufficient resources.

As this passage indicates, Aristotle is from the outset concerned with implementation of his ideal, or at least with approximation to it.

He associates the rise of a substantial middle class with an inexorable contemporary tendency for cities to increase in size. He usually relates growth in their populations to what he sees as the inevitability of democracy's becoming the dominant form of constitution, as towards the end of Chapter 15 of Book 3 (1286b20-22):

> Since cities have become still larger, we may perhaps say that it is not easy any longer for any other constitution except democracy to come into being.

But the emergence of a significant middle class he treats as an ingredient in that process of growth also, as at the end of Chapter 13 of Book 4 (1297b25-28):

> It is not surprising that the old constitutions should have been oligarchical and monarchical. With their small populations, cities were without much of a middle element, so being both small in numbers and poor in organisation, they put up with subjection to rule.

In *The Rise and Fall of Classical Greece* (2015), Josiah Ober makes some observations which seem to confirm Aristotle's belief that it is important to recognise the existence of such a middle class, at any rate in the larger cities of his time. Ober associates what he calls the 'ancient Greek efflorescence' in the classical and early Hellenistic period with 'an extensive middle class', and with its ability 'to consume goods and services at a

level well above mere existence'. In the light of a complex matrix developed by economic and demographic modelling applied to different data that he assembles about Athens, he argues:[24]

> In sum, it appears likely that a substantial number of residents of fourth century Athens lived far enough above subsistence to enable them to live decent lives. The surplus consumption capacity of a comparatively large middling population would have been a major driver of the Athenian economy.

Ober is at pains to emphasise that for him 'middle class' is a demographic category, not meant 'to imply anything substantive about self-identification, class consciousness, or place in the mode of production'. This 'middling population' of Ober's sounds very like that envisaged by Aristotle, who says of his own middling people that they have 'middle and sufficient resources' (*Pol.* 4.11.1295b40). Aristotle, too, volunteers nothing explicitly about how they self-identify, even if we may assume that they see each other as equals and peers, nor about any economic activity which they may perform.

At a later point in his chapter on 'the best *politeia* and the best mode of life for most cities and most of mankind', he writes as follows (*Pol.* 4.11.1296a7-16):

> That the mean condition of cities is best is evident. It alone is free from civil strife, since where there is much influence from the middle element (*to dia mesou*), outbreaks of civil strife and divisive factions among the citizens least occur. And the large cities are freer from civil strife for the same reason, because the middle element is numerous. Whereas in the small cities it is easy to divide everybody into two factions, leaving nothing in the middle, and almost everybody is needy or well-off. And democracies are more secure and more permanent than oligarchies, because they have a middle class which is more numerous and has a greater share in honours.[25]

24 Ober 2015: 97 (and see also Ober 2019).

25 'Honours' seems usually to equate to *archai*, 'offices', 'positions of rule'.

No fourth-century city was larger than the democratic Athens in which Aristotle lived for much of his life. And it was an Athens that enjoyed remarkable political stability through all those years. No doubt Aristotle was thinking of other cities as well as Athens when he composed that passage. We should not forget that encyclopaedic collection of no less than 158 already existing political constitutions that he appears to have commissioned (Diog. Laert. 5.27). But it seems likely enough that, viewing the phenomenon he describes through Solonian spectacles, he concluded that the existence in Athens by the later years of that century of a substantial middle element – well over half of the entire body of male citizens according to one study cited by Ober – is key to understanding such stability.

Yet now we run into a problem raised by Aristotle's remark: 'in the small cities it is easy to divide everybody into two factions, leaving nothing in the middle, and almost everybody is needy or well-off'. It is a puzzle that was voiced long ago by W.L. Newman, the great late-Victorian commentator on the *Politics.* Newman wrote:

> If οἱ μέσοι (the middling people) were so few in number in small Greek States, the polity[26] can hardly have been suitable to them. Yet were not most Greek States small? If so, can the polity have been suitable to most Greek States? Aristotle says himself in 1296a23 sqq. [i.e. a few lines further on] that the midway class was often a small one in Greek States. The difficulty just pointed out does not seem, however, to have occurred to him.[27]

How might we respond on Aristotle's behalf?

Newman's supposition, hardly controversial, that most ancient Greek cities were relatively small, has only been reinforced by the major *polis* research project led by Mogens Hansen in the 1990s and early years of the present millennium. On his estimation, in the period from the eighth to the final years of the fourth century BCE, about 8 in 10 cities occupied territories of less than 200 km^2, some very much less.[28] Hansen continued

26 I.e. the middle *politeia*: Newman thought it the same as 'polity'.

27 Newman 1902: 218.

28 Hansen 2006: 77-84.

to revisit the assumptions underlying his calculations and their methodological bases, but that global estimate seems not to have varied.[29] However, Aristotle might not have been too disconcerted by such a figure. According to Hansen's calculations, a big majority of ancient Greeks were urban dwellers living in middling to large cities ('large' here meaning more than 500 km^2). That majority was no doubt the more palpable because much less scattered than was the minority inhabiting the many more numerous smaller settlements.

Perhaps that circumstance might suggest an explanation of what was meant by suitability for 'most cities and most people'. The claim which the incorrigibly Hellenocentric Aristotle wanted to make, and indeed assumed he was making, we might conjecture, might have been more precisely formulated as the following proposition. For most Greeks, Aristotle will have meant, and for most of the cities in which most of those Greeks lived, a middle *politeia* was a practicable ideal. In middling to large cities, there would have been enough of a middling class of male citizens for introduction of a middle *politeia* to have been in principle a realistic and relatively (if only relatively) easy project. But he concedes that most Greek cities were in fact ruled either democratically or oligarchically, whether because they were too small to have a middle class sufficient to sustain a middle *politeia*, or for other reasons, such as hegemonic control by dominant regional powers. Consequently, the middle *politeia* as such in fact either never comes into being or rarely and among few people (*Pol.* 4.11.1296a22-38).

It is worth our pausing at this point over Aristotle's remarks about stability and democracy in making his claim that 'the mean condition of cities is best', and indeed 'evidently' best. 'It alone is free from civil strife' was the rationale he offers for that judgement (*Pol.* 4.11.1296a7). He had added that 'large cities are freer from civil strife for the same reason, because the middle element is numerous' (1296a9-10). Then after his remark about 'small cities' (1296a10-13), he had continued as we saw above (1296a13-16): 'And democracies are more secure and more permanent than oligarchies, because they have a middle class which is more numerous and has a greater share in honours [offices (*archai*) are usually those he most often seems to have in mind].' As with so many Greek political

29 Hansen 2008.

thinkers, the bane of *stasis* is here the key focus, and its successful avoidance taken to be the principal basis for judging the merit of a *politeia*, at any rate one suitable for 'most cities and most people' (1295a25-26).

By that measure, the Athenian fourth century democracy presumably scores highly. It had remained 'free from civil strife' for decades by the time Aristotle was probably composing Books 4 to 6 of the *Politics* (generally taken to be during his final years in Athens from 335 BCE on). It was a 'giant amongst the city-states',[30] and on Ober's assessment had a demographically dominant middle class, possessing 'middling and sufficient resources', in Aristotle's phrase (1295b40). At the end of the opening chapter of Book 5, a book wholly devoted to the issue of 'what things destroy or preserve the constitutions' (the final item projected in the programme for Books 4 and 5 as set out at *Pol.* 4.2.1289b12-26), he remarks that 'the *politeia* which is based on the middle class more nearly approximates to democracy than to oligarchy' (*Pol.* 5.1.1302a14). By that reasoning, it would seem to follow that a democracy such as that of fourth-century Athens might be not too far removed from Aristotle's ideal of a 'middle' *politeia*, and indeed a candidate for the superior form of *politeia* 'nearest to the best', in the formulation used in the closing summary to the middle *politeia* chapter (*Pol.* 4.11.1296b8).

Aristotle notoriously has much less to say in the *Politics* about Athens specifically than about Sparta – although it may well be that many of his discussions of democracy in general consciously reflect particularly Athenian institutions or practices as he understands them.[31] His account of Solon's reforms and subsequent constitutional developments (*Pol.* 2.12.1273b35-1274a21; cf. also 6.4.1319b19-22) leaves little doubt, however, that he took contemporary Athens to exemplify what he regards as

30 Hansen 2006: 91.

31 Lintott 1992 constitutes a maximalist version of this approach, in its most egregious form when he states (ibid. 115): 'However, he himself [Aristotle] does not draw any distinction between fifth- and fourth-century democracy here, and in a later passage (1298b28ff. [1298a28ff. appears to be intended]) he specifically states that his most extreme form of democracy is the one currently in use in Athens.' No mention of Athens in the text, even if that is what Aristotle is thinking of. A more cautious formulation: 'Once again, the influence of Athenian history is patent' (ibid. 120). For recent reservations about such an Athens-oriented line of interpretation: Cammack 2019: 64-65.

the final and most extreme form of populous democracy, furthest away from a 'well-mixed' system. In such a democracy, he says, 'the mass of the needy becomes the authority over the *politeia*, not the laws' (*Pol.* 4.6.1292b41-1293a10). The Aristotelian author of the *Constitution of the Athenians* (preserved in papyrus form) certainly thought that to be the condition of fourth century Athens (*Ath. Pol.* 41.2): 'The *dēmos* has made itself the authority over everything, and manages everything by decrees and through the courts.'

The contrast in the way Aristotle thinks of large contemporary democracies in his discussion of middle *politeia*, Athens doubtless included, and in much of the rest of his treatment of them in Book 4 and elsewhere, Athens explicitly in the Solon chapter of Book 2, is stark – even if there are signs of a more nuanced and qualified assessment of democracies in Book 6, notably in such passages as *Pol.* 6.5.1320a17-b17. It perhaps tends to reinforce the suspicion that the ideas he offered in *Pol.* 4.11 for 'the best *politeia* and what is the best mode of life for most cities and most people' were developed relatively late in his thinking, and were never integrated with most of the rest of the *Politics.* Had he not really taken stock earlier, one might wonder, of how most Athenians of his own day were able to afford a relatively satisfactory 'middling and sufficient' livelihood – if, indeed, Ober is right about that? It would not, perhaps, be surprising (as Ober comments to me)[32] if it took a while for the realities of the changing post-350 BCE era, now freshly explored in John Ma's book, to impress themselves fully on contemporary Greeks (an informed and reflective observer such as Aristotle included), long accustomed to thinking about the *polis* mostly in binary terms of a dichotomy of rich and poor.[33]

32 Personal communication.

33 This essay has been long in the making. Earlier attempts to get to grips with Aristotle's 'middle *politeia*' were presented to colloquia in Bordeaux and Stanford, then after the pandemic to meetings in Cambridge and Athens, and most recently as the 2024 Runciman Lecture at King's College London. My thanks go to the organisers of all these events for the stimulus they gave me, and those who offered me comments and suggestions on those occasions. The essay's themes are close to some of Mogens Hansen's major preoccupations. He kindly sent me upon publication his *Reflections on Aristotle's* Politics, inviting comments from me that I fear I never mustered. It is

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therefore a special honour and pleasure, as well as a sadness, to have the opportunity of contributing to this memorial.

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EMPIRE, AUTONOMY AND THE POLIS

Peter Fibiger Bang

Summary: This article is a contribution to the debate on the significance of autonomy for the ancient Greek city-state. It argues that one of the most important implications of Hansen's work on the *polis*, and his downplaying of autonomy as a constitutive feature, was finally to lay to rest any doubts about the continued vitality of the *polis* under Roman rule. Ma's new grand synthesis of the *polis* seems fully to have taken the consequence of this and expanded its chronological span to include the Roman Empire down to late antiquity. However, there is a paradox in need of resolution here. For at the same time, Ma has decided to re-instate autonomy as a pivotal feature of the *polis*. How can this be resolved?

> In truth such marks of distinction, on which you plume yourselves, not only are objects of utter contempt in the eyes of all persons of discernment, but especially in Rome they excite laughter and, what is still more humiliating, are called 'Greek failings!' And failings they are indeed, men of Nicomedia, though not Greek, unless someone will claim that in this special particular they are Greek, namely that those Greeks of old, both Athenians and Spartans, once laid counterclaims to glory. However, I may have said already that their doings were not mere vain conceit but a struggle for real empire – though now you may fancy somehow that they were making a valiant struggle for the right to lead a procession ...[1]

This remark was written by Dio Chrysostom at the turn of the 1st century AD. Hailing from the city of Prusa, he belonged to the landowning gentry in the Roman province of Bithynia-Pontus and established himself as a prominent voice in the movement of Greek cultural revival that we now refer to as the Second Sophistic.[2] All this is familiar enough. But, what will perhaps come as a surprise, the quote also leads us straight to the

1 Dio Chrysostomus *Or*. 38.38 (transl. H. Lamar Crosby in Loeb).

2 On this literary movement, see Swain 1996 and Whitmarsh 2001, followed by many more.

Peter Fibiger Bang: 'Empire, Autonomy and the Polis' C&M Supplementum 4 (2026) 155-161.

heart of a problem for which the work of Mogens Hansen and the Copenhagen Polis Centre radically changed the parameters of our understanding.

On the surface of things, we encounter a Roman era member of the Hellenic elite building a rhetorical contrast between a glorious past when Greeks fought for actual empire, Athens and Sparta in the classical age of the Persian and Peloponnesian Wars, and then the lackluster, pathetic squabbles and rivalries over mere symbolism of the Greek cities under Roman rule. It is tempting to elevate this rhetorical ploy into a narrative of the freedom of the classical *polis* versus the imperial submission of the sad and empty relics of the *polis* under the Romans – and that used to be done.

Trouble is that the Greek *polis* thrived, indeed even expanded its geographical reach under Roman rule, as has repeatedly been pointed out over the last generation.[3] A good example may be the small Pisidian city of Sagalassos, tucked away up on a hillside in the Taurus Mountains and admirably excavated over the last generation by an archaeological team hailing from Leuven and Bilkent. In the centuries after the establishment of a stable imperial monarchy under Augustus, the city went through a conspicuous development. Impressive fora or agoras adorned with triumphal arches and mesmerizing nymphaea, with splashing fountains and sporting sculpture of the highest quality, were built together with a colonnaded street, theatre, stadium, heroon, library and even a temple to the divine emperor, presiding over the entrance to the city.[4] Another example would be Palmyra in a lush oasis in the Syrian desert: it too went through a spectacularly thriving development as a Greco-Roman city-state, with all the monumentalisation that this entailed. In the Greco-Aramaic epigraphy and grave material of the city we encounter a rich and successful elite, building its local community into a bastion of

3 Millar 1993 is foundational. See further, Madsen 2020 with a focus on Roman Pontus.

4 Beaujean et al. 2025 (sculpture and nymphaea, with copious references to earlier literature); Eich et al. 2018 (inscriptions). For further bibliography and information, see https://www.arts.kuleuven.be/sagalassos/main. I am grateful especially to Jane Fejfer and Jeroen Poblome for many illuminating conversations about Sagalassos.

power.[5] Yet, these two examples of flourishing urban development and thriving civic communities, among many more, belong to the age of imperial subjection.

How could this be? It was hardly on the cards that it was to be Mogens Hansen that would lay the most important foundation to an explanation. As the historian of Athenian democracy in the classical age and then the surveyor of the spread of the Greek *polis* from the archaic to the classical period, the focus of his research seemed in fact to operate comfortably within the traditional boundaries. Yet, his work on the *polis* in general led to two important and in disciplinary terms almost transgressive developments. The first was a wide-ranging comparative exercise that reimagined the world of Greek *poleis* as only one, if prominent, example of a vast range of city-state cultures in world history.[6] The second was the insight that the number of *poleis* beyond Athens and Sparta, our best-known cases, was so vast that most of these would have been of small or moderate size. By implication, many of these would have been faced with the prospect of subjection and imperial hierarchy from the word go. They were simply too small to avoid the domination of bigger powers. Empire was not incompatible with the Greek city-state culture. Freedom and autonomy may have been celebrated as values, but to quote Hansen himself: "*Autonomia* was not ever an irreducible characteristic for a *polis* to be a *polis*."[7] Many Hellenic city-states, already in the archaic and classical periods, existed under the hegemony of both neighbouring monarchical and city-state governments. There is, in short, little historical justification for cutting the history of the *polis* short at, say, the death of Alexander. To be consistent, and Mogens never wanted to be anything less than consistent, the history of the *polis* should be extended well into Roman rule or rather, at least, to the end of Roman antiquity.

Two decades after both insights were concisely synthesized in *Polis: An Introduction to the Ancient Greek City-State,* their influence is clear. In two new monumental works by prominent colleagues in the field, the

5 So well brought out by Anna Minor in her new re-arrangement of the vast collection of Palmyrene elite portraits held by the New Carlsberg Glyptotek in Copenhagen. On Palmyra, see now Raja 2024 & 2022.

6 Hansen 2000.

7 Hansen 2005: 48.

problem of the Greco-Roman city is tackled anew. The world history perspective is predominant in Greg Woolf's *The Life and Death of Ancient Cities: A Natural History*, which relocates the Greco-Roman experience within a wider history of urbanism from its beginnings in the Fertile Crescent and ancient Mesopotamia, with looks to both India and China, till the end of antiquity.[8] The second is self-styled far more traditional and Greco-centric; at its heart is the single-minded study of inscriptions. Even so, *Polis* by John Ma has adopted a long chronology, from the earliest archaic times till the later stages of Roman rule.[9] The choice of title is of course itself a sign. Here is a new history of the *polis* to take over from Hansen. From one perspective, the self-consciously magisterial work seems to draw the obvious implication of Hansen's work and include Roman times. From another perspective, the book directly sets out to contradict Hansen's pivotal insight and attempt to re-instate autonomy as a central and defining feature of the Hellenic *polis*. This also means that even more than to Hansen, for Ma democracy is a central feature of the *polis*, even down into Roman rule. And certainly, the epigraphy of the Greek cities of Asia Minor and the Near East was never livelier than during Roman times. Civic culture was quite simply thriving, a fact to which the many volumes of *Inschriften griechischer Städte aus Kleinasien* offer vivid testimony. However, it is a moot point who really carried and participated in this culture. Noting, for instance, that decisions were recorded on stone as having been made in the name of the council and assembly or the council and the people, does to be honest not necessarily persuade a Roman historian. After all, the formula of *Senatus Populusque Romanus* remained common state currency under the emperors for centuries. That the triumphal arch of Constantine in Rome was ostensibly put up by the senate and people would not lead any Roman historian to conclude that the assemblies of the people were still a real force of power.[10]

The rise of the common people, the peasantry and even on occasion the landless, to political influence in the ancient city-state was closely

8 Woolf 2020.

9 Ma 2024: 17 (against Hansen on autonomy and the *polis*); 323-28 (with a tension between Ma's view of omnipotent despotical empire and *polis* autonomy); 348-58 (democracy).

10 Van Dam 2007: 46-49 offers a brief analysis of the arch of Constantine in Rome.

tied to military service. The civic elite and aristocracy of the classical *polis* needed the *hoi polloi* in the army and fleet. That was the significant leverage which the commoners possessed, and the basis of their claims to political rights.[11] However, with the establishment of empire, that disappeared. Instead, the peasantry now regularly had to pay an imperial tribute to finance a professional imperial army.[12] In the long term, its rights were bound to be eroded and its position in the *polis* weakened. Do we have any corroboration of this expectation? Quite, as the late Paul Veyne pointed out, the *polis* turned increasingly aristocratic, developing a conspicuous culture of so-called euergetism. Celebrating itself, the aristocracy of the Greek *poleis* under imperial hegemony and peace channeled its resources into a culture of urban display.[13] Lavish public rituals, ceremonies and festivals served to enliven a sumptuous façade of public architecture and art.

No self-respecting peasantry would ever have volunteered to finance the exuberant spending spree in which the elites of the Greek cities of the Roman empire indulged themselves. But that did not mean that the city-state culture was not alive and well. On the contrary, empire provided firm protection of its elites and they responded by developing an aristocratic culture, celebrating the honour and prestige of its carriers.[14] Speeches such as those of Dio Chrysostom with which we started, reflect an attempt to assert dignity and to handle the negotiations with the imperial overlord. Empire might have meant subjection, but it also depended on, and even empowered the local elites of the realm to govern their own communities. As Garnsey & Saller pointed out long ago, this was government without bureaucracy.[15] The result was a vibrant civic culture available now both to classical archaeologists and philologists for study. If "*autonomia* became a key concept in Greek affairs", it was a re-

11 Well summarised for Rome by Rostenstein 2009: 32-33 and for the Greek city-state world by Mann 1986, chap. 7.

12 Bang 2022. I find this dimension strangely missing from current debate, even in a more cautious discussion of the oligarchic trend under Rome, such as Zuiderhoek's (2017: 80-87), with some 'democratic' dimensions enduring.

13 Veyne 1976.

14 Salmeri 2008; Lendon 1997.

15 Garnsey & Saller 2015 [1986]: chap. 3.

sult, not of their inherent independence, but precisely as Hansen concluded, because "more and more *poleis* were losing their independence."[16] *Autonomia* served as a metaphor under which to negotiate the terms of local self-government under imperial supremacy.

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16 Hansen 2005: 48.

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THE ALLURE OF CONSENSUS AND THE PERSEVERANCE OF MINORITY: ASPECTS OF DEMOCRACY IN THE HELLENISTIC WORLD

By Kostas Buraselis

Summary: If majority may count as the moving force, minority (and its distinct existence) is the distinctive quality of democracy. They are both precious components of a Herakleitian 'balanced harmony' (παλίντροπος ἁρμονίη), which one should always consider and respect in democratic practice. This maxim is studied on the basis of various testimonies from the Hellenistic period of ancient Greek history, when democracy underwent various limitations.[1]

I

An inscription from the small Aegean island *polis* of Anaphe preserves a decree dated to the first century BC and concerning the local *euergetes* Archonidas, son of Sokles. The assembly of the people decides therein to thank him for his contribution (expressed in general terms) to sustaining the community, through various significant honours during his lifetime and after death. At the end of the decree, it is mentioned that the relevant proposal had been subjected to a vote (διαψ[αφ]ίξαι τάνδε τὰν [γνώ/μαν]) assisted by the responsible public servants (δαμόσιοι, perhaps public slaves). The result was a unanimous 'yes' of all ninety-five votes (ἔδοξε ἁ γνώ[μ]α [ὑπ]ὲρ α[ὐ]τ[οῦ] ταῖς ψάφοις πάσαις ἐνενήκοντα πέντε, *IG* XII.3. 249.38-39). The number is not surprising if one considers the plausible standards of this small *polis*, and it is probably not very different from that of the whole citizen body. Thus, in a panegyric manner, the whole citizenry of Anaphe expressed their absolute agreement on

1 On the topic discussed in this chapter, see also the chapter by Carbon, Isager & Pedersen in this volume (eds.).

Kostas Buraselis: 'The Allure of Consensus and the Perseverance of Minority: Aspects of Democracy in the Hellenistic World' C&M Supplementum 4 (2026) 163-175.

the proper reaction of the city to the services offered them by Archonidas.

Not that long before, in the end of the second century BC, the important *polis* of Kolophon in Asia Minor honoured by a long decree its own *euergetes* Menippos son of Apollonides. His services to his home city are there described as capital in critical times (προστάντα τῆς πατρίδος ἐν καιροῖς ἀναγκαίοις). The context of his activity was precisely the highly delicate phase of Kolophon's status transition from a city in the Pergamene kingdom to a satellite of Rome and its final accommodation in the *provincia Asia*. Various questions pertaining to the territorial rights/claims of the city but also to the personal rights of Kolophonian citizens towards the Romans and their tendencies of encroaching upon them, had demanded subtle diplomacy and intense negotiations, which the educated and experienced Menippos – as the decree itself attests – had been able to conduct with praised success. At the end of the decree the exact city magistrates added the result of the respective vote in the assembly: there had been 1342 votes, of which 1326 of 'yes' and 16 of 'no'. Again, the total of votes (1342) does not seem to differ much from the total number of citizens (and potential voters). However, it is remarkable that on the issue of honouring such an apparently valuable man even a small minority (1.2%) of the Kolophonians assembled had both the wish and the possibility to disagree. This fact was faithfully reproduced in the decree of the city, which was erected in the temple of Apollo Klarios, the patron deity of Kolophon. The rejective tendency appears weak, but it existed, and it has been officially recorded in the relevant state act.

These two types of political decision, either with full consensus or with the distinct expression of a minority of opinion, persistent and also mentioned, are to be found in further preserved decrees by cities of the Hellenistic world, as we shall see. This typology and its significance for the political developments during the same period deserves our attention, and it has already caught the interest of historians.[2] Two basic views

2 A relatively recent treatment of the subject as part of an impressive synthesis on the appearance and development of majority decisions as an institution in world history, from antiquity into modern times, has been offered by Flaig 2013 (esp. 309-11). Maffi 2012 has studied almost in parallel but independently the notion and the beginnings

have defined the frame of the relevant discussion. The first, expressed by Luigi Moretti,[3] preferred to recognize in the frequence of consensus decisions, witnessed in various civic decrees of the Hellenistic period, a bitterly realistic tendency to unanimity. The civic communities tended to overcome local differences and to attain a common stand toward the difficult problems which necessarily limited, more and more, the possibilities of autonomy but also of internal differentiation in the cities. As Moretti pointedly remarked, the time was long past when e.g. in Athens the notorious bestowal of a crown on Demosthenes after Chaironeia had become a rhetorical battlefield between the honoree and Aischines, centred on the person of the proponent of the relevant honorific decree, Ktesiphon. Self-restriction should have in later times replaced the practice of intense strife. In more general terms: the Greek city of Hellenistic times witnessed, through its frequent consensus, its disillusioned adaptation to the needs of a new political age.

Moretti himself had noticed, of course, that the decrees in question concerned mainly honours offered to distinguished citizens. However, these personalities were obviously representative of crucial political views in their communities, so that reactions might be naturally expected. Thus, the study of this particular question finally inserted itself

of this institution in the Greek world of the archaic and classical age. A more specific, precious list of the results of voting mentioned in ancient Greek decrees, with accompanying notes, has been presented (as a supplement of Maffi's study) by Todd 2012. However, the data collected and preliminarily studied by Todd may be completed (as e.g. by the addition of examples from the cities of Macedonia, of significant importance; cf. below). For older, still useful notes on the same subject in more general works: Quass 1993: 361-62; Rhodes & Lewis 1997: 510-12. Recently, Canevaro 2018 has also examined the consensus/majority options in the democratic decisions of ancient Greek cities, focusing especially on Athens and the difference between judicial and (in a narrower sense) political decisions, with results converging with those reached in this particular study (cf. esp. ib. 144). Certainly, the research of the whole subject touches on many crucial problems not only of Hellenistic history but also of Greek history in general and deserves to be continued. – This brief study (an earlier Greek version of which was published in the collective volume: *Η των πλειόνων ψήφος κρατείτω* (edited by D. Apostolopoulos & E. Chrysos, Athens 2017, 15-27) is dedicated here with affection to the memory of Mogens Hansen whose work for the Greek *polis* remains essential.

3 Moretti 1967-68: esp. 57.

into the wider discussion of the quality of Hellenistic *polis* democracy and the degree of its eventual devaluation in comparison with the earlier, especially the classical centuries.[4]

Philippe Gauthier vigorously opposed this interpretation.[5] He emphasized that the cases of decrees where the consensus is mentioned date not only from the Hellenistic but also from the subsequent, the Roman imperial period. In the latter the possibilities of free action and of following a local policy based on democratic dialogue were certainly even more limited. However, Gauthier himself underlined the importance of examples where, as we shall see, the civic decrees mention neither a consensus nor exact numbers of votes representing the majority and the minority. In these examples only the number of consenting votes is mentioned, which – as we may deduce – represented the majority of potential votes. In other words, in these cases the mention of a minority was omitted as the positive opinion had superseded (we do not know to which extent) the minimum of necessary votes, a sort of quorum, in respect to the total of potential voters. Therefore, the noted, practically majoritarian vote did not cease to represent symbolically the total of the deciding citizen body. Thus, no reduction in democratic ideas and practices of Hellenistic *poleis* could be discerned here. Furthermore, the literary sources (e.g. Polybios) provide us with unequivocal evidence for the continuing essence of political life and differentiation in the cities of the Hellenistic world, especially in respect to the increasing Roman intervention and control of the Greek world.[6]

II

Let us now take an analytical look at the relevant epigraphic evidence. It is mainly noteworthy that the express statement of political consensus

4 Relatively recent books on the level/quality of democracy in Hellenistic *poleis*: Carlsson 2005; Grieb 2008; Mann & Scholz 2012. – One may note the coincidence of views in these works, independently from each other, in re-assessing positively the democratic essence of various Hellenistic cities.

5 Gauthier 1990 (cf. *SEG* 40.1697).

6 The examples of political tensions and confrontations in various cities of Greece in the age of the Third Macedonian War are instructive, as noted in Plb. 30.7.9-8.1.

(and not of a specific majority and minority) becomes the rule only in imperial times (about the end of the first century BC, that is, from the reign of Augustus on).[7] In the preceding centuries the appearance of consensus is often connected with decrees of small *poleis*, as in the case of the Anaphian decree we saw at the beginning. A similar case is known from Astypalaia (*IG* XII.3 168, ca. 150 BC): the end of a decree mentions here that a systematic epigraphic record of the city's *proxenoi* and the way of financing it had been unanimously decided: Τόδε τὸ ψάφισμα ἔδοξε πάσαις.

The same holds true for the small Thessalian city of Chyretiai (in Perraibia, near the modern Tyrnavos). Here a notable honorific decree is issued in the difficult years of the Antiochic War (in 190 BC), when the Romans and the Aitolian allies of Antiochos III engaged in war and parallel burdens on the Thessalian cities, which had to be the theatre of their operations. A Roman resident in Chyretiai, Sextus Orfidienus M.f., acted in that context as a benefactor of the city, apparently limiting the impositions of Roman troops encamped in the area. What else could one then expect than the unanimous gratitude of the Chyretian citizens, as noted in a special decree of the city issued on the occasion of electing the local archons (*ISE* II 95)? Ἔδοξεν τῇ Χυρετιέων πόλει ἐν τοῖς ἀρχοστασίοις, ὁμογνωμονούντων τῶν πολιτῶν. Thus, the reasons for this emphatic mention of a common stance are clear: the small city had every interest in projecting its full unanimity in honouring the man who had secured, as far as possible, Chyretian rights. If some Chyretians did not actually share this view, they seem neither to have expressed their (real) opinion nor to have been mentioned at all. A breach of the consensus might have been politically (and critically) incorrect.

Further cases of unanimous decisions are known from a decree of the Kolophonians for a Smyrnaian *chresmologos* and a decree of an unknown, possibly insular community known from Delos, both datable to the second century BC: Διεψηφίσθη ἐν | [τῶι] δήμωι κατὰ τὸν νόμον. *vac.* Οἱ

7 Some such examples: *Agora* XVI no. 335.65-67 (decree of the Athenian *demos* on the Athenians on Lemnos, end of first century BC); *I.Knidos* 74.21-23 (decree of the Knidians for the Lykaithion, daughter of Aristokleidas, first/second century AD; *EAM* no. 186.15-16 (decree of the Battynaians, end of second century AD). Further examples are collected by Gauthier 1990: 95, n. 93.

ψηφίσαν|τες] δισχίλιοι· οὗτοι ἔδωκαν πάντες (*SEG* 42.1065, 40-42); [ψᾶφοι] αἷς ἔδοξε· πᾶσαι (*IG* XI.4 1057 + Wilhelm, *Neue Beiträge* VI. 4-7).

A similar clause can be found in two of the somewhat earlier (ca. 242 BC) decrees of Greek cities recognizing the *asylia* of Kos (both the Sanctuary of Asklepios and the city itself). One of these comes from Amphipolis and includes the final epigrammatic notice: ... ἐψηφίσθη παραπάσαις (Rigsby 1996: no. 26, p. 137). At Ainos in Thrace the corresponding text ends with the phrase: ... προήδρευσαν πάντες (ib., no. 28, p. 141). These words have puzzled commentators, most recently Rigsby (ib.) who interpreted them in the sense that all members of the Ainian assembly collectively exercised chairmanship. As the presidents of an assembly are regularly also the proponents of its agenda and decisions, it seems to me reasonable to conclude that also here the acceptance of the Koan *asylia* after a unanimous relevant proposal by the agreeing presidents in the name of all citizens is meant. It is further noteworthy that in both these cases there seems to have been a fine interplay between civic consensus and royal will in the background. As a city of the Macedonian kingdom Amphipolis stated in its decree that it was issued after considering also the friendly feelings (εὔνοιαν) of the Koans towards king Antigonos Gonatas and the Macedonians. The Ainians, on the other hand, cannot have left out of their own consideration the traditional good relations of Hippokrates' island with the Ptolemies, to whose sphere of control the Thracian city belonged. After all, the Ainian decree specifically mentions as main motives of its issue the health and safety of the ruling Ptolemies (Euergetes I and his family). Both at Amphipolis and Ainos, then, the royal backing of the Koan petition most likely left no room for objections, the political consensus in the citizen body expressing a multi-faceted reality. Respect of the Koan *asylia* was obviously running no danger from the Amphipolitans or the Ainians but the case might be different with eventual actions of the two cities' royal patrons.

Finally, we have four decrees of the second century BC from Kos itself (*IG* XII. 4 56, 59, 109, 110), where an explicit consensus of the convened citizens appears: two of them are decrees of the city and two come respectively from the Koan demes of Halasarna and Antimacheia. It is interesting in these examples that consensus was expressed (and noticed) by throwing only positive votes (literally: 'solid, whole votes'), while no

'opposite' (ἐναντία) or 'pierced' (τετρυπαμένα) – as in classical Athens – vote had been found. It is further remarkable that the total number of positive votes was precisely mentioned as e.g. in the case of conferring a honorary crown to a Koan fellow citizen who had distinguished himself as head (*dikastagogos*) of a committee of judicial assistance (foreign judges) sent by the Koans to Smyrna: ψᾶφοι στερεαὶ ἐπιδιδοῦσα[ι]/τὸν στέφανον ωπε' (885) *vac.* τετρυπαμένα [οὐδεμί]α. *vac.* One gains the impression of a distinct formula in the Koan decrees of that period where the relevant entries of positive and negative votes had to be filled out. Simply, in the cases dealt with there was finally no need to fill out any number in the 'second column'. The allure of consensus had completely won.

III

However, this could not be always taken for granted as not only Koan material but also testimonies from other Hellenistic cities may show. The Kolophonians of Menippos' age did not need to feel alone. Thus, in honouring another *dikastagogos* around the middle of the second century BC objections were clearly expressed: as the end of the relevant Koan decree relates this time (*IG* XII.4 57), the not preserved (but obviously sufficient) number of positive votes were openly opposed by thirteen 'votes against' [ψᾶ]|[φοι στερε]αὶ διδοῦσαι τὸν στέφανον[------, τε]|[τρυπαμέ]ναι ΔΙΙΙ (:13).

Opposite, on the coast of Asia Minor, we have a fragmentary decree from the city of Keramos and around the same date (*I.Keramos* 9) for a local *euergetes* (son of a Drakon), to whom honours are again awarded, in his lifetime and *post mortem* (i.a. contests of the children and ephebes of the city). The decree ends with the result of the relevant vote, falling again in two parts. Although some letters are not preserved, it is obvious that the positive votes numbered at least 901 (perhaps 951) and the negative ones at least 44 (perhaps 144): [ψᾶφοι αἷς ἔδ]οξε δοῦναι τὰς τιμὰς ἐνακόσιαι | [(e.g. πεντήκοντα] μία, αἷς δὲ μὴ | [? ἑκατὸν τεσσ]αράκοντα τέσαρες (26-29). However, the honorand had a definite majority to support his honours, but not all voters, and this fact was not concealed.

To the northwest of Keramos, at Iasos, there has been found a decree (*I.Iasos* 9) of the city's corporation of elders (*presbyteroi*) – and thus certainly of a more limited population group – in honour of a former financial co-administrator (συνδιοικητήν) of this association, Kritios son of Hermophantos. The honorand is praised for his fine feeling in respect to the needs of the group (probably we should understand some form of *euergesia* as background). Among the honours decided we find a golden crown and the erection of a painted portrait of Kritios. Seventy members were positive but four resisted and rejected. Who knows? Perhaps the man's financial administration had not convinced everyone to the same degree. This may happen. What is important is that despite the small total number of votes, the actual difference of opinion remained apparent, while the publication of the decree did not gloss over the existing minority.

In Athens itself around the beginning of the first century BC we meet an unfortunately very fragmentary decree (*IG* II^2 1035) where, however, at least the indication of the final vote is preserved, and revealing: 3461 positive (not pierced) votes opposite to 155 negative (pierced) ones: μὴ τετρυπημέ]ναι 3461, αἱ δὲ τετρυπημέναι αἷς οὐκ ἐδόκει 155. Again, a minority, in this case of 4.3%, is officially present.

Finally, a charmingly extreme example of such a reality comes from Beroia in Macedonia. In the famous gymnasiarchical law of the city, that is the official regulation of the local *gymnasion* (probably going back to the royal period, before Pydna) a final note on the relevant vote concerning that corpus of detailed regulations is appended. The city magistrates, the *politarchai*, recorded the result of the vote in the assembly in the final line of the text: Παρὰ τῶν πολιταρχῶν *v.* Τοῦ ψηφίσματος· «οὔ» εἷς (Gauthier & Hatzopoulos 1993: l. 110). In other words, the arguments mentioned in the preceding text for the importance and usefulness of regulating the life of the *gymnasion* also in that important city of Macedonia had gained the consent of all voters but one. Nevertheless, even that one 'No' had been regarded as worthy of record. If we consider the preceding remarks on that older consensus of the Amphipolitans on the Koan *asylia* and its background, and that the royal aegis must have somehow protected the institution of the *gymnasion* at Beroia, too, the appearance of that single negative vote is not insignificant. Unfortunately, we

cannot know more about its background. Anyway, Beroia insisted on a democratic protocol.

IV

Of course, as already noted, we find also alternative methods of decision and recording the ultimately positive vote result in Hellenistic decrees, which essentially complete the picture drawn by the material analysed so far. Another method practiced was that of ultimately publishing just the number of positive votes, which had obviously sufficed. This not only avoided pretending that there existed a consensus of all citizens/voters but also stating precisely how many negative votes had been cast at the same time. In this way, as Gauthier has already remarked, the focus was on the achievement of a majority, which was at the same time cleverly presented as a collective action of the city without traceable objection.[8] This practice is known to us already from Delphian decrees of the fourth century BC.[9] In the Hellenistic period various similar examples are known especially from Kolophon by the sea but also from other communities in southern Asia Minor. As far as Kolophon by the sea is concerned, we know a series of decrees from the same period concluded by the mention of the acceptance of the decree and the fluctuating but always sufficient number of approving citizens. In the city's decree for the Mytilenaean Hermonax son of Satyros (ca. 250-200 BC), the final sentence is: Διεψηφίσθη | ἐν τῷ δήμῳ κατὰ τὸν νόμογ *ν* καὶ ἐδό|θη ψηφισάντων ἐνακοσίων τριῶν.[10] The total of positive votes in this case (903) becomes still higher in the other Kolophonian examples.[11] Further evidence of

8 Gauthier 1990: esp. 97.

9 The case of the decree *CID* I 13.35-37 on the award of various privileges by Delphi to the Skiathians is very instructive: it is mentioned there that the decision has been taken σὺν τετρακα|[τί]α[ι] ψήφωι καὶ πλ|[έο]ν, i.e. with more than 400 votes, obviously a necessary indication of a certain quorum reached. For further examples from Delphi and their analysis: Gauthier 1990: 86-89.

10 Gauthier 2003: 486-92 = *SEG* 53.1300.27-29.

11 On the rest such examples from Kolophon: Gauthier 2003: 492, n. 42.

such an 'approbation protocol' from Asia Minor is known from Phygela,[12] Halikarnassos,[13] Magnesia on the Maeander,[14] and Theangela.[15] Finally, a mere mention of the number of positive votes is included in decrees from Greek cities in North Africa (Arsinoe, Kyrene) dating from the second/first century BC.[16]

A probable variant of this sort of procedure may be recognized in approximately contemporaneous (end of the third-first century BC) honorific decrees from Iasos (six certain cases) and Alabanda (one probable testimony), that is on the coast and in the interior of Karia respectively. Here the additional element is the examination of the relevant proposal in both legislative bodies of the cities, the council (*boule*) and the assembly (*ekklesia*), but also the description of the voting as secret, by using the term κρυφαία ψῆφος. Thus e.g. in the honorary decree of the Iasians for Hekatomnos son of Korris, priest of Zeus Labrandeus (*SEG* 57.1074.20-22, ca. 225 BC), the end runs: ἐδόθη ψήφωι κρυφαί̣[α]ι· ψῆφοι αἱ διδοῦσαι ἐμ μὲν τῆι | βουλῆι ὀγδοηκοντατρεῖς, ἐν δὲ τῶι δήμωι χίλιαι | δεκαμία· πρεσβευταὶ ἡιρέθη̣σαν ... Also, in this category of decrees the number of positive votes varies from case to case,[17] but we must conclude that it was above the minimum guaranteeing a majority of the potential total. In the decree of the Alabandeis for the local euergetes Pyrrakos (?) (ca. 80 BC)

12 *I.Ephesos,*VII.1 3111.11-13 (ψῆφοι ἐγένοντο εἰς τὸν αὐτὸν στάμνον τριακόσιαι πεντήκοντα, end of fourth century BC). In this case it is certainly more probable that there was no second στάμνος, that is, no alternative way of voting. Cf. Todd 2012: 43 (A. 18).

13 *IG* XII.4.1 142.36-38 (ca. 220 BC, 100 votes in the *boule* and 4000 in the *demos*); Ib., 176. 23-25 (second century BC, 113 votes in the *boule*, uncertain – restored – number in the *demos*' voting); *BCH* 14 (1890): 95, no. 3.4-6 (mention of the number of votes in the *boule*: 92, and in the *demos*: 1200, uncertain date). Cf. Todd 2012: 43-44 (A.25-27).

14 *I.Magnesia* 92b.19 (2113 votes) and 94.14-15 (3580 votes), in both cases: beginning of the second century BC. Cf. Todd 2012: 45 (A.36-37)

15 *IG* XI.4 1054b.21-22 (second century BC, second half). Cf. Todd 2012: 45 (A.38, cf. also 39: *SEG* 27.511: similarly restored inscription of the same provenance).

16 *SEG* 26.1817.80 (decree of *gerousia* and *boule* for Aleximachos, son of Sosistratos from Arsinoe/Tokra, end of second-first half of first century BC); Ib. 9.354, 26 (*kome* of Kyrene, first century BC). Here (in both cases) only the number of 'white votes' is mentioned (respectively: 109 and 53). Cf. Todd 2012: 45 (A.40-41).

17 The other testimonies from Iasos: *SEG* 41.929, 932; 57.1046.II, 1078, 1083.

Gauthier also supposed a secret vote before the final decision on the matter in the popular assembly.[18]

It is interesting that the secrecy of these last voting procedures is always connected with the announcement of a positive result. In contrast to that, in earlier examples of such a secret vote as e.g. at the verdict of the Eresian judicial assembly (Tod, *GHI* 191 = Rhodes-Osborne, *GHI* 83.i.15-19, ca. 335 BC) convened to judge the philopersian tyrants Agonippos and Eurysilaos in the age of Alexander, again [κ]ρύπται ψάφιγγι, this sort of vote had allowed an absolving minority to appear, which was also specifically mentioned. Very probably, the secret vote in Iasos and Alabanda pursued another purpose: concealing the eventual negative attitude of a number, however limited, of citizen voters to the proposal, meant also to disarm any wish to spot these dissidents. The veil of a fictitious consensus served everyone's interests.[19] Disagreement may have reached the ballot box, but it was also buried in it. Therefore, we cannot fail to discern here a certain preparation of the later, imperial data, where declared consensus – as already remarked – does dominate, without any complementary numeric statement of votes being regarded as necessary.

A further, characteristic aspect of the whole question of majority and binding consensus in a community may be offered by a Kretan text showing how -according to the matter at stake – a minority might assert itself as a majority of civic opinion. The treaty of *isopoliteia* between Praisos and Hierapytna (*I.Cret.* III, S.7 = *Staatsverträge* III 554.20-33, ca. beginning third century BC) provided that a vote in a main session of the two cities' assemblies would confer civic rights to the citizens of the other city. However, even three citizens' negative votes from the 'brother city' in that procedure would suffice to exclude respectively some Praisians or Hierapytnians from this privilege. It seems that the tradition of the Dorian spirit of a 'closed group,' as in the Spartan *syssitia*, had been here

18 Gauthier 2005: 85-89 (cf. *SEG* 55.1100 with previous literature).

19 Todd 2012: 38 is inclined to follow the same line of interpretation.

inserted into the system of an institution of ideally democratic orientation and spirit as the *isopoliteia* at least presented itself.[20] The exact wording was: ... δια[ψ]|αφιζέσθω|ν ἐν κυρ[ία]|ι ἐκκλησ[ία]|ι πότερ[ον δ]|οκεῖ πολ[ιτεί]|αν δε[δόσθ]|αι ἢ μή· κα[ὶ α]|ἴ κα ἀντίθε̣|τοι ψᾶφοι γ|ένωνται τ|ρεῖς, μὴ ἔσ|τω πολίτα̣|ς ...

V

To sum up in a concise way and conclude, we may say that if the majority is the moving force in a democracy, the minority (and its distinct presence and freedom of expression) has always been the characteristic quality of real democracy. They are both valuable, constitutive parts of a Herakleitian 'harmony of the opposites' (παλίντροπος ἁρμονία), which we should remember and respect in our actions. For the survival of democracy was not a concern only of the Hellenistic age but of every phase of really communal history. This is ultimately the fascination of history: it does never need to become cheap to remain of current interest.

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VOTE COUNTS, QUORUM, AND UNANIMOUS DECISIONS AT HALIKARNASSOS. WITH TWO NEW FRAGMENTARY DECREES

By Jan-Mathieu Carbon, Signe Isager, and Poul Pedersen

Summary: There were at least three ways of voting in the assemblies of Classical and Hellenistic cities of the Greek-speaking world: by acclamation (βοή; sometimes combined with physical division of the audience), by show of hands (χειροτονία), and by secret ballot (the more technical sense of ψήφισμα or ψηφοφορία, from ψῆφος, 'ballot'). In principle, only the last of these methods seems to have resulted in precise numbers of votes, since the ballots were counted. Yet, in Classical Athens for instance, a secret ballot appears to have been put into practice only in specific cases, where a quorum was also required. In large assemblies, it is generally agreed that a show of hands was the usual and most efficient method of voting. Relatively few results of voting are attested in inscriptions, and they tend to be Hellenistic or later. Iasos and Halikarnassos are to our knowledge the only cities where numbers of votes from both the council and the assembly are recorded. Four inscriptions with vote tallies were already known from Halikarnassos, and in this article we add two new honorific decrees to the evidence (inv. *287 and *435 = Decrees nos. 1 and 2). Both decrees are fragmentary and in neither is the identity of the individual concerned preserved. Despite their very partial character, the decrees appear consistent with the previously known evidence; in addition, they allow us to estimate the approximate size of the council and the assembly at Halikarnassos. Amid the half-dozen examples now attested, one of the previously known decrees (inv. *29) presents a significantly low tally of votes in the assembly, which leads us to reconsider it as a measure needing further sanction by the civic court (δικαστήριον). We conclude with some remarks on the probable chronology of the decrees preserving vote counts, but also with much caution about the fragmentary character of the evidence.

Jan-Mathieu Carbon, Signe Isager & Poul Pedersen: 'Vote Counts, Quorum, and Unanimous Decisions at Halikarnassos. With Two New Fragmentary Decrees' C&M Supplementum 4 (2026) 177-201.

Introduction

It is to Mogens Herman Hansen that we owe a series of pioneering and magisterial studies on civic institutions and their mechanisms in Greek cities (especially in Athens), notably on voting methods in the 4th century BC.[1] Votes in the assembly were usually taken by a show of hands (χειροτονία).[2] In Hansen's view, which has been widely accepted, the raised hands were not precisely counted by the presiding magistrates, the *proedroi*.[3] Only if a decree concerned an individual was a quorum of 6000 participants mandated and votes were counted by secret ballot (ψηφοφορία).[4] In Athens, this quorum became a symbolic figure which represented the citizenry as a decision-making body. It is thus to be distinguished from the modern idea of a set fraction or majority of the constituent voters expected as a minimum level of participation; a definition of quorum as a minimum number of voters or votes is perhaps easier to

1 This article forms part of the prolegomena to the corpus of the inscriptions of Halikarnassos which we are preparing in collaboration with the Bodrum Museum. We are sincerely grateful to the General Directorate of Monuments and Museums in Ankara for permission to conduct this work. References to the corpus (*I.Halikarnassos*) are included here with a provisional numbering that follows the inventory of McCabe, Packard Humanities Institute; NB these inventory numbers (marked by an asterisk *) do not reflect the definitive numbers of the corpus but will be referenced in the corpus. We are grateful to Riet van Bremen for expertly critiquing and thereby improving our manuscript; we also extend our thanks to the anonymous reader of this paper.

2 Voting by acclamation (shouting, sometimes in combination with physical division of the audience) is known e.g. from oligarchic Sparta and is not further discussed here.

3 *Ath. Pol.* 44.3: τὰς χειροτονίας κρίνουσιν. Cf. Hansen 1977, comparing 19 inscriptions from other Greek *poleis*; updated version in Hansen 1983: 103-21, 207-26; Hansen 1987: 41-44. This view has been generally and widely accepted: e.g. Gauthier 1990: 428; Todd 2012: 38; Canevaro 2018: 116-17; cf. also Canevaro 2019. See further Liddel 2020 (vol. 2): 14, 24 n. 43.

4 Cf. And. 1.87: ἐὰν μὴ ἑξακισχιλίοις δόξῃ κρύβδην ψηφιζομένοις. There were many variations in the equipment used (pebbles, tokens, writing implements): cf. the survey of Lopez-Rabatel 2019.

maintain in a few other Greek cities, which had lower symbolic quora.[5] The Athenian quorum is attested for grants of immunity from prosecution or remission of judicial penalty (*adeia*), ostracism, and grants of citizenship (for the latter, a secret ballot was held in a second, ratifying assembly).[6] However, for a reason that is not entirely clear, there are no examples of fourth-century decrees from Athens which record the votes cast. Vote tallies of the Athenian assembly only briefly appear in inscriptions of the late 1st century BC.[7] Various factors in explaining this ab-

5 For this important distinction with the modern idea of a quorum, see Gauthier 1990: 426-31. Gauthier 1990: 432 argued that the quorum of 6000 in Athens 'symbolised the totality of the civic body'. In his survey, he also discussed the only three or four other cases where one might properly speak of a quorum, though this evidence is very varied. At Delphi, the quorum was probably '400' as one inscription informs us (*Choix Delphes* 31.32-37, '400 and more') and this is relatively coherent with known vote tallies (though one law, *Choix Delphes* 66, was interestingly passed with only 353 votes; cf. also Todd 2012: 42 nos. A.7-10 for the evidence from Delphi). At Magnesia on the Maiander, there appears to have been a nominal quorum of 600, but much higher vote counts are recorded (Gauthier 1990: 442-43; 2113 to 4678 votes). A similar situation may have prevailed in Colophon, where registers of votes vary between 903 and 2000, and 1000 is reported as a quorum in the Archaic period (Gauthier 1990: 443-44; see further Rousset 2014: 75-76, with much caution about the approximative nature of all these figures). In addition, one should consider the decrees from Gortyn *I.Cret.* IV 162 and 181, both passed 'with 300 present'. The round numbers of 'minimum votes' attested at Teos (and Abdera) in the early 5th century BC (now Osborne & Rhodes, *GHI* 102) were viewed by Gauthier 1990: 436 as representing not majorities in vote counts, but as ideal or expected numbers of voters or votes in a public tribunal (though Gauthier resists calling this a kind of quorum).

6 Todd 2012: 34-35. On *adeia*, cf. Esu 2024: 152-76. For grants of citizenship, a second vote of ratification by secret ballot was introduced by ca. 385/4 BC: cf. Rhodes & Osborne, *GHI* 33.34-36 with comm. p. 165.

7 *SEG* 26.121 III (3461 for; 155 against); 47.143 I.62-64 (no votes against), II.67-69 (cf. Todd 2012: 41 nos. A.1-3). Compare e.g. the record of the vote in the δικαστήριον – a separate institution (Hansen 2010: 523-35) – recorded at *IG* II^2 1641 (4th c. BC), face B (399 for; 100 against); for this type of evidence from trials as well as arbitrations, which contrasts with the unanimity or near-unanimity of voting in the assembly, see Todd 2012: 40-41, 45 no. B1 (on this case), 45-46 (many other cases); Canevaro 2018: 139-40. We only briefly consider ballots in law courts and arbitrations in the context of *I.Halikarnassos* *29 discussed further below.

sence of voting figures in Athens might include an apprehension that recording precise numbers on stone would lead to a contesting of the vote.[8] Despite many hotly debated issues in the assembly, consensus, if not always perfect unanimity, was what was sought in ancient deliberative decisions.[9] Another part of the explanation, it has been suggested, is that vote counts are inherently the products of secret ballots, which were infrequent compared to normal voting procedures (once again, χειροτονία).[10] Still, some of the actions concerned, such as grants of citizenship, were not so rare, and perhaps it would be more accurate to say that the ballot in an ulterior vote was less frequently recorded than the decision of a first assembly which voted by a show of hands.[11] In the present state of the evidence, it is noteworthy that the recording of numbers of votes appears to be tied to a particular chronological juncture, during the late renaissance of the Athenian democracy, and perhaps to a distinctive epigraphic habit.

After Hansen, Philippe Gauthier, Stephen Todd, and Mirko Canevaro, among others, have successively provided detailed analyses of the available material for vote counts from other Greek states, comparing these data with Athens.[12] Delphi is the only city where the publication of the

8 Cf. Todd 2012: 39, 'the public recording of votes in the permanent medium of an inscription may be undesirable because it invites losers (particularly those who have lost narrowly) to revisit decisions that have been made', who also considers other possible modes of explanation (39-40) for why voting figures were not recorded more often.

9 Gauthier 1990: 448-54; Canevaro 2018. Cf. e.g. Canevaro 2018: 139, 'The Assembly procedures were designed to facilitate deliberation and the creation of consensus, and the little evidence we have suggests that they may have succeeded most of the time'. See also now the overview in Ma 2024: 240-41 and the paper by Kostas Buraselis on "The Allure of Consensus and the Perseverance of Minority" in this volume.

10 Canevaro 2018: 116-17.

11 Or simply specifying that a second assembly had ratified a decree, without exactly saying how: cf. n. 36 below.

12 Gauthier 1990; Todd 2012, responding to Maffi 2012 (who had focussed instead on 'majority voting'); Canevaro 2018: esp. 110-22. See also Rhodes, *Decrees* 510-12. In what follows, we focus primarily on the material for vote counts during civic council meetings and assemblies, not on votes in demes or associations. Note that the decree

number of votes cast in the assembly is recorded throughout the 4th century, in the context of approving laws or granting special privileges. It would appear that this enumeration was a relatively circumscribed practice. Numbers of votes are not found from the 3rd century BC onward and any notion that a measure was passed with a quorum or a 'legal number of votes' (σὺμ ψάφοις ταῖς ἐννόμοις) – an extremely common phrase in official documents at Delphi – disappeared by around 90-80 BC, perhaps as a result of a reform.[13] Otherwise, records of vote numbers tend to belong firmly in the Hellenistic period and are confined to a limited group of Greek cities.

Gauthier and Todd, followed by Canevaro, made several key observations in analyzing vote tallies found in these other decrees: 1) favourable votes (ψῆφοι αἱ διδοῦσαι, αἱ ἐπιδιδοῦσαι, or similar phrases) are often emphasized in the formulation of the decrees; 2) conversely, votes against a law or decree are seldom mentioned or no space is left to inscribe them, thus reinforcing the ideal of consensus;[14] 3) where they are cited, votes against are either relatively negligible or said to be 'none' (οὐδεμία);[15] 4) furthermore, clauses reporting a vote sometimes refer to

assigned to Kos in Gauthier, Todd, and Rhodes, now *IG* XII.4.3847, belongs to Halikarnassos (see further below). Generally on votes counts from the council and the assembly in Ionia, Karia, and the Dodekanese, see also now Bernini 2023: 28-31 and 158-59.

13 So Gauthier 2000. We are aware of the work of Kyriakidis 2025, but have not been able to take into account this volume which appeared as our article was finalized.

14 Votes against: only four cases are tabulated in Todd 2012: 37 with n. 26 and Canevaro 2018: 111 (including that from Athens mentioned above n. 7; though interesting as comparanda, one should exclude cases of votes that do not belong to the council or the assembly, such as *I.Iasos* 93.23). Canevaro and Todd appear to miss the following: *IG* XII.4.57.30-32 (Kos; 13 votes against). Cf. also *I.Cret.* III.IV.1.27-31 (= Chaniotis, *Verträge* no. 5; *Staatsverträge* III 554; Itanos; 3 against and the measure seems to have failed, because unanimity was required; further discussion of this case in Maffi 2012: 26). Yet far from diminishing it, these examples of course reinforce Canevaro's and others' point about unanimous or near unanimous decisions. No space left on the stone to inscribe negative votes: cf. Todd 2012: 37 with n. 28.

15 'None' against: for cases from Athens, see n. 7 above; *IG* XII.4.59.47-48 (Kos; Todd 2012: 42 no. A.15); *I.Knidos* 74.22-23 (1st-2nd c. AD; Todd 2012: 44 no. A34); add now *IG* XII.4.56.30-32 (Kos) and *SEG* 59.1100 A.32-34 and B.30-32 (decrees of a *koinon* of priests

'all' votes (πᾶσαι) or voters (πάντες) having been tabulated together;[16] alternatively, a round number for the total votes is frequently provided.[17] It has been thought plausible to match these total or round numbers, especially where they recur with some frequency, with the idea of a unanimous or near-unanimous vote and thus with a probable estimate of the size of the voting body.[18]

The recording of two sets of votes, from the *boule* and the *demos* respectively, is to our knowledge only found in two neighbouring Karian cities, Halikarnassos and Iasos.[19] It is also remarkable that, when votes were recorded, these two *poleis* seem to have consistently recorded votes from *both* of these decision-making bodies (though there may be an exception at Halikarnassos, see Decree no. 2). The reason why we find this twofold record of secret votes is not entirely clear. *Probouleusis* is an institutional characteristic of many Greek *poleis*, including Iasos and Halikarnassos,[20] and so decrees normally made their way from a vote in the *boule*, to a larger χειροτονία in the assembly. *Probouleumata* from the councils at Iasos and Halikarnassos are sometimes explicitly recorded. An early 3rd century BC inscription from Halikarnassos preserves a specific or detailed (i.e. not open) *probouleuma* about honours for a citizen,

from Halaisa recording votes (probably) of a kind of amphictyony or (perhaps) of the civic assembly).

16 'All' votes (πᾶσαι) or voters (πάντες) emphasised together with the number of votes: *IG* XII.3.249.39 (Anaphe; 1st c. BC; Todd 2012: 42 no. A13) and *SEG* 42.1065.40-42 (Kolophon; 200-150 BC; Todd 2012: 43 no. A22).

17 Round numbers: cf. Todd 2012: 37 n. 29.

18 See the affirmation of Canevaro 2018: 116, 'These inscriptions not only record unanimity, but also choose to underline it'. More cautious is Bernini (2023: 158-59).

19 Cf. again Todd 2012: 37, who cautiously wrote that these double records of votes were 'prominent in texts from Halikarnassos and Iasos' (though again his only exception from Kos, no. A.14 = *IG* XII.4.3847, is a *pierre errante* from Halikarnassos; see further below). In the context of sketching the population of Priene, Kah 2014: 168-69 (Appendix II) acutely analyzed the then available material from Iasos and Halikarnassos. For a detailed discussion of the vote counts at Iasos, cf. especially Fabiani 2015: 118, 279-80. At Iasos, the phrase ἐδόθη ψήφωι κρυφαίαι makes it explicit that we are dealing with a secret ballot. On the deliberative institutions at Iasos, see also now Fabiani 2025, with 210-11 on the evidence for vote counts, and a wider discussion of the role of the *prytaneis*.

20 Rhodes, *Decrees* 473-78; see also now Esu 2024.

Zenodotos son of Baukideus, which was then ratified by a separate decree of the assembly, recorded below it.[21] *Probouleumata* were even more common and are to be implied by the phrase γνώμη πρυτάνεων ('proposal of the presidents of the council') frequently cited in the published decrees at Iasos and Halikarnassos. The vote tallies at Iasos and Halikarnassos can therefore be seen to reflect an aspect of this standard process of *probouleusis*, involving a first proposal and vote in the council, followed by another in the assembly, which would in certain cases be confirmed by secret ballots in both bodies of state. Yet whether secret ballots cast in *both* the council and the assembly constitute a particularity of the institutional processes at Iasos and Halikarnassos or were the norm elsewhere remains an open question.

New Evidence from Halikarnassos (Decrees nos. 1-2)

Two new decrees published here – nos. 1 and 2 – provide useful confirmation of what was already known in terms of vote counts and also allow us to shed further light on the matters of quorum and of unanimous decisions at Halikarnassos:

21 Carbon & Isager 2021, 114 (ca. 279/8-275 BC). On detailed/specific vs. open *probouleumata*, see e.g. Hansen 1981: 362. On *probouleusis* at Iasos, see Fabiani 2015: 206, 280; at Halikarnassos, Rhodes, *Decrees* 331-32.

1. *I.Halikarnassos* *287: End of an honorific inscription for unknown individual



Fig. 1. *I.Halikarnassos* *287. Credit: Danish Halikarnassos Project.

Fragment of marble stele. Found in a modern rubble wall next to the excavation area of the Turkish-Danish investigations in the Castle of Bodrum in 2004. Now in the Bodrum Museum. A part of the front side, with the inscription, and the left side is preserved. The surface is somewhat worn and shows no remains of tool marks.

Date: 280-260 BC (see below on letter forms).

– –
[– ? – εἶναι δὲ καὶ αὐτῶι πρόσοδον πρός τε τὴν βουλὴν]
[καὶ τὸν] δῆμον μ̣ε̣[τὰ τὰ ἱερὰ πρώτωι καὶ προεδρίαν]
[ἐν τοῖ]ς ἀγῶσιν· ἐξεῖνα̣[ι δὲ αὐτῶι καὶ εἰς – – ? – –]
[3-4 ἣ]ν ἂν βούληται πρ[οσγράφεσθαι· ταῦτα δὲ εἶναι]
[καὶ α]ὐ̣τῶι καὶ ἐκγόνο[ις· ἀναγράψαι δὲ τόδε]
[τὸ] ψήφισμα ἐν στή[ληι λιθίνηι καὶ στῆσαι]
ἐν τῶι ἱερῶι τοῦ Ἀπόλλ̣[ωνος· ἐπιμεληθῆναι]
δὲ τοὺς ἐξεταστά[ς· τὸ δε ἀνάλωμα δοῦ]-
ναι τοὺς ταμίας· ψῆφ[οι ἐγένοντο – ? –]
αἱ ἐν τῆι [βο]υλῆι ἐβ[δομήκοντα – ca. 3? –]
αἱ δ’ ἐν [τῶι] δήμῳ̣[ι – – – ca. 13? – – –]
π̣έντε *v* [*vacat*]
vacat

1-3. restored from the expected formulary, cf. e.g. *I.Halikarnassos* *21 / *SEG* 26.1224.7-10 ‖ 3-4. [φυ|λήν] is the restoration which immediately springs to mind, but cf. a similar stipulation at *I.Halikarnassos* *16 / *SEG* 4.183.15-16, [τοὺς δὲ ἐξετ]αστὰς προγράψαι αὐτὸν | [– – – τ]ῆς φυλῆς ἣν ἂν βούληται, implying that a subdivision of the tribe was meant; an ὀγδομορίς is attested in an unpublished inscription as a division of the tribes at Halikarnassos; restore tentatively here [ὀγδομο|ρίδα] and also [ὀγδομο|ρίδα] in *I.Halikarnassos* *16 / *SEG* 4.183.15-16 ‖ 10. *in fine* after the *epsilon*, though the surface is damaged, the faint outline of a vertical and the top of a rounded trace can be most plausibly interpreted as a part of a *beta* ‖ 11. probably [τετρακισχιλίαι], which would suit the approximate space available.

“[... and he shall have access to both the council and] the people [first] after [the sacred affairs and the right of a front seat in] the contests. He shall also have the right [to be enrolled in whichever ...] he wants. [This is to apply both] to himself and to his descendants. [Inscribe this] decree on a [stone] stele [and set it up] in the sanctuary of Apollo. The *exetastai* [are to take care (of this)]. The treasurers are [to pay the

cost incurred]. The votes [were]: those in the *boule*, seventy [...], those in the assembly, [...] five."

2. *I.Halikarnassos* *435: End of a decree concerning a request (αἴτησις)



Fig. 2. *I.Halikarnassos* *435. Credit: Danish Halikarnassos Project.

Fragment of tapering stele made of white marble with large crystals and faint light-greyish veins. Found in Bodrum. Now in the Museum of Bodrum (inv. 6632). The fragment is heavily battered and worn on all

sides except for a small part of the left side and of the front, which is inscribed.
Maximum preserved height: 18.5 cm; maximum preserved width: 15.1 cm; thickness: 8 cm (top) – 10 cm (bottom).

Date: ca. 250-200 BC (see below on letter forms).

– –
[– –· δε]-
δόχ̣[θαι –]-
μια̣ς Ε[– –]
καθ’ ἃ α̣ἰ̣τ̣[– – – – – – – – – ψῆφοι – – – αἱ ἐπι]-
5 διδοῦσα[ι –χι]-
λίαι πέντ̣[ε· *vacat?*]
τὸ ψήφισ[μα – – – – – – – – – – – – – – – – – –]
ΤΑΣ[.]ΕΤ[– – – – – – – – – – – – – – – – – – – –]
ΤΩΝ ΕΠ[– – – – – – – – – – – – – – – – – – – –]
– –

The length of the lacunae cannot be estimated and the presentation here is a suggestion only || 3. e.g. [φιλοτι]|μίας ε[ἰς – –] or ἕ[νεκα] *vel sim.* or [τα]|μίας Ε[– –], but there appear to be too many possibilities for restoring this line || 4. probably καθ’ ἃ α̣ἰ̣τ̣[εῖται] or καθ’ ἃ α̣ἰ̣τ̣[οῦνται]; in the lacuna, before αἱ διδοῦσαι or αἱ ἐπιδιδοῦσαι, there may have been the verb [ἐγένοντο] and/or another qualifier such as [στερεαί] || 5. we would have expected something like διδοῦσα[ι ἐν τῆι βουλῆι ἑκατὸν, ἐν δὲ τῶι δήμωι τετρακισχι]-, which however would result in a long line of 47 letters; it is also possible that only the votes in the assembly were recorded || 8. read perhaps ΤΑΣ Ṭ̣Ε Τ, but the letter that disappeared is quite unclear.

“[...] it was decided: [...] according to what [...] asked [... Votes ...] in favour (lit. giving) [....] thousand five [...] the decree [...]”

Description of letter forms: Both decrees presented here show characteristics of official Halikarnassian inscriptions of the 3rd century BC,

namely slender letters with generally straight long bars and tiny serifs (*alpha* with a straight crossbar; *mu* with slightly diverging outer bars and a deep v; small floating *omicron*; *pi* in one line, the right vertical short; four-barred *sigma*, the outer bars slightly diverging or parallel; four-barred *xi*). But their lettering also differs to some degree.

In decree no. 1, the verticals are very straight, and there is a variation in letter forms. For *pi*, twice the right vertical curves, once it is straight. There are two different forms of the body of *phi*: once an ellipse sharply divided in two, once a more rounded form. There are also two types of *nu,* a more narrow form, with the right vertical ending well over the baseline, and a broader one, where the right vertical seems to reach the baseline or nearly so. These letter forms come close to a group of inscriptions that are dated also from historical criteria to ca. 280-260 BC (cf. Isager & Pedersen 2015 [*SEG* 65.954], Carbon & Isager 2021, for some relevant examples).

No. 2 is cut in an easier hand than no. 1: long verticals tend to tilt forward. The inscription has fewer letters which makes it risky to generalize on its letter forms, though they seem to be more uniform than in no. 1. The crossbar of *alpha* is slightly higher set than in no.1, which also has a crossbar sloping upwards. The central horizontal of *epsilon* is always short in no. 2, while it tends to equal the other horizontals in no. 1. The same goes for *xi*. The right vertical of *nu* always reaches the base line in no. 2. Its *pi* has a right vertical which is quite short and straight. *Omega* is very small and floating, while it has about the same height as the other letters in no. 1. The letter forms of no. 2 thus belong somewhat later than no. 1 and have much in common with *I.Halikarnassos* *503 / *IG* XII.4.3847 which can probably be dated to ca. 250-200 BC.

Voting Practices at Halikarnassos

Both decrees are extremely fragmentary, though no. 1 can be restored from the well-known formularies found in the ca. 50 decrees extant from Halikarnassos. Regrettably, both decrees provide only limited information about their context. No. 1 appears to include a grant of citizenship, since in lines 3-4 we read that the honorand will be enrolled in one of the civic subdivisions of Halikarnassos, 'whichever one he wants' (the

name of the type of subdivision is missing in the lacuna). The secret ballots recorded here are therefore of the same type as the one required during the second, ratifying assembly in Athens.[22] The use of the secret ballot is paralleled in honorific decrees from Halikarnassos, where further ratification of special privileges for individuals seems to have been necessary: amid possibly other privileges now lost, *I.Halikarnassos* E1 (*IG* XII.4.142; ca. 220 BC) voted a (golden?) crown in honour of a doctor from Kos; E2 (*IG* XII.4.176; ca. 200-150 BC) is a similar decree awarding a golden crown to a Koan. As mentioned above, most of the decrees containing vote counts from other Greek cities are decrees passed in honour of specific beneficiaries, usually including special honours.

Decree no. 2 is much more lacunose and also more intriguing. It seems to respond (line 3: καθ' ἃ αἰτ̣[εῖται *vel sim.*) to an official petition (αἴτησις) made by one or more individuals who approached the council or assembly at Halikarnassos.[23] While normally only citizens had right of access (πρόσοδος) to the council and assembly, this could also be granted to foreigners, as we find in many honorific decrees and notably at Halikarnassos.[24] Comparanda at Halikarnassos for an official petition by citizens or by those having this right of access include an honorific decree for a man called Antiphon, which notably awarded him a golden crown.[25] This refers to an appeal by the *neoi*, who perhaps sought to set up a statue of the

22 Cf. *I.Ephesos* 3111.11-13 (Phygela, ca. 310 BC) = Todd 2012: 43 no. A18, also a grant of citizenship.

23 On petitions to the council and the assembly, see the comprehensive analyses of Gauthier 1985: 83-88 (for Athens), 181-90 (by foreigners in Athens: Appendix II), 191-95 (evidence beyond Athens: Appendix III), and cf. the further discussion of Zelnick-Abramovitz 1998. See now Ma 2024: 241, with further references. On the right of 'approach' to the council and the assembly (πρόσοδος), cf. recently Bernini 2023: 44-45, 95-96.

24 E.g. *I.Halikarnassos* *21 / *SEG* 26.1224.8-10 (in a grant of citizenship; ca. 260-240 BC) and *I.Halikarnassos* *23 / Paton 1894: 218 no. 2.3-5 (in an honorific decree which does not appear to grant citizenship; ca. 320s-280s BC).

25 *I.Halikarnassos* *5 / *I.British Mus.* 890 (late 3rd/2nd c. BC), lines 3-6: [?αἰτοῦν|τ]αι δὲ καὶ οἱ νέ[οι ἀναθεῖναι εἰκόνα – – – – –] | Ἀντιφῶντος [– – – – – – – – καθάπερ?] | ἐψηφίσθαι· δοῦ[ναι δὲ αὐτοῖς? στῆσαι? – – –] ἐικόνα καθάπε[ρ αἰτοῦνται?]. Another case, analysed by Gauthier 1985: 192-93, is *I.Halikarnassos* *22 / *SEG* 26.1223 (3rd c. BC), which responds to a petition to the council and the assembly by a foreigner

man, a request which was apparently granted by the civic authorities, though a considerable part of the decree and its resolutions is restored and the conclusion is missing, along with any possible record of votes by ballot. *Mutatis mutandis*, a further comparandum may be another decree recording voting figures (*I.Halikarnassos* *503 / *IG* XII.4.3847), which alludes to the erection of a statue (line 1: εἰκόνι ἐν τῶι [– – –]) and precedes a list of contributors (lines 6-7: [οἵδε ἐπην|γ]είλαντο δώσειν· Δίω[ν κτλ.), who apparently promised sums of money to pay for the honours voted. While little certainty is possible, decree no. 2 seems to have had something to do with an official request (αἴτησις) to the council or the assembly, which likely concerned a specific individual and special privileges of some kind, and thus needed to be confirmed by a secret ballot. The awarding of one or more statues to prominent benefactors is something that many *poleis* sought to validate through a ratifying vote; examples include early 2nd-century BC decrees from Magnesia-on-the-Maeander and Priene, as well as an early Imperial text from Knidos.[26] Clauses in decrees from Kos make it clear that there was a limit to the honours, specifically the worth of a 'crown', which could be decided by the δᾶμος during a vote by hand (χειροτονία).[27] From this evidence, it can be deduced that, if honours exceeding that limit were passed for one or more individuals, a simple vote by hand would not suffice and confirmatory votes by secret ballot would be required. The need for validating types of honours which exceeded certain legal parameters is likely to have been quite

wishing that the right of ἔγκτησις be granted to him and his descendants. The conclusion of this decree is also not preserved.

26 *I.Magnesia* 92A.1-2 (Todd 2012: 44 no. A35); 92B.11-12 (Todd 2012: 44 no. A35); *I.Priene B-M* 403.8-9; *I.Knidos* 74.16-23 (1st-2nd c. AD; Todd 2012: 44 no. A34). The latter case is particularly clear about the specific process, recording two χειροτονίαι, in the council and the assembly successively, followed by a third vote consisting of ψᾶφοι.

27 See especially *IG* XII.4.22.5-8 (early 3rd c. BC), 25.14-16 (ca. 295-280 BC), 30.21-23 (mid 3rd c. BC), 37.1-3 (ca. 250-200 BC), and 3959.15-16 (mid 3rd c. BC), all preserving variations of the phrase καὶ στεφανῶσαι χρυσῶι στεφάνωι ὅσσωι κύριός ἐστιν ὁ δᾶμος / ἁ ἐκκλησία (ἐκ τῶν νόμων / κατὰ τὸς νόμος) χειροτονίαι μεγίσταν δωρεὰν (δι)δόμεν. Cf. again generally Grieb 2008: 156. On *megistai timai* (statues set up in the agora, *sitesis* in the *prytaneion*, and *proedria*) in the Hellenistic period in Athens, Gauthier 1985: 79-83.

similar at Halikarnassos, where in the Imperial period we also find references to 'the greatest honours allowable by law' (*megistai timai* or similar formulations).[28]

Both of the new decrees provide only very fragmentary records of the numbers of votes cast. Nevertheless, these can be generally compared with the previously known data (Table 1). No. 1 gives us a figure whose exact reading is somewhat difficult. The number can most plausibly be resolved as ἑβ[δομήκοντα – ca. 3? -], which would give us at least 70 votes in the council (since there is room to increase the number somewhat in the following lacuna). This figure would only roughly correspond to the three others previously known: 92, 100, 113. The previously attested numbers led to the conclusion that they must represent 'close to the unanimity of the *bouleutai*'.[29] We therefore expect the council at Halikarnassos to have had at least 114 members (the number ought to be divisible by the three Doric tribes known), perhaps slightly more (125 *bouleutai* have been hypothesised at Iasos, when it had five tribes, though 111 is currently the highest number attested there).[30] In decree no. 1, if our reading is right, we would have a substantially lower record on this occasion, 70-79, though still one that would likely represent a majority of the votes in the council. Generally speaking, such a lower number could be paralleled by the lowest turnouts currently attested in the council at Iasos, 68 (*SEG* 41.932.10-12), and 83 (*SEG* 41.929.34-35).

28 *I.Halikarnassos* *257.1-2 (unpublished inscription; 1st c. AD); *I.Halikarnassos* E3 / *I.Aphrodisias 2007* 12.27.ii.9-10 (ca. 127 AD); cf. also *I.Halikarnassos* *88 / *LBW* 505.4-7 (1st c. AD).

29 Canevaro 2018: 114. Compare Bernini (2023: 30), 'Le Conseil d'Halicarnasse avait sans doute une taille analogue à celui d'Iasos avec 120 ou 125 bouleutes'. Unless there were more tribes in certain periods of time, the second number seems impossible, however, since it is not divisible by three, the only known number of tribes at Halikarnassos.

30 Cf. Fabiani 2015: 280; Fabiani 2025: 211.

TABLE 1. Vote counts in inscriptions from Halikarnassos (NB E1 and 2 are Halikarnassian decrees inscribed on Kos; *503 / *IG* XII.4.3847 was found on Kos but is a *pierre errante*.)

Main Publication	*I.Halikarnassos* inv. no.	Date	Votes in Council	Votes in Assembly
Decree no. 1	*287	ca. 280-260 BC?	70-79	> 5 (4005?)
Decree no. 2	*435	ca. 250-200 BC	not recorded or missing	> 1005 (4005?)
Wilhelm, *Akademieschriften* 1.298-300	*29	ca. 225-200 BC?	92	1200
IG XII.4.142	E1	ca. 220 BC	100	4000
IG XII.4.176	E2	ca. 200-150 BC	113	> 200 (3900?)
IG XII.4.3847	*503	ca. 250-200 BC ("3rd c. BC", *IG*)	missing	= or > 4000

More intriguing, once again, is our decree no. 2. It is far from clear whether votes cast in the council were actually recorded in the tally provided. This is possible, but it would result in quite long lines. Another possibility is that only votes from the assembly were recorded in this inscription. This would make the text unique among the half-dozen examples now known from Halikarnassos (and exceptional also in comparison to the 4 records of votes known from Iasos). Yet, if right, this ought not to be completely surprising: other neighbouring communities like Kos and Theangela only recorded the votes cast in the assembly.[31] The second

31 Kos: *IG* XII.4.41 (late 3rd c. BC), 56-57 (mid-2nd c. BC) and 59 (after mid-2nd c. BC). Cf. Grieb 2008: 156 with nn. 115-16, for a synthesis of the Koan material. Theangela: *IG* XI.4.1054B.21-22 (decree recorded on Delos; ca. 230-220 BC) and *IG* XII.4.159.5-6 (decree recorded on Kos; ca. 200 BC).

peculiarity of this decree from Halikarnassos is that it is the only one known to employ the formulation ψήφοι αἱ διδοῦσαι or αἱ ἐπιδιδοῦσαι, which is found on Kos and at Iasos, and which stresses that what follows are the votes in favour of the proposal, granting the honours or other resolutions.[32] Given the extensive lacuna also in line 6, we cannot know if these votes were followed by an indication of those 'against', by space left empty, or by some continuation of the text. Though vote tallies usually marked the conclusion or the near-conclusion of a decree (so clearly in *I.Halikarnassos* E1-2), a third point of originality is that decree no. 2 appears to contain further text below the enumerations in lines 7-9, which refer to a decree (τὸ ψήφισ[μα]), presumably the decree itself, and preserve other traces which are difficult to interpret. It is hard to know what to make of these lines. They do not seem to correspond to a subscription list like the one we find at the conclusion of the potentially parallel *I.Halikarnassos* *503. A better parallel might be the addendum in *I.Halikarnassos* *29, which we discuss further below, but such a suggestion remains highly conjectural unless a more definitive reading of lines 7-9 can be attained.

Back to the figures themselves: in decrees nos. 1 and 2, the votes counted from the assembly must have been in the thousands (especially clear in no. 2.5-6: [- -χι]|λίαι) and the numbers cited both intriguingly end in '5' (πέντε). In *I.Halikarnassos* E1.22, we have a number of votes that is one of those famously round and precise numbers, 4000; in *503.6, a number that is equal to or greater than 4000 (τετρακισ[χίλιαι – – –]). The figure reported in E2.24-25 is different: with extreme caution, it can be said to have been greater than 200 ([– – –κό]|σιαι·), but, by comparison with the two aforementioned cases, Klaus Hallof, following Rudolf Herzog, did not hesitate to restore this number as 3900 ([τρισχίλιαι ἐνακό]|σιαι). With all due caution, we could tentatively propose to restore the vote counts in nos. 1 and 2 as "4005" ([τετρακισχίλιαι] suits particularly well an estimated length for the lacuna at the end of line 11 in

32 Not being aware of this new evidence, Canevaro 2018: 114 had written that at Halikarnassos 'The formulas… do not give any clear indication of whether the votes were those generically cast, or those in favour'. On the basis of the comparison with Iasos, Kah 2014: 168 was more affirmative, 'ist es einfacher, die Formel mit einem Abstimmungsverfahren zu erklären, bei dem nur positive Stimmsteine abgegeben wurden'.

no. 1). Whatever the exact case may be, we seem to be dealing with figures for the votes in the assembly which revolve around 4000.

If correct, this would leave only the round, but remarkably low figure of 1200 (χίλιαι διακ[ό]σιαι) in *I.Halikarnassos* *29.8 to be explained. The discrepancy has already caused some uncertainty in those studying vote counts. Gauthier, for example, wondered whether the number 4000 could represent a unanimous decision at Halikarnassos, while the lower figure of 1200 could have implied a large number of votes against the motion.[33] Canevaro considers this figure 'certainly troublesome compared with the others' and concluded that 'it is impossible to tell whether the figure... indicated a heavily split vote or simply very low attendance'.[34] We cannot definitely solve this question. What we think we can do is suggest how this low figure was dealt with by the civic authorities. Most of the aforementioned analyses of *29 fail to note that this decree – whose exact substance is unclear to us – was followed by an addendum at a later date and in another hand.

I.Halikarnassos *29.8-12 has been admirably restored and interpreted by Adolf Wilhelm in this way:

> ἐπὶ Κλεομήδου τοῦ Κλ[εοστράτου *e.g.*]
> μηνὸς Ἀρτεμισιῶ[νος *day*]
> εἰσεδώκαμεν ε[ἰς τὸ δικαστή]-
> ριον καὶ ἐδόθη π̣[αμψηφεί]
>
> "Under (the priest) Kleomedes son of Kl[eostratos?], on the [...] of the month Artemision, we have brought (this decree) into [the public tribunal] and it was given (i.e. approved) [with all votes]."

Wilhelm collected parallels for the bringing of decrees to a ratifying vote, but while he thought that these concerned a public tribunal (δικαστή-

33 Gauthier 1990: 446, 'le chiffre de 4 000 correspond-il à l'unanimité des présents, alors que les 1 200 votes du second seraient à compléter implicitement par un nombre important de voix contraires?' Cf. also Kah 2014: 168, 'Bislang noch nicht befriedigend erklärt sind die zwischen 1200 und über 4000 stark schwankenden Stimmenzahlen in der Volksversammlung'.

34 Canevaro 2018: 114.

ριον) as a place of validation, that reading is no longer favoured in the most recent editions of the inscriptions concerned.[35] Instead, the examples cited by Wilhelm are probouleutic proxeny decrees which were brought before a later assembly.[36] John Ma has recently approved of Wilhelm's work, viewing this particular case from Halikarnassos as a 'sign of automaticity… magistrates duly took the decision to the courts for a second vote, no doubt in accordance with the law'. The courts certainly 'had their own autonomous existence, reflecting another sphere of state operation and legitimacy',[37] but both Wilhelm and Ma appear to miss some of the originality of the provisions appended to the Halikarnassian decree. Adding *yet another secret ballot* is in and of itself something noteworthy. If Wilhelm's restoration [εἰς τὸ δικαστή]|ριον is correct,[38] we should view the later confirmation of this decree by the public court as something more exceptional or at least distinctive. We hypothesise that the motivation for having this decree approved by a third organ of the state had *precisely* to do with the low number of votes recorded in the assembly (1200). Far from being a sign of 'automaticity' or normal procedure then, the decision to take the measure to the courts for what was presumably a fifth (!) vote – after *probouleusis* and a vote in the assembly through χειροτονία, as well as a secret ballot in both the council and the assembly – resulted from an apparent concern about consensus. By bringing the decree before another institution, the [δικαστή]ριον in this particular

35 Wilhelm, *Akademieschriften* 1.298-300, citing the Athenian δοκιμασία for grants of citizenship and especially the inscriptions that are now *I.Oropos* 110, 213, and 215; approved by Ma 2024: 237 and 582 n. 51. In both *I.Oropos* 213 and 215, however, Wilhelm's reading δικαστηρίου is no longer adopted and month names are restored instead: [ἐν δήμωι Προστα]|τηρίου δε[κάτηι]; [ἐν βουλεῖ μη|νὸς Πανά]μου τριακάδι, ἐν [δήμωι…].

36 The case added by Ma, *I.Delphinion* 153 (mid-2nd c. BC), seems a better example of the need for a second assembly and a second decree ratifying a crown or a significant honour (in this case for a foreign judge). See also the clear example of this kind of procedure during grants of proxeny on Rhodes, as studied by Badoud, *Temps de Rhodes* 16 (τοῖσδε ἐδόθ[η]|σαν προξενίαι ἐπὶ μίαν ἐκκλησίαν; ἔδοξεν τῶι δάμωι ἐν τᾶι | δεύτερον ἐκκλησίαι).

37 Again, Ma 2024: 237.

38 We unfortunately have little information about the law courts at Halikarnassos, except for the existence of the δικαστήριον as a public building in the agora: *I.Halikarnassos* *26 / *I.British Mus.* 897.19 (ca. 260-220 BC?).

case, the magistrates could ensure that it was passed π[αμψηφεί] by those citizens of Halikarnassos who served in the court – however many they may have been is not known. This further vote reflected a successfully unanimous decision, which had not been the case in the assembly during the secret ballot, where the number of votes fell far short of the expected figure of 4000 or slightly more.

With this question, we thus come back to the matters of a symbolic quorum and of unanimous or near-unanimous decisions that may reflect the actual number of citizens in the community. There is no precise evidence for either a symbolic quorum or a required minimum number of votes at Halikarnassos, so we must tread cautiously in using these concepts in connection with our evidence. But if we are right, the decision passed with a round number of 1200 votes may perhaps have met, or been close to, an expected quorum – after all, the measure passed. This symbolic quorum of 1200, however, was underwhelming in terms of consensus. A unanimous resolution seems to have been eventually obtained in the lawcourt (δικαστήριον), though the exact size of this court is elusive.[39]

The number ca. 4000 more typically recorded as a tally of votes in the assembly is likely to be close to the number of citizens in Halikarnassos in the early Hellenistic period. These men could have sat as part of an assembly in a variety of venues, such as occasionally in the theatre of Halikarnassos.[40] The seating capacity of the theatre of Halikarnassos may be roughly estimated by comparison with the theatre at Epidauros. This has been calculated to hold 12000-12500 people if each person disposed

39 Compare Canevaro 2018: 118, citing Hansen *per litt.*: 'A subsequent *psephophoria* would be superfluous if checking that the quorum had been reached was the sole purpose'. And further Canevaro 2014: 118-19: 'The secret ballot not only allowed to check that the quorum had actually been achieved, but provided an actual record of the wide agreement on the particular measure approved. The need for this must have been particularly strong in the case of sensitive decisions, or decisions on matters that were institutionally singled out as of particular concern for the *polis*'. We propose that *I.Halikarnassos* *29 is a case in point.

40 No mention of an assembly held in the theatre is attested at Halikarnassos, but this is relatively common in other cities. On the use of the theatre for assemblies in the region, see recently Bernini 2023: 154-56, 161-63.

of 0.5 m of space, or about 14000 if each had only 0.4 m.[41] The diameter of the theatre at Epidauros is ca. 119 m, while that of the theatre of Halikarnassos is ca. 110 m; it therefore has five or six fewer rows of seats than that in Epidauros. In total, this would mean ca. 2000-2500 seats fewer than Epidauros or a capacity at Halikarnassos of ca. 10000-11000 persons. Citizens, guests, and still other attendees of the performances or the assembly will therefore have sat comfortably within this space. What the figure of 4000+ citizens represents in terms of the overall population of Halikarnassos is hard to evaluate, however. It is perhaps suggestive of an overall population at least three or four times that size (adding roughly equal numbers of women, children, and non-citizen or enslaved persons?).[42] Among the citizens of Halikarnassos, only 2.85-3% would be serving as members of the council during a given semester.[43]

Conclusion

Finally, what can we say about the praxis of counting ballots and of inscribing the results at Halikarnassos? The half-dozen examples collected here show that this practice was not necessarily rare among the ca. 50 decrees known from Halikarnassos, though it remained used in specific circumstances: grants of citizenship; official petitions by or for individuals; confirmation of special honours for individuals, notably the awarding of special crowns to foreigners and the erection of statues; and perhaps others. We would be hard-pressed to lay too much emphasis on any

41 Epidauros: von Gerkan & Müller-Wiener 1961: 10; Svenson-Evers 1996: 424-25. Halikarnassos: similar calculations already in Pedersen & Isager 2015: 296. For a discussion of the smaller theatre at Priene (5000-6500 seats) and its connection with an estimate of the population of the city, see Kah 2014: 152 with n. 27.

42 It is good to echo the words of caution of Ma 2024: 519, 'we do not know what the figures mean without a sense of the size and the structure of the rest of the population across the whole *polis*'.

43 Cf. Kah 2018: 157, who estimates the proportion of *bouleutai* to citizens at 3% in Halikarnassos, 10% in Iasos (with a citizen population in Iasos probably barely 2000 strong: 157 n. 59). There is evidence for a βουλευτήριον at Halikarnassos (*I.Halikarnassos* *26 / *I.British Mus.* 897.10) but it has never been located and its size cannot be estimated. On *bouleuteria* and civic councils in Asia Minor and the Dodekanese, see also now Bernini 2023: 135-57; 179-263.

statistics here, however, since among those ca. 50 decrees, other than those discussed here, the conclusion of the document is securely preserved only in a handful of cases. These include, for example, the honorific decree for Zenodotos (ca. 279/8-275 BC) mentioned above, which does not pass any special measures, but appears to echo honours awarded to this individual in Troizen and merely grants him a dinner in the *prytaneion*; or the sale of a priesthood later in the 3rd century BC.[44] Only in such instances is it perhaps safe to say that votes by secret ballot were neither held nor recorded.

We initially noted how chronologically anchored were the records of numbers of votes in Athens and in Delphi. A similar case has been made for Iasos. There, the vote counts are particular to one ensemble of honorific decrees, the latest and widest chronological group which has been studied, ranging from the ca. 230s to the 180s BC.[45] The decrees from other neighbouring communities show a similar chronological range: at Theangela, records of votes are attested in ca. 230-200 BC; on Kos, from the late 3rd century BC to ca. 150 BC.[46] The dates of many decrees from Halikarnassos are uncertain, but the pair inscribed on Kos (E1 and E2) are thought to belong to ca. 220 BC and ca. 200-150 BC respectively, in the first case on relatively firm prosopographic grounds. These dates broadly correspond to those of the relevant decrees from Iasos, Theangela, and Kos. But it remains more difficult to assign the other Halikarnassian decrees listed in Table 1 to a very specific chronological framework, since their dates can only be approximately established through an analysis of letter forms. At any rate, it is possible that, as in neighbouring communities, secret ballots were especially recorded at Halikarnassos during a relatively limited part of the Hellenistic period. We might thus be dealing with a kind of epigraphic habit. Not surprisingly, this is also the period during which we have the most evidence for inscribed decrees from Halikarnassos. Once again, caution is therefore warranted and statistics of

44 Zenodotos: see n. 21 above. Sale of priesthood: *I.Halikarnassos* *3 / *I.British Mus.* 895 (ca. 250-200 BC). At least 1 unpublished Classical decree does not record a secret ballot despite granting πολιτεία, and several early Roman honorific decrees also do not preserve any tallies.

45 This is the 8th group ('ottavo gruppo') of decrees in Fabiani 2015: 264.

46 See n. 31 above.

any kind are inherently hazardous. New evidence is bound to continue to refine our tentative conclusions, but, partly in the spirit of Hansen's work and his famous "shotgun method", we hope to have made some progress towards an understanding of the phenomena of vote counts, quorum, and consensus decisions, as they apply to a single city, Halikarnassos.[47]

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47 For this method in demographic analyses, see Hansen 2008, with earlier references.

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ELEIANS, *PERIOIKOI*, AND TRIPHYLIANS: NEW PIECES OF EVIDENCE

By Hans-Joachim Gehrke

Summary: The complex organisation of the political union of the Eleans before the *synoikismos* of 471 has been studied on various occasions. A system of allied communities, so-called *perioikoi*, had developed around a complex internal structure with federal elements. This makes it difficult to draw a clear distinction between internal and external borders. Recent finds and investigations allow new insights into these interdependencies. They will be presented in this paper. The starting point is the bronze tablet with regulations for Ledrinoi, which was found in the sanctuary of Eileithyia and Sosipolis in Olympia in 2011 and has already been published. In addition, the paper presents the very latest results of the Olympia Area Survey and a bronze inscription from the sanctuary of Poseidon at Samikon, which was found only September 2024.

Our friend Mogens Herman Hansen, whom I would like to remember with gratitude in this article, was particularly interested in the various forms of organization of political communities. His focus was strongly on Athens, but by no means limited to it. This is evidenced not least by the major Copenhagen Polis Project, which he initiated. He would therefore probably have enjoyed the following observations and reflections, which I dedicate to his memory, although he might have made lots of critical remarks – as usual. My contribution does not refer to the *polis* alone but to larger political entities into which individual *poleis* were often integrated in different ways. Nowadays, we like to talk about federal states,[1] but we are also learning more and more that the structures of such larger unions were more complex. Above all, the relationship between different affiliations and multiple identities, but also questions of border demarcation,[2] are coming increasingly into focus.

1 See now Beck & Funke 2015.

2 Of particular note here is the ERC project by Elena Franchi (Trento): ERC Consolidator Grant. Project: '*FeBo*: Federalism and Border Management in Greek Antiquity' (ERC 2021 Cog PR. No. 101043954).

Hans-Joachim Gehrke: 'Eleians, *Perioikoi*, and Triphylians: New Pieces of Evidence' C&M Supplementum 4 (2026) 203-224.

Based on my own research, Elis seems to me to be a particularly good example for dealing with such questions. In the period before the *synoikismos* of 471 BCE,[3] Elis formed a political union that had elements of a federal state,[4] but also had very specific characteristics that are not easy to understand *prima facie*. In any case, this raises questions about the sense of belonging among the members of the union and its boundaries, both outside and inside the larger entity. I would like to explore this on this occasion, as recent finds and the latest research have shed new light on this topic.

My starting point is a discovery made during excavations at the sanctuary of Eileithyia in Olympia, led by Georgia Chatzi Spiliopoulou and Aliki Moustaka, which was surprising in several respects.[5] It is a bronze tablet similar to those well known from laws or other official texts from Olympia. Based on the shape of the letters, it can be dated to the first half of the fifth century. In my opinion, this is one of the most fascinating epigraphic finds of recent years. The work of Klaus Hallof, Gerhard Thür and Sophie Minon has been instrumental in advancing our understanding of this difficult text.[6] Only because of this was I able to develop further historical interpretations that are worthy of discussion and are therefore presented here for discussion. They concern the question of affiliation and belonging, in particular the relationship between Elis and Ledrinoi,[7] Eleians and Ledrinians. The text is written in the Achaean dialect, with some elements of Eleian:

3 See now Grote 2019. – All the dates given in the following are BCE.

4 Nafissi 2003 emphasized this point in particular, see below.

5 Paus. 6.20.2-6; surprising, firstly because the sanctuary was not expected to be there, it was only discovered by chance during the construction of a water pipe, and then because the bronze tablet discussed here was found there, next to an imperial inscription, on December 1, 2011.

6 See the *editio princeps* with the corresponding commentary by Hallof 2021; Minon 2021. Thanks to Birgitta Eder, I also had access to the handouts of the epigraphic lectures by Klaus Hallof and Gerhard Thür on this text at the Eileithyia workshop in Vienna on 9 October 2017 (quoted as 'handout').

7 I use this variant of the name (instead of the previously common Letrinoi): it is attested epigraphically, i.e. in documents (in addition to the inscription discussed here, see also *NIO* 207). It also occurs in manuscripts of Xenophon (*Hell.* 4.2.16), see Hallof 2021: 103.

δοκιμία τοῖς Πελλανέσι τρισδικασστέρεσι·
ὄ̣κ̣και καζικία γέναται, μὲ θοινάζεν μεδὲ συν-
ᾳ̣λοαν ποιϝῆν μεδ’ ὄπλα συνφάρεν μεδὲ σκαλείεν σκ-
άλαν μεδεμίαν ἐταριτικὰν μεδ’ ἐπὶ μάντι θύεν μαδέν-
ᾳ̣ αἰ μὲπὶ τοῖς δαμοσίοις τᾶς πόλιος· αἰ δέ τις ταύτον ποιϝέο-
ι, τὸν μὲν ἀρχαγὸν ϝάρρεν, τὰ δ’ αὐτῶ δαμευτᾶμεν ποτῶ Διὸς
τὸλυνπίο, τὰ[ς μ]εγίστας χόρας ἐν τρῆς ἄνδρες, τὸ{ς} δὲ λοιπὸν ἐ-
ν πέντε ἄνδρες· ἀποτεῖσαι ζέκα μνᾶς ϝέκαστον· τὸς δὲ λοιπὸ-
ς πάντες ὅσοι συννεῖαν ἀποτεῖσαι μνᾶν ϝέκαστον ἀργυρῶ· τὰς δ-
ὲ ζαμίας πάνθας καθυτὰς ε͜ῖμεν τῶ Διὸς τὸλυνπίο· ἐπὶ ἢ μολοῖαν
τοὶ δικαστᾶρες ἢ ἀποϝείποιαν, μὲ μολᾶσαι· αἰ δέ τις τὸ γράφος τα-
ῦτο καζαλέοιτο καὶ ὀποίαι τέχναι καὶ μαχανᾶι εὐρόμενος κᾳ̣[ζ]-
ικέοντι τοὶ ξένοι Τιμαῖος, Πίθακος, Δεξξικλῆς, ἐν τῶι μεγίστοι
ἔχεσαι τῶν ταύτε ἐγραπένον· αἰ δέ τις τῶν Κιλικικῶν δικάζ-
οιτο, αἰ δὲ δικάζοι καὶ δι’ ο͜ῦ ἢ οἷον λόγον εὕρομες, ἐν τῶι μ-
εγίσστοι ἔχεσαι τῶν ταύτε ἐγραπένον, αἰ δὲ ξένος, αἰ δὲ ϝ-
ασστός· τὰ δὲ κατεδίκαξαν τοὶ Πελλανῆς τοῖς Λεδρίνοις ἐπ[ίν]-
ομα καὶ τέλεια ε͜ῖμεν. ὁ δὲ πίναξ <ἔ>α ἰαρὸς τῶ Διός.[8]

Decision of the Three Judges from Pellana: |

As soon as the sentence has been passed, no one shall partake of (common) meals, | nor hold a common assembly, nor bear arms in common, nor till | any land belonging to the *hetairia*, nor sacrifice at the seer[9],|(5) except at the public (seers/sacrifices) of the *polis*.

If anyone does any of these things, | the leader shall go (into exile), and his property shall be confiscated in favour of Olympian | Zeus, the largest properties before (a body of) three men, the rest before (one of) | five men. (In case of misconduct) each shall pay ten minas fine. The rest, | as many as were involved, shall each pay one mina of silver fine. The |(10) fines shall all be dedicated to Olympian Zeus.

Furthermore, no trial should be possible | on whether the judges allow or refuse a trial.

8 Greek text from Hallof 2021.

9 I.e. to offer a sacrifice in the presence of a priest/seer who is responsible for this religious rite.

> If anyone damages this writing, | and if, after ascertaining with what cunning and guile (he was at work), | the strangers Timaios, Pithakos, and Dexxikles condemn (him), he shall be liable to the severest | of what is written here.
>
> But if one of the 'Cilicicians' litigates, |(15) and if (then) one gives justice, and we have found out by what (procedure) or speech (that happened),| he shall be liable to the severest of what is written here, whether he be a stranger or a | citizen.
>
> What the Pellaneans have handed down to the Ledrinians as a sentence | shall be in accordance with the law and valid.
>
> This tablet shall be sacred (property) of Zeus. (My translation)

My interpretation is based on the following elements, which have, essentially, already been identified by the researchers mentioned above: The *trisdikassteres* from Pellana (= Pellene), a *hapax legomenon*,[10] i.e. "Three Judges,"[11] are identical to the three "foreigners" (ξένοι) Timaios, Pithakos and Dexxikles mentioned by name (l. 13). They are comparable to the foreign judges known primarily from the Hellenistic epoch, but here they have powers that go far beyond those known from later times.[12] Similar to the archaic *nomothetai* and *aisymneatai*, they have extraordinary and definitive powers to decide in emergency situations of a community, which result especially from internal conflicts (*stasis*).[13] The community of the Ledrinians was apparently unable to cope with this situation on its own because it was too divided. This alone suggests that the Three Judges were appointed to restore order after a serious conflict, a *stasis*, that could no longer be reestablished by the community alone.[14]

This primarily involved punishing the group that stood in the way of this order, i.e. the group that had triggered the conflict and/or had been defeated in this conflict (and which could therefore be assigned the role

10 Hallof 2021: 105.

11 According to G. Thür (handout p. 2 n. 2), the term δικασταί in archaic times did not merely refer to 'judges' but also to 'office holders' in general, see Thür 2007: 42 (primarily with reference to the law of Gortyn).

12 Hallof 2021: 105.

13 Cf. Gehrke 1985: 261 (with note 5), 266.; Gehrke 1986: 44, 124, 170, 182; Gehrke 2009: 401; Hölkeskamp 1999: 12-13; Wallace 2009: 417-21, 423.

14 See also Hallof 2021: 117.

of the guilty party, regardless of what had actually happened). The first part of the decision (δοκιμία, l. 1) of the Three Judges sets out prohibitions that apply to this group, distinguishing between the leader (ἀρχαγός) and his followers or the other participants, with implications for the severity of the punishment in the event of a violation of the prohibitions.

This group was clearly a *hetairia*, i.e. a close-knit community bound together by strong friendship and camaraderie, as is typical in *stasis* contexts.[15] The existence of a *hetairia* is evidenced by the reference to land in their possession (σκάλα ἑταριτικά, l. 3f.). This element belongs to the series of prohibitions, and so it seems reasonable to apply the other prohibitions to this *hetairia* as well, as previous interpreters have done.[16] I consider this to be certain because otherwise the prohibitions would not be understandable at all. In this case, they could only refer to the entire community of Ledrinoi, which would have largely paralyzed its political and religious life. However, according to the inscription, the community could still be counted on as an active factor. We are familiar with prohibitions and restrictions in public life and with regard to the actions of office holders and political bodies from Athenian legislation for protection against tyranny and subversion.[17] Here, however, we do not have a precautionary measure, but a regulation following an attempted revolt.

The prohibitions are therefore intended to paralyze all activities of the *hetairia* concerned. It thus disappears as such from the public life of the community and is, as it were, annulled. Its members are no longer allowed to hold communal meals, comparable to *syssitia* and similar forms of commensality. Furthermore, they are no longer allowed to hold meetings or carry weapons together (*e.g.* in processions or during training).

15 For more on such solidarity-based communities, see generally Herman 1987, 142-55; Welwei 1992 = 2000; on *hetairiai* in the context of *stasis*, see especially Gehrke 1985: 335.

16 Thür, handout 2; Hallof 2021: 109 is somewhat more cautious.

17 In particular, the Tyrant Law of 336 (Rhodes-Osborne, *GHI* no. 79).

They are no longer allowed to work their own farmland or make sacrifices at their seer.[18]

The punishment[19] is harsh, but it only affects the group and its activities, or restricts the individuals belonging to it with regard to these activities, not in their existence as citizens of the community of Ledrinoi – unless this position was linked to being member of a *hetairia* (which cannot be ruled out, see below). At the very least, however, the ban on carrying weapons together is likely to have restricted their activities as hoplites (since ὅπλα are mentioned in line 3). Given the widespread and, in Ledrinoi, conceivable connection between military service and full citizenship,[20] this would then have been affected; they would thus have become a kind of second-class citizens. The text does not specify how long the prohibitions were to remain in force,[21] nor is it clear for how long the extraordinary powers of the Three Judges were to apply.

The inscription even reveals (l. 14) the name of the *hetairia*: "Kilikikoi," the "Cilicians." This enigmatic designation only makes sense in context if it refers to the members of the *hetairia* in question,[22] who alone had a reason to take legal action against the decisions made by the three men.[23] In any case, for linguistic reasons alone, the name cannot refer to

18 We know from Olympia in particular that seers were also involved in sacrifices. However, this is no reason to regard the public seers, who can be inferred from the context (l. 5), as an Olympic or Eleian institution (cf. Hallof 2021: 109-10). Nor is this a matter of "hieroscopy," as Hallof 2021: 109 (with n. 41) suggests with reference to Trampedach 2015: 164-78 (correct: 146-78). This is demonstrated by the diverse tasks of the seers of Olympia, for example in the monthly sacrifices of the Eleians (Paus. 5.15.10 with Weniger 1915: 103) and the sacrifice for Pelops (Paus. 5.13.2 with Weniger *ibid.*); further information in Weniger 2015: 103-4, 105-7.

19 καταζικία (l.2) = καταδικία (Hallof 2021: 106) refers to the specific condemnation of the persons concerned, with their names being included on a list (see in particular Thür handout 2, note 1, with reference to *IPArk* 8) or in other documents (Hallof 2021: 120-21). Only after this has taken place (γέναται, l. 2) can the following prohibitions naturally take effect, because only then is it legally clear to whom they apply and who can be punished for violating them.

20 In any case, this could apply to archaic Elis, see Gehrke 2023: 192.

21 Hallof 2021: 107 assumes that this is "left to their (sc. the Three Judges) discretion."

22 Thür has clearly stated this in handout 3 with n. 11.

23 See Hallof 2021: 117.

'real' Cilicians, but rather to a group that had been given a name associated with the Cilicians – and thus possibly with negative connotations derived from words denoting nasty Cilician attitudes or activities – or that had adopted this name for itself.[24]

There is clear evidence that this *hetairia* was not a purely political or even *ad hoc* alliance of convenience, nor was it an informal albeit effective clique of men, but rather a group with institutional elements and functions.[25] This is suggested by the existence of communal property. In addition, there were apparently communal meals – G. Thür suggests that these may have been similar to *syssitia*[26] – and it is possible that these were (partly) financed by the income from the land of the *hetairia*.[27] There were also assemblies[28] as well as communal appearances in arms.

The reference to a seer, especially in contrast to public cult activities, can also be interpreted as an indication of an established institution. And the fact that, in addition to "other" members, a leader is expected, could also be understood accordingly. This brings to mind the integration of possibly older (warrior) groups into the *polis*, of which there are examples primarily in Tiryns (with the *platiwoinoi*)[29] and on Crete (with the

24 Both options are conceivable, see Hallof, *loc. cit.* In the second case (examples in Hallof, note 89), it would be a kind of ancient resignification (on the concept of social resignification, see Butler 1997/2021: 1-42; a current example is the term 'queer'); Κιλίκιος ὄλεθρος was a proverbial term for a wrongdoer (Zenob. 4.53); Theopompos (*FGrHist* 115 F 314) calls murder or violent killing Κιλικισμός; in the comedy Γυναικοκρατία by Alexis (fr. 43 K.-A.), a certain Hippokles is given the nickname Κίλιξ (see Arnott 1996: 153; Stama 2016: 120-21 with further references), cf. also *LSJ* s.vv. Κιλικίζομαι and Κιλικισμός. The background was obviously the notorious piracy of the Cilicians, see Luraghi 2006: 32-35.

25 Hallof 2021: 117 leaves this open.

26 Handout 2 n. 4.

27 Hallof 2021: 109. Thür thinks, albeit "with the greatest reservation," that the *hetairia* "probably also owned a sanctuary" with plots of land "whose fruits (rental proceeds *in kind*?) contributed to the communal meals" (handout 2 n. 5).

28 Possibly in connection with a "harvest and sacrificial festival" (Hallof 2021: 107; further information *ibid.* 107-8).

29 Gehrke 1993: 54-56 (= 2019: 15-17); Hölkeskamp 1999: 257-59.

agelai or *hetairiai*).[30] One would then have to assume that there were several such 'semi-official' institutions in Ledrinoi.[31] These, and the collective of the *polis*, may well have been in a state of tension, which was associated with conflicts of loyalty.

The decision of the three-judge panel is particularly ensured and reinforced: violations of the decision by members of the affected *hetairia* are subject to severe penalties. No appeal can be lodged against the decisions of the Three Judges on the admissibility of actions.[32] Circumvention of the decision is prohibited, nor can it be appealed against by the *hetairia* members. Violation of both is also subject to severe penalties.[33] In the case of the unlawful admission of an appeal, not only "citizens" but also "foreigners" are liable to punishment (l. 16f.). The aim is therefore to prevent further appeals being made also to other foreign judges or authorities (and here one must certainly think of Elis). The decision of the Three Judges is therefore legally irrevocable. Their special authority is expressed not least in the fact that everything is determined by these judges themselves.

Finally, a concluding clause (lines 17f.) states that all decisions made by the Three Judges are conform to the law and valid. As the wording itself indicates, this statement can be traced back to a third force beyond Ledrinians and Pellenians. Given the circumstances, this can only be Elis.[34] This is also evident in the fact that the tablet on which the decision is recorded (i.e. our inscription) is consecrated to Olympian Zeus. In this

30 Gehrke 1997: 37-43 (= 2019: 72-78).

31 Could one also imagine that, as in Crete, such groups were connected with the (militarily relevant) pederasty of the Eleians, which Xenophon mentions (*Symp.* 8.34; cf. Dover 1989: 166-68)? If so, there may have been a similar organization in Elis at times. This is just an idea, to use Thür's words, "with the greatest reservation."

32 "Indemnity," Hallof 2021: 114.

33 Regarding the penalties, Hallof 2021: 116, 119 refers to the "highest" curse. However, explicit reference is made to "what is written here" (l. 14, 16). The "highest" of these punishments is banishment and confiscation of property for the leader (see above).

34 Strongly emphasised by Hallof 2021: 120-21, who refers the provision to the Eleian legal system.

way, the text was not only published but also protected as divine property.[35] It should also be noted in this context that all fines, including the proceeds from the possible confiscation of the leader's property, go to the temple treasury of this god.

This much should be said in due brevity about the new text and its interpretation. But what does it mean for the question of boundaries and affiliations with regard to Ledrinoi and Elis? The picture that emerges is quite ambivalent. Let us first look at Ledrinoi. It is a formally independent *polis* and is also explicitly referred to as such (l. 5). This is further reinforced by the fact that the public nature of its organization is emphasized in the same breath – in contrast to the order of the *hetairia*. The term δαμόσιος used for this refers either to public cult activities (sacrifices) or – more likely given the context – to public cult officials, in this case seers. This is also characteristic of a *polis*, which was always also a religious community. Ledrinoi therefore had its own cult organization.

In addition, the *polis* also had its own judiciary system. This is evident from references to legal proceedings and decisions in legal cases (l. 11 μολεῖσαι = 'to litigate';[36] l. 14f. δικάζοιτο, δικάζοι). By analogy with procedural law in other Greek *poleis*, we must also assume that in Ledrinoi certain high-ranking, or even the highest, magistrates of the *polis* were responsible for ensuring access to justice, and that such office holders therefore also existed in Ledrinoi.[37] The fact that the confiscation of property is associated with the common term *demeusis* (l. 6 δαμοτεῖμεν) points in the same direction, even if the term is already used as a *terminus technicus*.[38] If the *hetairia* had an institutional character (see above) we can assume, as already mentioned, that the Ledrinians had an internal structure based on *hetairiai* as part of their political and social order.

The inscription also clearly differentiates between inside and outside, thus confirming the existence of boundaries and different affiliations. Since the decision of the Three Judges is addressed to the Ledrinians, the

35 On this aspect, see, for example, Gehrke 2000: 145 (2019: 111) with further references; on Crete, see Gehrke 1997: 49-50 (2019: 86-87).

36 Hallof 2021: 113-14.

37 The importance of maintaining such legal procedures as an element of the *polis* as a legal order and nomocracy is particularly emphasised by Gehrke in 1993 and 1995.

38 Hallof 2021: 111.

following statements apply to this *polis*. A severe punishment is banishment (l. 6 ϝάρρεν), i.e. expulsion from the political community or *polis* to another area beyond the borders, combined with a ban on return. A distinction is also made between "foreigners" (l. 13 ξένοι, l. 16 ξένος) and "citizens" (l. 16f. ϝασστοί), which is said even in polar opposition. Wherever and however the territorial boundaries of Ledrinoi were drawn, it was clear who belonged to the Ledrinian community or was a citizen of Ledrinoi.[39] This fact is reflected in the Greek name (not apparent in our translations), which here – as in other cases, *e.g.* Delphi – does not distinguish between the *polis* as such and the totality of its citizens: both are called Λεδρῖνοι. Everything else we know about Ledrinoi, which will be discussed later, is consistent with these important observations gleaned from the inscription.

But that is only one side of the coin. The very designation of *demeusis*, *i.e.* confiscation, points to another power beyond the Ledrinians. The confiscated property does not go to their δᾶμος or their *polis*, but to Zeus Olympios. The same applies, as we have seen, to all other penalties, which in normal cases also ended up in the 'state treasury' in comparable proceedings. However, the temple treasure of Zeus Olympios, like the sanctuary and the cult rituals held there, including the famous Olympic Games, was under the control of Elis, whose territory also included the area around Olympia itself, Pisa or the Pisatis.[40] This transfer of fines is certainly not only due to the religious reverence of the Three Judges or the Ledrinians, especially since the tablet with the decision itself was also consecrated in the sanctuary and published there, *i.e.* in the territory of Elis.

However, Elis's contribution becomes clearer in the form of the inscription itself, in the heading and the final provisions on conformity with the law and publication/dedication. The heading was not written by the Three Judges themselves, "for the judges, who describe themselves as ξένοι in line 13, would hardly have referred to themselves as

39 On the meaning of the *polis* as a community (in addition to its territorial connotation), see especially Hansen 2004: 39 with further references.

40 See Gehrke 2020; 2023.

Πελλανεῖς."[41] Even more important is the end with a second *res judicata* clause, which would in itself be superfluous after the preceding ensuring provisions. Also mentioned here, quite obviously by a third party (and partly in keeping with the heading), are the "Pellenians" and the "Ledrinians" (lines 17f.). As things stand, this third party can only be Elis. Klaus Hallof therefore attributes the heading and closing formula "undoubtedly to the Eleian editors."[42]

Such editing can also be detected in the text of the inscription itself, which reproduces the decision of the Three Judges from Achaean Pellene. As a result, it is also written in the Achaean dialect, a "diplomatic *koine*," as Sophie Minon has put it.[43] However, there are also quite a few elements of the Eleian dialect. These cannot all be attributed to the scribe,[44] but rather to negotiations and consultations between the Pellenians and the Eleians. Ledrinians may also have been involved, whose dialect can be assumed to have been close to the Eleian of Elis.

More important, however, as already indicated, is the final clause under Eleian responsibility. Since this clause was edited by the Eleians, one may assume, along with K. Hallof, that the determination of legal conformity and legal validity, i.e. the second *res judicata* clause, refers to the Eleian legal system. In that case, the decisions of the Three Judges for the Ledrinians would also have been lawful in Elis. As clear as the affiliations were in relation to the Ledrinians, they are just as open here in relation to the Ledrinians and the Eleians. The Ledrinians are independent on the one hand, but integrated into Elis on the other. For example, could an exile have sought refuge in Elis? Or would his banishment also apply to the Eleian territory?

What happened in the run-up to and in the context of the decisions attested to by the inscription can therefore be summarised as follows: Ledrinoi had been rocked by serious internal conflicts, leading to a *stasis*. However, internal peace was restored, probably with the involvement of Elis. The final settlement was entrusted to independent judges from

41 "denn die Richter, die sich l. 13 als ξένοι bezeichnen, werden kaum von sich selbst als Πελλανεῖς gesprochen haben" (Hallof 2021: 105).

42 "zweifellos der elischen Redaktion" (Hallof 2021: 103, see further *ibid.* 119-20).

43 Minon 2021.

44 Hallof 2021: 103.

Achaean Pellene, at this point at the latest with the active participation of the Eleians. These judges were granted extraordinary powers and regulated affairs in Ledrinoi. A specific group, a *hetairia*, was held responsible for the unrest and its activities were prohibited.

If we now examine more closely the ambivalence in the relationship between Elis and Ledrinoi that is apparent in the inscription, and thus also consider the question of belonging and the drawing of boundaries, it seems natural to look at Elis itself and its political constitution. Much has already been said on this subject, so I can be brief here.[45] It should be noted that the political union of the Eleains prior to the *synoikismos* in 471 had a rather complex internal structure in which federal elements are recognisable.[46] In addition to a central level, there were subunits with a certain degree of self-government. This may already indicate that the political elites of the Eleians had experience in dealing with different forms and levels of organization.

In our context, however, it is more important that the Eleians had established a system of alliances beyond their own union – and thus also beyond its borders – probably since the sixth century, perhaps starting even earlier. In ancient sources, the terms *perioikoi* and *symmachoi* are used for this, the latter appearing for the first time in an Eleian bronze tablet from the last quarter of the sixth century. This tablet contains a legal regulation on Olympic wrestling that applies to both Eleians and members of the *symachia*.[47] The wording itself reveals a dialectical relationship between unity and difference. But the law is an Eleian one. This reflects exactly what can be inferred from the new inscription discussed here.

In fact, Ledrinoi also belonged to the symmachy mentioned in the bronze tablet.[48] The concept of the *perioikoi*, but also the possible analogy

45 My position can be found in Gehrke 2020 and 2023. Grote 2019 is also important here.

46 As already mentioned, this has been highlighted in particular by Nafissi 2003.

47 *NIO* 2 (Minon 2007: n. 5), l. 5: τᾶς συμ<α>χίας, l. 6: τᾶς συμαχίας (cf. also Nafissi 2003: 26-27).

48 On the symmachy, cf. Gehrke 2023: 195 n. 42.

of a hegemonic *symmachia*, suggest a clear relationship of dependence.[49] However, historical parallels should caution against viewing this in an overly clear-cut and one-sided manner. Swiss history, for example, has the term "zugewandte Orte" (facing places, i.e. associated territories or communities), which seems to me to be quite appropriate for describing relationships such as the one discussed here. It better reflects the circumstances that have developed over time and vary from case to case.

In any case, given the presumed complexity, an individual examination is necessary rather than generalized descriptions. As far as Elis and Ledrinoi are concerned, such an examination is entirely possible, which is a stroke of luck, even beyond the new discovery. First of all, Ledrinoi's location fits very well with the term *perioikoi*. The location is north of the mouth of the Alpheios, probably in the area of today's Pyrgos or Agios Ioannis.[50]

According to Pausanias, Ledrinoi had been friends with Elis "from the beginning."[51] One may not give much credence to this yet. However, there is striking and varied evidence of Ledrinoi's connection with Elis. This is particularly evident in the religious and cultic sphere.[52] The connection was thus anchored in the rituals and imaginations of those involved, precisely where a sense of belonging is particularly strong. This is already evident in the fact – and here the aforementioned location

49 See, for example, Minon 2007: II 484-85 on Skillus. Roy (2004: 493-501) has attributed these places (along with Ledrinoi Amphidolia, Lasion, Marganeis, Thraistos) directly to Elis as perioikic communities; in another context (Roy 2015), he even speaks of a "*polis* Elis with a very large territory by Greek standards, and a network of allies subordinate to it" (284). For Shipley 2018: 22, they were even "less free than the Spartan's *perioikoi*." K. Hallof also assumes a relatively clear dependence on Elis (2021: 119-22, with Skillous as a possible parallel). A differentiated picture is offered by Grote 2019, who, in his own way, also points to a mixed or dual structure of Eleians and members of the perioikic communities (171-74) and follows this with the hypothesis that the *synoikismos* of 471 essentially meant further integration of the *perioikoi* (181-86).

50 A clear decision is not possible. For the two variants, see Leake 1830: 33; Buchon 1843: 503 with the most detailed information; further references in Papachatzis 1979: 392 n. 1; Maddoli et al. 1999: 374; Roy 2004: 499-500; Ruggeri 2004: 171; Taita 2007: 47 with n. 20.

51 Paus. 6.22.10.

52 See in particular Eder forthcoming.

plays an important role – that Ledrinoi was located on the great processional road of the Olympic Games between Elis and Olympia, on the so-called Sacred Way[53] or πομπικὴ ὁδός.[54]

One of the central rituals, a genuine part of one of the most important festivals not only for Elis but for the entire Greek world, was therefore dependent on cooperation and good relations between Elis and Ledrinoi. For this reason alone, the Eleians had to keep an eye on conditions in Ledrinoi to ensure they remained friendly. For their part, the Ledrinians enjoyed a considerable increase in prestige in the eyes of the entire Greek public. This was not only a source of pride, but also a reason to be on particularly good terms with the Eleians, not least out of self-interest. Through long and close cooperation, such a rational bond could easily take on emotional characteristics.

But the connections went far beyond that. They were linked to cults that had a very special significance in and for Ledrinoi, at the mouth of the Alpheios. There was a specific connection between the river or the river god Alpheios and Artemis. This connection consisted of ritual and mythical-narrative elements and was present precisely in Ledrinoi. It was probably the most important feature of local religiosity. There was a temple dedicated to Artemis Alpheiaia, which still existed, its cult image intact, in Pausanias' time, when Ledrinoi was already quite dilapidated.[55] This sanctuary is probably to be identified with the sanctuary of Artemis Alpheionia or Alpheiousa at the mouth of the Alpheios, which is attested elsewhere. Traditions concerning paintings by the Corinthians Kleanthes and Aregon that were visible there indicate that this sanctuary already existed in the seventh century.[56]

53 Paus. 5.25.7

54 Paus. 5.15.2. For its course, Partsch 1897: 6-7 remains fundamental. – On the significance of such sacred roads, see now Mohr 2013.

55 Paus. 6.22.8-10; a relation of this temple to the sanctuary of Artemis Alpheiousa and Alpheionia (Str. 8.12.12) should be considered (see Maddoli et al. 1999: 374; Ruggeri 2004: 175-76; however, otherwise Partsch 1897: 6; Taita 2013: 379-80), if one takes Paus. 6.22.8 to refer to the territory of Ledrinoi (see also above).

56 Strabo 8.3.12; Ath. 8.346bc; on the dating of these works of art Taita 2013: 378 (with further references); on the sanctuary and its cult, see also Weniger 1907: 103-8. According to Walbank 1957: 525 this sanctuary is to be linked to the Artemision mentioned in Polyb. 4.73.4.

However, Artemis Alpheionia or Alpheiousa, who was central to the Ledrinians, was also worshipped in Olympia itself, with an annual festival.[57] Significantly, the river god Alpheios, who was so closely associated with Artemis in Ledrinoi, not only had his own altar in Olympia, but also one shared with Artemis. And these were included in the monthly sacrifices of the Eleians.[58]

Significantly, this also had an impact on the intentional history: Ledrinoi's eponymous city founder Letreus (one should probably say Ledreus now) is said to have been a son of Pelops, whose mortal remains were even kept there according to one version.[59] Thus, this particular demigod, who had become the 'state hero' of the Eleians around 600[60] and whose tomb in Olympia enjoyed central veneration,[61] also belonged to Ledrinoi, thus linking Ledrinoi, Olympia and Elis. The Eleians even amalgamated the cult of Artemis Alpheiaia (probably to be identified with the above-mentioned Artemis Alpheionia or Alpheiousa), which was based in Ledrinoi, with the cult of Artemis Elaphiaia, which was important to them. One month of their calendar was called Alphioios.[62] The strong religious-cultic connection between Ledrinoi, Olympia and Elis may also have been the reason why in Ledrinoi – following the Olympic model – the seers had a special significance, as we have seen.

In any case, the Eleians and Ledrinians were very close, especially in religious matters. This gives Pausanias' remark about the traditional

57 Strabo 8.3.12.

58 Herodoros (*FGrHist* 31 F 34 (schol. Pind. *Ol.* 5.10)); Paus. 5.14.6 (cf. Maddoli & Saladino 1995: 213 with Weniger 1907: 98-101, 108-9); schol. Pind. *Nem.* 1.3, cf. also Maddoli et al. 1999: 376; Ruggeri 2004: 175-76; Sinn 2004: 175-76, who incidentally considers an annual procession between the Artemis Alpheiaia temple and Olympia (Sinn 1981: 41). A bronze mask of a river god found in 1975 at the mouth of the Kladeos could be related to the Alpheios cult (Moustaka 2009/2010, cf. Pilz 2020: 139-40 n. 1071).

59 Paus. 6.22.8; Lycophr. *Alex.* 53-54 with schol.

60 Kyrieleis 2012/13: 82.

61 Particularly impressively described by Pind. *Ol.* 1.88-93; see also Paus. 5.13.2-3.

62 Paus. 6.22.10; Weniger 1907: 108; Trümpy 1997: 199-201; Ruggeri 2004: 174-75 with n. 556; Pilz 2020: 38-41, 173-74 (who understands amalgamation as an aspect of dependence on Ledrinoi, but this does not fit with the explicit emphasis on friendship in the relevant passage in Pausanias and, in particular, the name of the month mentioned).

friendship between Elis and Ledrinoi a certain significance. All this suggests that we should not judge the Eleians' intervention in the Ledrinian *stasis* solely from the perspective of power politics. Given the extremely close ties between the two communities, a peace-brokering intervention by the stronger party was probably more an act of friendly solidarity than political dominance. This interpretation fits precisely with the fact that the Eleians did not settle matters in Ledrinoi themselves, *par ordre du Moufti*, so to speak, but left this to judges from Pellene, whose decision was also binding on themselves.

Beyond the complex internal structure of their community, the Eleians had thus created a similarly complex system beyond its borders – certainly as a result of expansionist processes and, to that extent, supported by power – which knew varying degrees of integration, closeness and distance. The Pisatis, i.e. the area around Olympia, became part of Elis itself. Relations with Ledrinoi were based on a special closeness, even affection, which was expressed in many ways in rituals and myths and was certainly very effective. Thus, Ledrinoi was independent on the one hand and part of Elis on the other; it belonged and yet did not belong.[63] The borders in this system were both closed and open. This probably also offered an opportunity to build a larger state structure, a phenomenon that is quite remarkable in this form in Greek history.

In addition to Ledrinoi, there is further evidence of this structure. An inscription that came to light during the old excavations in Olympia[64] also attests (around the middle of the fifth century) to regulations following a *stasis* in one of the perioikic cities, namely Skillous, probably near present-day Makrisia.[65] Here, too, Elis plays an important role, and it could be that it exercised its power more strongly here, south of the Alpheios and in the area where the Triphylian *koinon* emerged in the fourth century.[66] However, the representatives appointed to draw up the

63 This fits very well with the observations mentioned by Grote 2019: 171-74.

64 Minon 2007: n° 22.

65 On the topography, Meyer 1957: 63-66 (cf. also Lauffer 1989: 622-23; *Barrington Atlas* 58 B2 Skillous) deserves preference over Heiden 2020: 9-12 (identification with the ruins near Babes), due to his detailed reasoning.

66 For this, see Nielsen 1997: 144-57; Ruggieri 2004: 73-140.

regulations (corresponding to the Three Judges in the Ledrinoi inscription) were most likely Skillountians.[67] There are also indications in the language used that a certain degree of consideration to their concerns was given.[68] Against this background, it is particularly gratifying that new evidence can now be cited to support the previous observations and conclusions.

In this context, I would first like to mention the interdisciplinary project "A multidimensional space: Olympia and its environs," on which I worked for several years with Birgitta Eder, Erofili-Iris Kolia, Franziska Lang and Andreas Vött and others (primarily with the Olympia Area Survey), and which has recently been completed.[69] It has revealed a very clear picture of the settlement pattern in the region alongside the lower Alpheios river. In the immediate vicinity of Olympia and in the adjacent area of Miraka (Archaia Pisa), there was evidence of a dense distribution of settlements. However, the sites were small and highly scattered, obviously consisting of ensembles of farmsteads, hamlets and mini-villages. Traces of larger settlement complexes, which can be interpreted as small *poleis*, were found in our study area only west of Olympia, in Epitalion at the mouth of the Alpheios and further east in Salmoni. These sites can be identified with certainty or high probability as the perioikic communities of Epitalion and Marganai. The differentiation between the territory of Elis proper around Olympia, i.e. the Pisatis, and the area of the *symmachoi* is thus reflected in the settlement structure, at least in the south of Eleia. This is further confirmed by the distribution of sanctuaries.[70]

A completely new document, which I am pleased to present here for the first time, provides further confirmation of the reconstruction given

67 The two men authorised to restore order (κατάστασις, l. 1) are also *damiourgoi* (i.e. senior officials). This suggests that they were locals and not strangers. If they had been Eleian *damiourgoi*, who also served in pairs (Minon 2007: II 499), they would have been primarily active in their homeland. If they were Mantineans (as suggested by a phrase in the text (l. 17) (Hallof 2021: 121 with n. 108 tends to this interpretation), we would have a parallel to Ledrinoi, and thus also the avoidance of direct control by Elis.

68 See Minon 1998: 192-93; Ruggieri 2000: 118 n. 7.

69 See in particular the overview by Eder et al. 2019 [2023].

70 Eder forthcoming, cf. Roy 2015: 183. On the close religious and cultic links between Elis and Olympia, see also Pirenne-Delforge 2019.

here. It is a lengthy bronze inscription (38 lines) that was only discovered on September 25, 2024 during excavations led by Birgitta Eder and Erofili-Iris Kolia in the sanctuary of Samian Poseidon near Kleidi. It not only explicitly proves the correct name of the sanctuary and its temple (which dates from the sixth century), but also provides important information about Makistos, a place south of the Alpheios, located near present-day Nea Skillountia and neighbouring Skillous.[71] It belonged to the perioikic cities that reconstituted themselves as part of the Triphylian Koinon after the defeat of the Eleians against Sparta (400, see above). The text, in which the Makistians refer to themselves as both a *polis* and a *koinon*, may even date from the early phase of this development.

On the other hand, the inscription provides striking evidence of a close connection between Makistos and Elis. The text is written in the Eleian dialect and in the corresponding script. Of particular importance are two Makistian month names that are attested for Makistos here for the first time. One is Alphioios, which is already known from Elis (see above). Since Makistos is very close to the Alpheios river and obviously extended towards it from the south, it would also be conceivable that it was genuinely connected with Makistos. The other name, however, Narkaios, clearly points to an Eleian background. Narkaios was an Eleian hero, son of Dionysos, who is also said to have founded the temple of Athena Narkaia.[72] Oliver Pilz has even hypothetically identified this temple with the central Eleian sanctuary of Athena on the local acropolis. Be that as it may, Narkaios was an important figure who was also relevant to the identity of the political union of the Eleians. The fact that he was also included in the calendar of Makistos shows a specific connection comparable to that which we can prove for Ledrinoi and Skillous, i.e. an overlap between independence and integration. This connection was so deeply rooted that the Makistians did not completely sever it even after they had gained independence. In essential elements of their life, in their dialect, their alphabet and their calendar, they remained clearly Eleian.

71 For its location, see Nielsen 2004: 544; Eder et al. 2019 [2023]: 155 n. 139; Heiden 2020: 13-15.

72 Paus. 5.16.6-7, see Kruse *RE* s.v. Narkaia; Maddoli & Saladino 1995: 287-88 and Pilz 2020: 42, 73-74.

This shows once again that ancient Greece knew complex and fascinating forms of political organization beyond the *polis* and that we must expect correspondingly complex boundaries and affiliations. Let us hope that further finds in this area (and elsewhere) will provide us with further insights!

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THE POWER DYNAMICS OF GREEK *AKROPOLEIS* IN CLASSICAL LITERARY SOURCES[1]

By Peter Liddel

Summary: Mogens Hansen's research on the *poleis* of Greece means that it is fitting to contribute a study of Greek *akropoleis* to this volume in his honour. In this article I survey references to *akropoleis* in classical literary texts. I show that accounts of *akropoleis* are very much intertwined with the history of human conflict, political power struggle (and its resolution), and the rise and fall of hegemonies and empires. Classical authors demonstrate the importance of *akropoleis* to the religious and institutional history of both city-states and empires in Greece and beyond the Greek *oikoumene*.

1. Introduction

When one encounters the notion of the *akropolis* in both scholarly and popular literature on ancient Greek history, it usually tends to be in reference to the famous rocky outcrop in the city of Athens. But other *akropoleis* have a high profile in Greek history, especially those at Lindos on Rhodes and at Pergamon. Beyond these, there is a multitude of less well-known *akropoleis* across the Greek world, many of which are attested in literary and epigraphical texts,[2] though others of which can be traced only by material remains. This paper analyses classical literary attestations of *akropoleis* in Greece and beyond. It underlines that the ancient

1 It is a great honour to contribute to a volume in celebration of Mogens Herman Hansen, and I am grateful to the editors for inviting me. Polly Low and I delivered a paper on the *Phrykiladai* in Copenhagen in December 2013, when we had the delightful opportunity to discuss *philotimia*, *psephismata*, the *polis* and much more with Mogens. I would also like to offer my gratitude to the two anonymous readers of this paper, whose references and comments have greatly improved it, and to Robin Rönnlund for his comments on drafts of this paper.

2 For a catalogue of *akropoleis* in ancient textual sources (counting 133 examples), see Rönnlund 2026: Appendix A (online-only Supplementary Material).

Peter Liddel: 'The Power Dynamics of Greek *Akropoleis* in Classical Literary Sources' C&M Supplementum 4 (2026) 225-257.

Greek word ἀκρόπολις is much more than a topographical designation: its spatiality bears broad significance, especially in terms of accounts of political struggle and its resolution.

Mogens Hansen on the Akropolis

Mogens Hansen never dedicated any articles specifically to the study of the Greek *akropoleis*, but the concept is touched upon in at least five senses in his work on the *polis*:[3]

(1) Hansen was interested in the use of the term πόλις used synonymously with the term ἀκρόπολις, approaching it in Appendix I to a 1996 article (Hansen 1996: 34-36) and discussing the original meaning of *polis* as 'stronghold' or 'citadel'.
(2) The *IACP*, candidly, never attempts to offer a dynamic definition of the term *akropolis*, but explains it as a 'stronghold' (*IACP* 42).
(3) Hansen's *IACP* chapter on the 'Polis as an Urban Centre' (*IACP* 139 with n. 19) reiterates Snodgrass' distinction between city-states which (a) emerged out of a settlement often placed on an eminence which extended downhill; and those which (b) were made up of a cluster of villages which merged into a conurbation. At the same time Hansen acknowledged that type (b) could include *akropoleis* too.
(4) Hansen proposes that whereas *akropoleis* sometimes were reserved for public buildings and sanctuaries, they also could have habitation (*IACP* 139; cf. Hansen 1996: 34). The possibility of the Athenian *akropolis* functioning in ancient times as a settlement is asserted by Thucydides (2.15.6), but it is a subject that may repay further critical analysis.
(5) As well as an intellectual inspiration, *IACP* remains perhaps the most important modern source for information about *akropoleis*: Hansen (*IACP* 137) identifies a total of 101 *poleis* which possessed "both a fortified *akropolis* and a defence circuit enclosing the lower town," adding that "at least 69 *poleis* seem to have had a

3 It is a theme of interest to scholars in Hansen's fields of ancient democracy and the *polis*: see, for instance, the 16 references to *akropolis* in the index to the 2000 volume in honour of his sixtieth birthday (Flensted-Jensen et al.).

> fortified *akropolis* only." But Hansen underplays the achievement of *IACP*: as Rönnlund notes on the basis of his own survey of the *Inventory*, the word ἀκρόπολις is used there to describe features in 306 of the *poleis* accounted for in that book (Rönnlund 2018: 33; cf. 29).

Clearly, then, the *akropolis*-theme of the current paper is inspired by the work of M.H. Hansen. Furthermore, in terms of its methodology, we share an interest in close analysis of the sources (though Hansen's level of efficiency and clarity in terms of historical exposition is inimitable). Among the principles of historical research that emerges from the work of Hansen is that the evaluation of literary references to particular terms is a key way of initiating research into the history of institutions and practices.[4] It seems appropriate, on this occasion, to progress the study of the concept of the *akropolis* in the ancient Greek world by interrogating references to it in ancient literary sources of the classical period. Indeed, Rönnlund has already demonstrated the fruitfulness of this as a starting point for an analysis of the *akropolis*-phenomenon, noting that features mentioned in literary sources as *akropoleis* can be connected with 133 physical locations in virtually every region populated by the ancient Greeks (Rönnlund 2026: Appendix A).

Classical authors referred to geographically widespread examples of *akropoleis*: even among Athenian authors, reference was not limited to the Athenian *akropolis*. In this paper I observe that such accounts of *akropoleis* are very much intertwined with the history of human conflict, political power struggle (and its resolution), and the rise and fall of hegemonies and empires. Classical authors demonstrate the importance of *akropoleis* to the religious and institutional history of both city-states and empires in Greece and beyond the Greek *oikoumene*.

4 See especially, for instance, Hansen 1995. There is more to be added about the nuances of Hansen's working methods than those noted by Piovan 2025; see, for instance, his distinction between 'survivals' and 'accounts' of democracy (Hansen 1999: 9-10) and his treatment of 'ideals' and 'evaluations' of the subject (Hansen 1999: 23-26). For his comparative approach to historical analysis, see Hansen 2000a; 2000b: esp. 611-12, reflecting upon the relevance of a comparative study of *polis*-cultures to contemporary political theory and conceptualisations of politics.

Akropoleis of the Greek World

Robin Rönnlund's important 2018 PhD thesis assesses the subject of *akropoleis* from a specifically non-Athenocentric perspective and highlights the need for a broad study of the concept of the *akropolis*.[5] The time is ripe to re-think the *akropoleis* of the Greek world as a cultural and geographic phenomenon; as a space for interactions between humans of different status-groups, animals and deities; as a stage for displays of power and associated conflicts and their resolution; as a place for cult activity; as a location for the publication of the written word; and as a spatial phenomenon which was meaningful to ancient writers. Previous work on *akropoleis* (see Rönnlund 2018; 2026) draws closely upon the monumental *Inventory of Archaic and Classical Poleis* (*IACP*) edited by M.H. Hansen & T.H. Nielsen (2004), and so a preliminary study of the *akropolis*-phenomenon seems an appropriate topic to explore in an article dedicated to the memory of M.H. Hansen.

The significance of the *akropolis* is not one that can be comprehensively addressed within the confines of the current article, which will be restricted to classical Greek writings alluding to *akropoleis* in portrayals of past.[6] The main focus of this paper will be on prose writers, but fifth-century verse provides a starting point (section 2) before I move on to considering how the *akropolis* of Aristophanes' *Lysistrata* underpins the political satire of that play (section 3). Section 4 analyses the range of uses to which *akropoleis*-references are put by the Attic orators. At that point we explore the spectrum of *akropolis* references in the three extant classical historians: Herodotus (section 5), Thucydides (section 6) and Xenophon (section 7). In sections 8 and 9 we assess the appearance of the Athenian and other *akropoleis* among the work of other classical writers

5 See now Rönnlund 2026; see also Rönnlund 2015: 37-39 for the *akropolis* as a normative phenomenon with potential implications for thinking about the spatiality of the ancient Greek city-state.

6 Hellenistic (literary and epigraphical) references will be surveyed in subsequent publications (see Liddel in press; Liddel in preparation). The origins of the word ἀκρόπολις (and its appearance in the earliest poetry) are discussed by Rönnlund 2026. For the role of the Athenian *akropolis* in Pausanias' conception of Greek culture, see Pretzler 2019.

about the past. Any study of the term ἀκρόπολις in ancient Greek literature will reflect the Athenocentric perspective of some of these texts, but at the same time reveals there is much of substance in their testimonies about non-Athenian spaces.

2. Fifth-Century Poets on *Akropoleis*

Some lines of Simonides, attributed by to him by Athenaios (13.573c-d), account for the supplications of a group of women at the temple of Aphrodite at Corinth before the Persian invasion:

> These very women stood and prayed to the goddess Kypris on behalf of the Greeks and the fair-fighting citizens. For divine Aphrodite did not intend to betray the citadel of the Greeks (Ἑλλάνων ἀκρόπολιν) to the bow-carrying Persians (transl. Page 1982: fr. 14).

This passage could refer either to the physicality of the Akrokorinthos or, figuratively, to the possession of the Peloponnese (or indeed the whole of Greece), envisaged as an *akropolis*.[7] Either way, the idea that an *akropolis* could be betrayed by a deity to an enemy onslaught suggests its value in a situation of human conflict.

Pindar's *Olympian* 7, for Diagoras of Ialysos on Rhodes, describes an event pertaining to the mythical history of the island, relating how the *Heliadai* (the descendants of Helios) created a sacred precinct on an *akropolis* (ἄλσος ἐν ἀκροπόλει) and established a fireless sacrifice there (vv. 48-49). As Cairns notes, the lack of specificity about which of the three Rhodian *poleis* (Ialysos, Kameiros, and Lindos) to which it refers made the ode potentially relevant to the wider glory of Rhodes,[8] but as Rönnlund points out, Diodoros' (5.57.6) allusion to the *Heliadai* establishing a *polis* known as *Achaïa* at Ialysos elaborates the story to associate it with that location.

7 For an earlier figurative reference to ἀκρόπολις, see Theognis 233-34. I owe the Peloponnesian reading to one of the anonymous reviewers of this paper, who points out that Strabo 8.3.1 divides Greece into a series of peninsulas, with the Peloponnese as its *akropolis*.

8 See Cairns 2005: 80-81.

Tragic references to *akropoleis* also extend beyond Athens. In Aeschylus' *Seven Against Thebes* the chorus of Theban women say that they fled in trembling fear (ταρβοσύνῳ φόβῳ) to the *akropolis* (ἐς ἀκρόπτολιν), the seat of worship (τίμιον ἕδος), when they heard a clamour from their enemies (240-41). This is indicative of the image of the strength and security of the Theban Kadmeia, and their fleeing there seems to pre-empt the strategy of the women of the *Lysistrata* (see below). The theme of *akropolis* as a stronghold occurs also in Euripides' *Orestes* (1094): Orestes' friend Pylades refers to Delphi as the "*akropolis* of the Phokians" (Φωκέων ἀκρόπτολιν), perhaps metaphorically,[9] when he envisages returning home. Athenian viewers of drama, sitting on the south slope of the Athenian *akropolis*, would have had their backs to the monuments on top of the rock. But it was comedy, in the shape of Aristophanes' *Lysistrata*, that would have cast the audience's minds back to the setting of Athena's temples that loomed over the dramatic stage.

3. Aristophanes on the Akropolis

The *akropolis*-focus of Aristophanes' *Lysistrata* was noted by Rogers (1911: xviii), and Loraux underlines its importance for the operation of its comedy (1993: 148). Use of the term ἀκρόπολις ensures the specificity of the reference to the space of the citadel.[10] The women aim to seize the *akropolis* (176, 241, 262), allocating their elders to this task under pretence of making sacrifice (θύειν δοκούσαις καταλαβεῖν τὴν ἀκρόπολιν (179)), and the male chorus refer to the location as μεγαλόπετρον ἄβατον ἀκρόπολιν ἱερὸν τέμενος. As elsewhere, the capture of an *akropolis* is to be identified with the seizure of power (Loraux 1993: 152; cf. Rosivach 2008; Boyd 2017).

9 West 1987: 260 regards it as an "ad hoc designation" to connect Delphi and the land of the Phokians.

10 In the late fifth century (and down to the 380s in epigraphy), the term *polis* could still be used to refer to *akropolis*; indeed, at some points in the play the term *polis* was used to refer to the *akropolis* (e.g. 245, 266, 288, 302, 317, 754, 758, 912); see Hansen 1996: 34-36. Fowler 2013: 451 proposes that Κραναά means *akropolis* at 481.

Why did the women seize the *akropolis*? This question preoccupied the chorus of Old Men (257-63, 479-83) and it was revisited by Loraux (1993: 159-73). Strategically, they did so to capture Athena's treasury and prevent the sacred monies being used for military purposes (173-77, 422-23, 487-88). Furthermore, as Loraux shows, they seized it to appeal to the protection of Athena, in the hope that "as guests of Athena, they are under the sign of purity" (Loraux 1993: 161). But there are also historic reasons for the women's tactic: as we see below, assuming power by taking the *akropolis* is a common theme in literature. And in the *Lysistrata*, as on many other occasions, Aristophanic comedy built upon shared knowledge of, and ideas about, the Athenian past: in the first choral ode, the old men plan to besiege the space and recall the success of the Athenians' blockade of Kleomenes as he occupied it (257-318) and we are treated to a reminiscence on that event (which is narrated in Hdt. 5.72.2-4).

In a 2017 article, Paga argues that the entrance to the *akropolis* of the ancient Athenians was viewed as a space of historical struggle and memories of it, suggesting that it was "deliberately crafted by the early democracy to commemorate and serve as a site for dissent, protest, and, ultimately, triumph" (Paga 2017: 155). This conclusion identifies a connection between the history of democracy and the Athenian *akropolis* which is visible in some ancient oratorical assessments (see below), but is absent, for instance, from Aristotle's view of the *akropolis* as a fortification-place suitable for oligarchies and monarchies: he recommends that a level place (ὁμαλότης) is more appropriate for democracies (*Pol.* 1330b17-20). Paga's conclusions build upon the material culture of the area and literary references, and provide a reading of the *akropolis*-satire of Aristophanes' *Lysistrata* which give a snapshot of the power-implications of Greek *akropoleis* (Paga 2017: 167-68).

4. The *Akropoleis* of Attic Oratory

As is well-known, Attic orators often dealt with ideas drawn from the past in their attempts at persuasion. Their references to the *akropolis* frequently use it as a place that is emotive of the past, evoking both positive and negative memories to their audiences. As we shall see, oratorical citations of the *akropolis* draw out its rhetorical capital in terms of power

dynamics: such references were strengthened by the visibility of the *akropolis* to those who gazed at it across the agora from the open-air law-courts (Blanshard 2014: 265) or those who were reminded of its presence to the NE of the Pnyx auditorium where the Athenian *demos* met at the assembly.

Geopolitical Perspectives on the Akropolis

Highlighting past Athenian strengths founded on the conclusion of peace treaties in the speech *On the Peace*, Andocides made (inaccurate: see Harris 2000) references to the deposit of silver on the *akropolis* as a positive outcome of the Thirty Years' Peace and the Peace of Nikias (Andoc. 3.7, 8). Aeschines formulated the same association in *On the Peace* (2.174, 175). Demosthenes in his speeches to the assembly also presented the accumulation of 10,000 tal. on the *akropolis* as an achievement of the Athenians' ancestors (3.24; 13.26).

Lysias, on the other hand, referred to the Spartan occupation of the Athenian *akropolis* to evoke memories of the dark days of enslavement at the end of the Peloponnesian War (12.94; 13.46), Athenian defeat and the end of empire. The history of *akropoleis* was also indicative of the onset of Philip of Macedon, who is said to have planted a garrison on the *akropolis* of Pherai: the author of the speech *On Halonnesos* ironically says that this was done to ensure that they would be *autonomoi* ([Dem.] 7.32). And in the *On the Liberty of the Rhodians* (15.15), Demosthenes maintains, as a measure of the Rhodians' fate, that they had admitted enslaved possessions of 'barbarians' (perhaps the forces of satraps?) onto their *akropoleis*. Hypereides' *Funeral Speech* deployed a familiar theme by referring to the Theban *akropolis* garrisoned by the Macedonians as symbolic of their annihilation and enslavement (Hyp. 6.17 with Herrman 2009: 82 summarising scholarly views on its military value).

Isocrates' rhetorical analyses formulate both positive and negative perspectives on the history of the power of the Athenians and other city-states. In the *Antidosis*, *akropolis*-references serve as a barometer of imperialism: as it did for other orators, Perikles' accumulation of 10,000 tal. (234) and gold and silver (307) there evokes his great leadership (cf. *On the Peace* 126), whereas the presence of an enemy dwelling on the Athe-

nian *akropolis* illustrated the enslavement of the city (319). In the *Panegyrikos*, paying tribute and seeing *akropoleis* occupied demonstrated the servitude of Athens' allies (123), while the razing of cities and fortification of *akropoleis* was associated with the Great King's advance into Greece (127). In the same text Isocrates also criticises Spartan aggression as misplaced by reference to their occupation of the Theban Kadmeia (126; cf. 55). In *On the Peace*, the righteousness of the fifth-century Athenians was highlighted by the fact that they still waged war against other states when they believed it right to do so even when their *akropolis* was full of silver and gold (47). In the *Areopagitikos*, the *akropolis* was part of a narrative of rise and fall: imposing garrisons on the *akropoleis* of other cities was the peak of the Athenian *demos*' power, but when The Thirty took over, the enemy occupied the Athenian *akropolis* (65; cf. *On the Peace* 92).

In the *To Philip*, however, Isocrates is critical of the Athenians' extortion of money from allies and its accumulation upon the *akropolis* (146): "No-one would praise our city because she was once mistress of the sea, or because she extorted such huge sums of money from her allies and carried them up into the *akropolis*." Yet his observation that the Thessalians have their *akropoleis* occupied by enemies from time to time despite their resources, reminds the Athenians of the dangers of arrogance and self-assurance (118).

The crucial nature of *akropoleis* to military power dynamics emerges in other speeches. In his *On the False Embassy* (19.183), Demosthenes underlined the importance of making ambassadors answerable for their speeches, given that they do not control "triremes, positions or soldiers or *akropoleis*" but rather words or times. And Demades refers to the *akropolis* in a strategic sense where he envisages fighting against his enemy, saying that they would fight "just as I would against its *akropolis*, the wall, the dockyards, and the trench" (*BNJ* 227 fr. 137). A tyrannical misapplication of the cultural capital of the *akropolis* is exemplified by the orator Democharesʼ (*BNJ* 75 fr. 1) account of Euaion of Lampsakos of the 350s, who had lent money to his homeland with its *akropolis* as the security, and once it was withheld, attempted to establish a tyranny

The Akropolis in Persuasion

Rhetorical invocations of *akropoleis* also reveal protreptic intention or critical censure aimed at the Athenian audience: at 2.74 Aeschines accuses speakers of ignoring the salvation of the state but instead cause their audiences to gaze at the *propylaia* of the *akropolis*,[11] the battle of Salamis, and the tombs and trophies of their forefathers. Lykourgos (1.17) alleges that Leokrates gazed back at the *akropolis*, Zeus Soter and Athena Promachos, which he had betrayed, without fear, as he fled Attica. And towards the end of the speech, in his account of traitors, he cited the example of Hipparchos son of Charmos, who was sentenced to death for treason, his statue taken down from the *akropolis*, and recast as a stele which they decreed should be used to record the name of sinners and traitors (117-18). Demosthenes (13.14) reports that at one point, some men broke into the *opisthodomos* of the Parthenon and stole a few oars, and that this led some men to proclaim that democracy had been overthrown and the laws nullified: this story was held to exemplify the kind of misleading interpretations that orators were accustomed to repeat at the assembly, but it suggests also the sense of anxiety that a story about intruders onto an *akropolis* building might provoke.[12]

Deinarchos' references to the *akropolis* also draw upon the past to make critical points against his enemies: whereas Aristeides and Themistocles were said to have constructed the city walls and carried up *phoros* to the *akropolis* (1.37), Demosthenes failed to embellish it (1.96). In the speech *Against Aristogeiton* Deinarchos refers to the stele of Arthmios on the *akropolis*, as a "lesson to your descendants" (2.24); Demosthenes had more to say about this decree in the *Third Philippic* (9.41) which he held up evocatively, reading it out, imploring the Athenians to consider it as they reflect upon their attitude towards traitors (cf. also Dem. 19.171-72). This moralistic assessment of *akropolis*-oriented documents emerges also in Apollodoros' speech *Against Neaira* ([Dem.] 59.105), recalling that a list of naturalised honorands who passed a scrutiny were to be inscribed on

11 As Plastow 2023: n. 5 points out, mentions of the *propylaia* could be viewed as synecdochic references to the *akropolis* as a whole. In *Against Agasikles* Deinarchos imagined the ephebes as the *skaphephoroi* making their way up to the *akropolis* (*BNJ* 228 fr. 5).

12 Demosthenes refers to the burning of the *opisthodomos* in 378/7 (24.136 with scholia) but without comment.

the *akropolis* and were set up so that the reward "should be preserved for their descendants and that each one of these might be in a position to prove his relationship to one of those receiving the grant."

Most rhetorical invocations of the *akropolis* refer specifically to the Athenian *akropolis*. But Aeschines' allegation that Epaminondas had told the Theban assembly that they should remove the *propylaia* of Athens' *akropolis* and set it up at the entrance to the Kadmeia (2.105), suggests that this type of argumentation was perceived as having appeal beyond Athens.

Orators on Institutional Practices

Andocides' *On the Mysteries* cites some institutional practices on the *akropolis* in detail: a personal pledge (*pistis*) being taken there (1.42); the *boule* (with the exception of the *prytaneis*) taking up quarters there for the night during the crisis that followed the mutilation of the Herms (1.45); the memory that the Athenians took a pledge (*pistis*) on the *akropolis* about *homonoia* to end their differences after the overthrow of The Thirty (1.76). These and other references attest to the *akropolis* as a place for the administration of profound matters related to disputes.

In Isocrates' *Trapezetikos*, Satyros described how he met Pasion at the *akropolis* for arbitration, and that Pasion made an emotional appeal to allow him an extension on his debt (18); this led to an agreement in writing and the bringing in of a certain Pyron of Pherai as the guardian of the agreement (20); we are reminded too that voting urns containing ballots naming the judges of the dramatic contests were kept securely in the *akropolis* and that a corrupt ally of Pasion, Pythodoros, had opened the seals and removed ballots (33-34).[13] The *akropolis* was a place for a settlement (*gnosis*) made as part of an arbitration, after Apollodoros received a gift of 5,000 dr from Phormio and in return agreed to release him from all demands (Dem. 36.15-17). These attestations of the working out of reconciliations are indicative of a wider role of the *akropolis* in resolving disputes under the eyes of the deities. It is unclear where upon the *akropolis* such exchanges would have taken place, but it seems likely that they

13 For discussion of the motives of the removal of ballots, see Whitehead 2022: 726-27; Rhodes 1972: 131 reconstructs the process of the selection of *choregoi*.

would have done so either at a small sanctuary (Whitehead 2022: 699) or one with specific relevance to the pledge or agreement being made.

Some Demosthenic speeches refer to the *akropolis* when accusing opponents of financial misdemeanours. At 24.120, Demosthenes attacks Timokrates' law on the basis that its supporters "still retain the tithes of the goddess and the fiftieths of the other gods" and furthermore "they never brought money to the Acropolis at all when they were required" (transl. Harris 2018). And this is followed up at 128-29 with the story of the debtor Glauketes who, "as Treasurer stole from the acropolis the trophies that the city had taken from the barbarians, the throne with golden feet, the sword of Mardonius which weighed 300 darics" (transl. Harris 2018). The speaker of [Dem.] 25 discredits his enemy Aristogeiton by maintaining that he was listed on the *akropolis* as an *atimos* who had defaulted on his debts (25.4 cf. Dem 58.19, 48; *Agora* vol. XIX P26 494-95, 505, 508-9). And in the same speech (25.99) he contrasts the idea of acquitting Aristogeiton with the Athenian practice of going up to the *akropolis* on the first day of the month and praying for the blessing of the city.

While these references illustrate institutional transactions taking place on the *akropolis*, they also point up two themes of *akropolis*-based activity: its relevance as a place for the working out of disputes, whether they be between political factions or individuals in dispute; and its role as a place for the recording of financial matters (both in terms of financial accumulation and the administration of debts). Overall, the oratorical picture of the *akropolis* is one that emphasises its role in the memories of geopolitical histories and in the performance of human rivalries and, sometimes, their reconciliation.

5. Herodotus on *Akropoleis*

Akropoleis, notably those of Sardis, Xanthos, Susa, Samos and Athens, are the scenes of important events in Herodotus' histories,[14] and play a role

14 See De Bakker 2021: 12-13, observing that Herodotus uses the term ἀκρόπολις, whereas πόλις is used to describe a city as a whole; De Bakker notes also that Herodotus (7.43) refers to the *akropolis* of Troy as the "Pergamon of Priam."

central to some of his narratives, especially but not exclusively in books 1 and 8.

The first location Herodotus describes as an ἀκρόπολις is that of Sardis, capital of the kingdom of the Lydians, which, according to Strabo (13.4.6), was known to some as Hyde; it is now identified with a spur of Mount Tmolos or Bozdağ (see Müller 1997: 680-722 and 744-47). The theme of its impregnability is one which, as Asheri et al. (2007: 140) note, was a common one. At 1.15 we read that the fugitive Kimmerians captured Sardis with the exception of its *akropolis* (πλὴν τῆς ἀκροπόλιος). Later in the same book, Cyrus' capture of Sardis from the Lydians places the *akropolis* at the centre of narrative's drama: after Cyrus offered a reward to the first person to mount its wall (1.84.2), Hyroiades, a Mardian, resolved to approach the *akropolis* at an unguarded point (1.84.2) where it had seemed, owing to its precipitousness, impregnable (ἄμαχος) to its defenders. It was deemed significant that the ancient king Meles had not carried around that part of the *akropolis* the lion (said to have been borne to him by his concubine) which the Telmessians had declared would make it unconquerable, though he had conveyed it around the rest of the stronghold (1.84.3). Moreover, Hyroiades was encouraged by witnessing a Lydian descend the *akropolis* in pursuit of a dropped helmet (1.84.4) and then climb it again, and himself made the attempt, followed by a large number of Persians. This account ties together a military account of the capture of an *akropolis* (which was synecdochic for the fall of Sardis and the Lydian empire) with a mythological narrative about the apotropaic role of Meles' lion: a supernatural aspect and Hyroiades' observations are the things that make it possible to conquer the Sardian *akropolis*. The *akropolis* of Sardis appears again at 1.154 when Tabalus, its Persian governor, was trapped and besieged there by Paktyes and those Lydians who were rising up against Persian rule (1.154). Its final mention is at 5.100, where the Greeks took the whole of Sardis with the exception of the *akropolis* (χωρὶς τῆς ἀκροπόλιος), which was defended by Araphrenes in person with a considerable force. The Sardian *akropolis*, then, appears to be one which stood its ground well, until the time of Cyrus' assault.

Later in book 1, at 1.176, the *akropolis* of the Xanthians of Caria (see Müller 1997: 396-406) is mentioned as the last refuge of those fleeing the forces of the Median general Harpagus: "they took everything – wives,

children, property, and servants – to the *akropolis*, set fire to it, and burnt it to the ground" before embarking on a suicide-mission at the final stages of their resistance (1.176.2). The episode perhaps stands in contrast to the Athenians' decision specifically not to flee to their *akropolis*, a decision that evidently paid off (see below). As Rönnlund (2015: 39) notes, *akropoleis*, as locations lacking fresh water and shelter, were unsuitable as places of refuge

The *akropolis* of Susa (which Herodotus refers to also as a *pyrgos* ['tower': see Hdt. 3.74.3; 3.75.1, 3] and Strabo 15.3.2 identifies as the *Memnoneion*: see below) plays a role in the upheaval surrounding the Persian succession of 522 BC. It is said that the Magus' withdrawal within the *akropolis* of Susa led Otanes to suspect that he was not, as was claimed, Smerdis the son of Cyrus but rather an imposter (3.68.2). The isolated and introverted nature of the leader is reminiscent of the concentric fortifications at Ecbatana that were attributed by Herodotus to Deioces, but that location was described as a κολωνός ('hill' or 'mound') rather than an ἀκρόπολις (1.98.4). The narrative of book 3 involves the *akropolis* of Susa, from the walls of which Cambyses' former officer Prexaspes jumped (3.75.3) and to which the conspirators against the Magus gained access by subterfuge (3.76-77) but later abandoned their wounded there "because they were incapacitated and because the *akropolis* needed guarding" (3.79.1).

In the cases we have explored this far, it is quite possible that Herodotus is projecting a Greek idea of the *akropolis* onto non-Greek entities, but we are on firmer ground when it comes to the Greek examples he discusses. The *Samiaka* of book 3 feature the *akropolis* (probably what is now the Kastro hill with the Logothetis fortress at Pythagoreion; see Tölle-Kastenbein 1974; Müller 1987: 1013-17; Boyd 2017: 15 with n. 54) in accounts related to contested political succession, with controversial rulers exploiting the space: Maiandrios, the successor of Polykrates, walled himself up in the *akropolis* and enticed his enemies there with offers of money, and imprisoned them (3.143.1).[15] And as the Persians negotiated the re-imposition of their vassal Syloson and Maiandrios agreed

15 Boyd 2017 underlines the importance of Polyainos' account in interpreting the role of the *akropolis* episodes concerning the rise to power of Polykrates. The *akropolis* is absent from Herodotus' account (3.39-60, 120-25) of the rise of Polykrates.

to step down and leave the island, the most important Persians took up seats facing the *akropolis* (3.144). Maiandrios escaped the siege of the forces of Syloson by way of a secret passage from the *akropolis* to the coast (3.146.2, 4; 3.147.2).[16]

Stories about the seizure of the Athenian *akropolis* were significant to Herodotean narratives of political upheaval at Athens (Rosivach 2008). Pisistratus' first attempt to control the Athenians was based upon his club-carriers who helped him take the stronghold (1.59.6). His second attempt drew upon the rhetoric of control when his messengers arrived at the city and announced that Athena was escorting Peisistratus back to the *akropolis* (1.60.5).

In book 5 and beyond, the word ἀκρόπολις usually (with the exception of 5.100: see above) pertains to the Athenian example (see Müller 1987: 604-35). It was the setting for Kylon and his supporters' attempt to make himself tyrant at 5.71.1; the failure of this undertaking led him and his supporters to take sanctuary as a suppliant at the statue of Athena, though they were persuaded to remove themselves from that position. In the next chapter, Herodotus relates the account of Kleomenes' attempt in Athens: when the council resisted his orders to disband, he occupied the *akropolis* with Isagoras and his supporters (5.72.2) and spent two days there. When Kleomenes climbed the hill to seize the *akropolis* and intended to enter the sanctuary of Athena, the priestess objected to his presence there on the grounds that he was a Dorian (5.73.2), to which he responded that he was an Achaian. Kleomenes eventually escaped (5.74.1), and we discover later on that during his occupation of the *akropolis* he uncovered certain prophecies (*chresmoi*) of coming disasters (5.90.2) that had previously been in the possession of the Peisistratids, who had left them in the temple upon their expulsion from Athens.

In these stories, the Athenian *akropolis* emerges as a place for the launching of a political attempt but also has a role as one of political refuge and suppliancy. Such notions of sanctity and religious entitlement make the space a more dynamic one, while particular details in Herodotus' text elucidate the writer's experience of the *akropolis*. A little further

16 Rönnlund informs me that in his experience of contemporary Thessaly, stories featuring hidden subterranean tunnels leading down from hilltops are still today widespread in local traditions.

on in book 5 (5.77.3), he tells us that the Athenians dedicated the fetters with which they had bound the Chalkidian and Boiotian prisoners, hung on the walls which the Persian fire scorched; he describes and cites the dedicated bronze chariot with quadriga to Athena, which, he writes, "is the first thing you see on the left as you pass through the Propylaia on the *akropolis*" (5.77.4).[17]

In the Persian wars sections of Herodotus' work the *akropolis* gets a mention for its association with cult, at the point where, after Pheidippides' advice, the Athenians decide to construct a shrine to Pan on its slopes (6.105.3). The *akropolis* crops up in a story, cited from Hekataios, about the interaction between the Athenians and the Pelasgians (at 6.137.2) and the fortification of the hill. It is clear, then, that Herodotus' account is very much wrapped up with lore about the Athenian *akropolis*.[18]

Book 7 contains only a single reference to the *akropolis*: that is to the (mistaken) interpretation by some older men (*hoi presbuteroi*) of Apollo's second prophecy to the Athenians, that the wooden wall of the oracle was a reference to the *akropolis*' thorn-hedge and meant that the *akropolis* would not fall (7.142.1). Crucially, of course, the majority of the Athenians did not flee to the *akropolis* and therefore did not suffer the fate that the Xanthians had endured earlier when they had fled to their *akropolis* (see above, on 1.176.2).

Chapters 41-56 of book 8 are the richest section in terms of frequency of reference to the *akropolis*, which takes centre stage in the narrative at the time of the Persian invasion. Just before the battle of Salamis we are told that the Athenians feared that the goddess had abandoned the *akropolis* on the grounds that that the great snake (representing Erechtheus/Erichthonios) which lived there and was said to guard the temple had stopped consuming the monthly honey-cake that was left out for it (8.41.2-3). The other mentions are essentially related to military detail: at 8.51.2 the Persians found Athens abandoned apart from the few (treas-

17 See Allgaier 2022: 25-26.

18 See Fowler 2013: 85-86 n. 5 critiquing Jacoby's proposal that Herodotus was the first to combine two originally separate stories (one about the Pelasgians and the *akropolis* wall; another about the Lemnians who raided Brauron).

urers and poor people) in the temple of Athena Polias who had barricaded the *akropolis*. The Persians occupied the Areopagus (opposite the *akropolis*: 8.52.1) but the Athenians continued to defend the *akropolis*, rolling boulders down its slopes (8.52.2). The Persians accessed the fortress by attacking the place "behind the way up to the gates" (ὄπισθε δὲ τῶν πυλέων καὶ τῆς ἀνόδου) "where the ascent was so steep that no guard was set, because it was thought to be inaccessible …" (τῇ δὴ οὔτε τις ἐφύλασσε οὔτ' ἂν ἤλπισε μή κοτέ τις κατὰ ταῦτα ἀναβαίη ἀνθρώπων: 8.53.1). In some sense (as noted by Bakker 2021: 12) this is reminiscent of the belief that the *akropolis* of Sardis would, owing to its precipitousness, be impregnable (ἄμαχος) at 1.84.2 (see above) in the description of Hyroiades' capture of it.[19] The *akropolis* then became the scene for dramatic action, as some Athenians leapt from the wall to their death, others sought sanctuary within the temple; but the Persians are said to have slaughtered those who remained, stripped the temple of its treasures and burnt everything (8.53.2; the remains of archaic evidence demonstrate that not everything was destroyed; cf. below on *BNJ* 688 fr. 13). Later Xerxes ordered those Athenians who were fighting alongside him to mount the *akropolis* and sacrifice there, and Herodotus speculates that he was led to do this by some dream or perhaps his guilty conscience for burning the temple (8.54). This leads to another *akropolis*-detail: the eighteen-inch shoot that sprang from the sacred olive the day after it was burnt down (8.55), a story that follows a pattern of Greek foundation myths (Bowie 2007: 144). Nevertheless, the news of what had happened on the *akropolis* disturbed the Athenian naval commanders at Salamis, and it led some of them to take flight (8.56).

So: in Herodotus, the *akropoleis* of the Greeks and non-Greeks (we return to non-Greek *akropoleis* at the end of section 9) are the scenes of military and political upheavals, but also human responses to cult activity and religious lore about these locations (involving oracles, snake, lion and an olive shoot). Bringing these references together suggests the Athenians' *akropolis*-decisions compared favourably those of the Xanthians or even the Lydians (whose capitulation was long-lasting), and we

19 As Bowie (2007: 140) points out, the motif of the 'unguarded stretch of wall' is also deployed in the account of Babylon: see Hdt. 1.191.

might even suggest that one appreciates Herodotus' account of the Athenian *akropolis* more profoundly by comparing it with those of other strongholds.

6. Thucydides

The references to *akropoleis*, clustering episodically in the first two books of Thucydides' work, are to the Athenian example. 1.126.3-12 is an account, touching upon ground covered in Hdt. 5.71 (see Hornblower 1996: 140), of Kylon's seizure of the *akropolis*. Thucydides adds the detail that he was instructed by Apollo to make the attempt (1.126.4), and also that Kylon escaped but that it was his supporters who took refuge at the altar of the God (1.126.10).

The first two references to *akropolis* in book 2 highlight its financial significance: at 2.13.3 Thucydides cites the 6,000 tal. of coined silver held there, "out of the 9,700 that had once been there, from which the money had been taken for the propylaia of the *akropolis*, the other public buildings and for Potidaia." And he reports at 2.24.1 that the Athenians resolved to set aside a fund of 1,000 tal. from the *akropolis* accumulation which could be used only for the purposes of defending the city in the case of an attack by sea.

But the most extensive Thucydidean meditation on the Athenian *akropolis* comes at 2.15.3-2.17.1, which reveal how it was embedded into conceptions of the distant Athenian past. In his account of the evacuation of Attica in 431 BC, he zooms back to Athens in the time of Theseus, noting that before its *synoikismos*, their city consisted of the *akropolis* and the district to the south (2.15.3). This, asserts Thucydides, is demonstrated by the fact that the temples of the other deities are located in the *akropolis* or are in that part of the city (2.15.4-5). He adds also that, on the grounds of their former settlement in that part of the city, the *akropolis* was still known to the Athenians as *Polis* (καλεῖται δὲ διὰ τὴν παλαιὰν ταύτῃ κατοίκησιν καὶ ἡ ἀκρόπολις μέχρι τοῦδε ἔτι ὑπ' Ἀθηναίων πόλις (2.15.6)). In 2.17.1 he mentions that some of those fleeing Attica moved to unbuilt parts of the city or temples, but that among the places exempt from settlement was the *akropolis*: this he explained on the grounds that

the part of land below the *akropolis* known as the Pelargikon was forbidden from occupation by a curse. The other mention of the Athenian *akropolis* in Thucydides is that at 6.55.2, a citation of the stele commemorating the crimes of the tyrants (στήλη περὶ τῆς τῶν τυράννων ἀδικίας ἡ ἐν τῇ Ἀθηναίων ἀκροπόλει σταθεῖσα), which supports his inference that only Hippias of the legitimate Peisistratid sons had children.[20] Thucydidean references to the Athenian *akropolis* are informative about its role as a financial storehouse, but reveal also how embedded it was into ideas about the more distant past.

Once we move past book 2 of Thucydides, the other mentions of *akropoleis* are those of other cities at times of political or military struggle, concerning communities fleeing into *akropoleis* or surrendering them: in book 3.72.3 the popular party in the Corcyrean *stasis* fled to their *akropolis* and other higher parts of the city; at 3.90.3 the Athenians forced the people of Mylai to surrender their *akropolis* after an assault on their fortifications. The Athenians had less success in their expedition against the Sikel town Inessa, the *akropolis* of which was held by the Syracusans (3.103.1). At 4.26.2 there is a mention of the quality of the spring-water (cf. Hornblower 1996: 184) on the *akropolis* of Pylos as symptomatic of the difficulties that the Athenians faced in sustaining themselves when they were besieging the Spartans at Sphakteria. At 4.130.6 the Mendaeans fled to their *akropolis* before the Athenians cut them off by connecting it to the sea with walls and setting guards along the walls (4.130.7); the Mendaeans besieged on the *akropolis* shortly managed to force their way through the guard on the coast and reached the city of Skione in the darkness (4.131.3). And the final mention is that at 8.108.5 where the Antandrians of Troas drive Arsakes' garrison out of their *akropolis*.

As Hansen (1996: 35) notes, Thucydides uses the term *akropolis* both in the sense of an 'eminence used as a settlement' (Mylai) or as a 'fortified place devoid of human habitation'. But, beyond Athens, Thucydides' mentions of *akropoleis* are generally more tightly circumscribed than those of Herodotus and are usually made concisely in reference to political struggle or military developments.

20 For extensive discussion of this example, see Allgaier 2022: 122-30.

7. Xenophon

Xenophon's references to *akropoleis* play the same functions as do some of those in the work of Thucydides, but they are more vividly described and more closely embedded into his details of political upheaval, armed struggle and religious practice. There are some key moments that take place on the Athenian *akropolis*. In his account of The Thirty, Xenophon describes their confiscation of arms of those who were not included among the 3,000 and their storage in the temple on the *akropolis* (2.3.20). And after the retreat of Pausanias' occupying troops and their disbandment, the men from Piraeus, bearing arms, went up to the *akropolis* and sacrificed to Athena (2.4.39), which would have symbolised the renewed unity of the city (Krentz 1995: 153) before their generals called a meeting of the assembly (2.4.40). Some decades later, just after the battle of Leuktra, a garlanded Theban herald announcing the rout of the Spartans found the Athenian *boule* in session on the *akropolis* rather unimpressed by the news (6.4.19-20).

Xenophon's observations on non-Athenian *akropoleis* sometimes demonstrate not just military capabilities but religious proclivities of his subjects. As soon as the Spartan Derkylidas persuaded Meidias, the governor of Skepsis, to admit him to the city, he sacrificed to Athena on their *akropolis* and led Meidias' garrison troops outside the walls (3.1.21). Later, when Meidias felt persuaded to admit Derkylidas to the neighbouring city of Gergis, the first thing Derkylidas did was to go up to the *akropolis* and, with his followers, again sacrifice to Athena (3.1.23).

Xenophon reveals a strong association between political freedom (*autonomia*) with garrison-free *akropoleis*: accordingly, when Pharnabazus and Konon came to attempt to liberate cities, they dragged out the Spartan harmosts and reassured the populations that they would not fortify their *akropoleis* (deploying the type of language that orators used when warning of the coming of Philip: οὔτε ἀκροπόλεις ἐντειχίσοιεν ἐάσοιέν τε αὐτονόμους (4.8.1); cf. [Dem.] 7.32). This was welcomed by the people of the cities, who sent gifts to Pharnabazus as symbols of friendship (4.8.2). This same theme of the centrality of the *akropoleis* to the freedom or subjection of a city emerges also in the narratives about the occupation of the Theban Kadmeia in 382 BC. The Theban Leontiades, on friendly terms with the Spartans, instructed Phoebidias to follow him with his hoplites

so that he could lead him to the *akropolis*, adding, "once this is done, you may consider that Thebes will be entirely under the control of Sparta and of us who are your friends" (5.2.26). On the day of the occupation the women were celebrating the *Thesmophoria* in the Kadmeia (5.2.29) and the council was meeting in the agora, and so Leontiades was able to lead Phoebidias to the *akropolis*; once he was established there he gave him its key on the understanding he would not admit others without prior orders (5.2.29); Leontiades then declared to the council that the Spartans "were now in control of the *akropolis* but that they should not be dismayed" (Λακεδαιμόνιοι κατέχουσι τὴν ἀκρόπολιν, μηδὲν ἀθυμεῖτε (5.2.30)). The Spartans then cemented their control of Thebes by installing a garrison on the *akropolis* (5.2.35). Shortly after, the occupation of *akropoleis* was a policy pursued by Agesilaus elsewhere, and when the Phleiasians refuse to hand theirs over, he invaded their territory and besieged their city (5.3.16).

Moralistic reflection is never far away from Xenophon's narrative, and the *akropolis* plays also a role in this when we come to the beginning of the end of the Spartan occupation of the Kadmeia and the disappearance of Spartan supremacy (5.3.27). 5.4.1 opens with the declaration that many examples from history demonstrate the gods are not indifferent to irreligion or evil, and Xenophon substantiates this by reference to the Spartans' seizure of the Theban *akropolis* when they had sworn to leave the cities independent and, still worse, to "the Thebans who had brought them into the *akropolis* with the aim of enslaving their city to Sparta" (τούς τε τῶν πολιτῶν εἰσαγαγόντας εἰς τὴν ἀκρόπολιν αὐτοὺς καὶ βουληθέντας Λακεδαιμονίοις δουλεύειν τὴν πόλιν (5.4.1)). Shortly afterwards, the Theban exiles made an attack on their *akropolis* where the Spartan harmost was stationed (5.4.10). Encouraged by the offer of prizes to the first man to break into the *akropolis* their enthusiasm undermined the morale of the defenders (5.4.11). The Spartan harmost abandoned the *akropolis* without waiting for the relief force (5.4.13) and was put to death by the Spartans: clearly his abandonment of the *akropolis* had symbolic value to the Spartan hierarchy but was also, for Xenophon, the moral outcome of the episode.

Spartan sway over other city-states was reliant on the occupation of *akropoleis*: the Spartan commander of the garrison at Euboian Oreos kept

300 hostages under guard on the *akropolis* where he had his own quarters (5.4.56). But he became distracted by his visits to a lover in the lower city: this was observed by his prisoners, who seized the *akropolis* and consequently the city was able to revolt (5.4.57). And another mini-narrative with the *akropolis* at its centre concerns the rule of Polydamas over Pharsalos. When the city experienced a period of strife, Xenophon reports that he was so highly regarded that the people handed over the *akropolis* to him, and gave him the task of collecting revenues (6.1.2); he used the money for guarding the *akropolis* (6.1.3). Archaeological research, however, suggests physical structures of the *akropolis* were probably very limited at the time of Polydamas (Rönnlund 2023: 84-89), and this makes Xenophon's account all the more intriguing.

Xenophon's excursus on the history of the people of Phleious gives us a more extensive strife-narrative centred on the *akropolis*. This is part of his excursion on the history of the Phleiasians, which is said to illustrate "their fidelity to their friends, their valour in war" and their steadfastness to alliance (7.3.1) – they had remained resolutely pro-Spartan even after Leuktra – and was part of his mission to publicise the great deeds of small states (7.2.1). Xenophon narrates an account of the time when some Arcadians and Eleians met up with anti-Spartan Phleiasian exiles and launched an assault (with short-lived success) on the city's *akropolis* and occupied it (7.2.6). There follows (7.2.7-9) a dramatic account of how fighting might carry on in such an area: the citizens attacked the occupiers, who initially came out from the *akropolis* to meet them but then were driven back into it. Next the citizens poured into the space at the centre of the *akropolis* and the occupiers retreated to the walls and towers (7), and were challenged by the citizens "who made a combined charge, fighting like madmen" (8). Meanwhile, the Arcadians and Argives (advocating the exiles) arrived and tried to dig through the *akropolis* wall, and the citizens started to set fire to the towers still occupied from below, bringing sheaves of corn which had been cut on the *akropolis* itself. Accordingly, in defeat the occupiers jumped off the towers, fell off the walls (8) and gave way, and before long the whole *akropolis* was cleared of them (9).

The next chapter consists of an account of upheaval at Sikyon and also contains a significant element of *akropolis*-activity: Aeneas the

Stymphalian, general of the Arkadians, decided that things at Sikyon were unbearable and so went up to the *akropolis*,[21] and summoned a meeting of the aristocrats inside the city and recalled those who had been exiled without a popular vote; Euphron was terrified and fled (7.3.1-2). Xenophon carries the narrative on with the story of Euphron, and says that at another time of conflict between the aristocrats and the democrats he realised that "so long as the Thebans were in the *akropolis* he could not control the state" (7.3.4); he then negotiated on the *akropolis* with the Thebans to banish the aristocrats but was assassinated while the Theban official and council were holding a session there (7.3.4-5; cf. 7.3.9). The final mention of the *akropolis* in *Hellenika* is that in the description of civil strife in Elis, where the party of Charopos with Arcadian help seizes the *akropolis* (7.4.15).

What sets Xenophon apart from his predecessors is, perhaps, the relative frequency with which narratives take place on *akropoleis* of city-states: their relevance to civic histories of political strife and even geopolitics is clear, but Xenophon makes a case for a moral aspect too.[22] *Akropoleis* appear to be central to Xenophon's vision of how and where spectacular upheavals take place and are important to his narrative strategy for describing them.[23] His setting of scenes upon *akropoleis* may reflect an appeal to consensus expectations about their significance in such scenarios. Xenophon's work makes the case strongly that there is more to the historiography of *akropoleis* beyond Athens.

21 As Rönnlund advises me, there is no archaeologically attested urban settlement of Sikyon at the time before Demetrios Poliorketes, and this may refer to an *akropolis* in a much looser sense.

22 *Akropoleis* crop up in other works of Xenophon: in the *Hieron* he offers a reflection on the tyrant who covets "cities, lands, harbours, and strong *akropoleis*" (ἀκροπόλεων ἰσχυρῶν): I am grateful to Professor Marceline Boyd for this reference. Other mentions add little to the impressions from the *Hellenika*: *Cyr.* 7.2.3 (an enslaved person as an *akropolis* guard); *An.* 1.2.1 (troops garrison *akropolis*), 1.2.8 (a palace of the Great King in Kelainai, strongly fortified and situated at the foot of the *akropolis*), 1.29 (the defeated Xerxes builds the palace and *akropolis* of Kelainai), 1.6.6 (*akropolis* of Sardis), 7.1.20 (Eteonikos' escape to the *akropolis* and subsequent action).

23 On Xenophon's representation of space and his topographical thinking, see Dan 2014; on his presentation of spectacular scenes, see Harman 2024: 16-20.

8. Other Texts on the Athenian Akropolis

At this point we turn to explore texts outside the three significantly extant Greek historians to think first of all about some texts with local interests: they draw upon a wide spectrum of *akropolis* themes, which assert its breadth of meanings (including power relations, myth, cult and monumentality) to their contemporaries.

The author of the *Ath. Pol.* mentions the *akropolis* in relation to narratives familiar to readers of Herodotus and Thucydides, in particular those relating to the rise of Peisistratos (14.1, 15.4), the story of the tyrannicides (18.3), the incursion of Kleomenes and defeat of Hippias (19.6, 20.3), and the Spartan garrison there (37.1). As do Thucydides and Herodotus, the *Ath. Pol.* reports inscribed material from the *akropolis* to support a narrative account (the inscription on Anthemion's dedication demonstrating his elevation to the *hippeis* (7.4)). And in terms of institutional description, at 55.5 we are told that office-holders took an oath on the *akropolis* before entering office; at 60.3 the author explains that the archon held the *aparche* of sacred olive on the *akropolis* until the time of the Panathenaic festival. In short, mentions of the *akropolis* in the *Ath. Pol.* seem to highlight its role in the sometimes violent negotiation of power-relations but there is some attention paid to institutional activities (including pledges) that are undertaken there.

The Athenian *akropolis* attracted the interest of historians (both Athenian and non-Athenian), predating, contemporary with, and subsequent to Herodotus, Thucydides and Xenophon. In the case of Athens, some of these accounts involve the mythical group who frequently crop up in the history of that people, the Pelasgians. As noted above, Herodotus (6.137) quoted Hekataios of Miletos (6th century BC: *BNJ* 1 F127) for a story about the construction of the Pelasgian wall around the *akropolis*. According to Dionysios of Halikarnassos (*Ant. Rom.* 1.28), Myrsilos of Methymna (3rd century BC: *BNJ* 477 fr. 9) said that the Pelasgians, who became known as Pelargians owing to their wandering round Greece and beyond in flocks, erected the Athenian wall around the *akropolis* known as the Pelargikon.

Other accounts of stories involving deities and heroes of the Athenian *akropolis* include those of Akousilaos of Argos (early 5th century BC: *BNJ* 2 fr. 30), who reported that Erechtheus sent his daughter Oreithyia as a basket-bearer to the *akropolis* to sacrifice to Athena Polias. Philochoros

of Athens (4th century BC: *BNJ* 328 fr. 93) states that it was during the time of the first Athenian king Kekrops that the olive tree on the *akropolis* first grew; the writer Amelesagoras (ca. 300 BC?: *BNJ* 330 fr. 1) explained that crows did not fly towards the Athenian *akropolis* by reference to an encounter between such a bird and Athena who was carrying the mountain which would become Lykabettos.

Local historians of Attica also make reference to cult activity on the *akropolis*: Philochoros reports that there was a sanctuary (*hieron*) of Demeter Chloe there, at which the Athenians sacrificed during the month Thargelion (328 fr. 61); Antiochos (unknown date: *BNJ* 333 fr. 1) says that there was a temple of Akrisios on the Athenian *akropolis*. Omens could be read into events that took place there: Philochoros reports that the appearance of a dog on the *akropolis* was interpreted as an omen about the return of exiles (*BNJ* 328 fr. 67). Atthidographers and other fragmentarily preserved authors make reference to the Athenian *akropolis* in accounts of historical events that are treated in extant writers: the 700 tal. that Harpalos brought to the *akropolis* is central to that Alexander-era narrative (Philochoros *BNJ* 328 fr. 163; cf. Hypereides). Ephoros' statement that Pericles spent a larger part of Athenian money on the *akropolis* than on the war, however, adds little to our understanding of either the *akropolis* or of Periklean finances (4th century BC: *BNJ* 70 fr. 193). Ktesias' detail (5th century BC: *BNJ* 688 fr. 13) that Xerxes burned Athens with the exception of the *akropolis*, however, contradicts what Herodotus says about this episode (see above on Hdt. 8.53.2).

On occasion authors offer antiquarian details about the aspects of monuments of the *akropolis*: Philochoros (*BNJ* 328 fr. 36) chronicled that the Athenians began to build the *propylaia* on the *akropolis* during the archonship of Euthymenes (437/6) with Mnesikles as the architect; and Anaximenes of Lampsakos (4th century BC: *BNJ* 72 fr. 13) reported in his *History of Philip* that Ephialtes had moved the *axones* and *kyrbeis* from the *akropolis* to the agora. Kleidemos is quoted to explain that they (the Athenians) levelled the *akropolis* and set the *pelargikon* around it with nine gates (4th century BC: *BNJ* 323 fr. 16). And an anecdote about Demetrios of Phaleron (*BNJ* 228 test. 1) mentioned that there was only one remaining statue of him on the *akropolis*.

9. Other Writers on Non-Athenian *Akropoleis*

The *akropoleis* of other cities were also the subject of local historiography beyond that of Athens, and these mentions follow a similar set of motifs, and were sometimes embedded in mythological narratives concerning themes of human conflict. Hellanikos of Lesbos (5th century BC: *BNJ* 4 fr. 31) offered an account of Aeneas and the Trojans fleeing to the stronghold of Pergamos and occupying its *akropolis*, which was fortified with its own wall (καρτερὰ τοῦ Περγάμου συμφυγόντες τὴν ἀκρόπολιν ἰδίωι τείχει φρουρουμένην καταλαμβάνονται), adding that it was the place where the ancestral objects, most of their movable wealth, and the strongest troops of the Trojans, were held.

Omens too make an appearance in the stories about non-Athenian *akropoleis*: Plutarch's *Dio* 24 quotes a narrative of fourth-century BC Theopompos which accounts for a number of prodigies at the time of Dion's expedition against Dionysos and Syracuse, including that of the sea-water that washed against the walls of the *akropolis* of Syracuse becoming sweet and drinkable for the day (*BNJ* 115 fr. 331). Some *akropolis*-lore concerns the naming of the places: Hellanikos tells us that one of the *akropoleis* of Argos, the Larisa, was named after the daughter of Pelasgos (*BNJ* 4 fr. 91). The writer on Boiotian matters, Armenidas, maintained that the *akropolis* of Thebes had been known as the Isle of the Blest (3rd century BC: *BNJ* 378 fr. 5).[24]

Other texts refer to *akropoleis* in their account of political and military struggles: the *Lindian Chronicle* records the siege of the *akropolis* of Lindos by Darius in 490 or 494 (1st century BC: *BNJ* 532 fr. 4) and the relief offered to the besieged by a downpour. Another inscribed narrative, the dossier on the kings of Macedon and the tyrants at Eresos, tells the story of the tyrant Agonippos' doing something to those besieged on the *akropolis* and also arresting and confining of wives and daughters there (RO 83 γ front, ii, l. 2 and 8-10). In Plato's *Letters* (3.315d-e), Dionysios reported that he

24 This is the only source to make this identification, and may, as Schachter suggests in *BNJ*, have come up in a description of the monuments of that city. Fowler 2013: 500, however, approves Latte's view that it "originated as a joke in some (Athenian) comedian." On the names of *akropoleis*, see Rönnlund 2026: Appendix B.

had been criticised by Philistides (that is, perhaps Philistos) for remaining inside the *akropolis* (556 test. 6b); Charon of Lampsakos (5th century BC: *BNJ* 262 fr. 10) mentions that Artaphernes fled to the *akropolis* of Sardis at the time of the Ionian revolt. Ephoros (*BNJ* 70 fr. 94a) mentions Onomarchos' capture of Koroneia and seizure of its *akropolis* in his account of the Phocian or Third Sacred War (355-346 BC), an event recorded also by Diodoros (16.35.3). And the late fourth-century Hekataios of Abdera (*BNJ* 264 fr. 25) describes how an Egyptian king founded Memphis and at the same time created a metaphorical *akropolis*: "he threw up a massive earthen bank to the south which constituted an obstacle against flooding from the river as well as an *akropolis* against enemies by land."

The *Poliorketika* or *How to Survive Under Siege* of the fourth-century writer Aineias, has relatively little to say explicitly about the defence or siege of *akropoleis*. In his general recommendations he refers to loyalist soldiers as a bastion "in place of an *akropolis*" (ἀντ' ἀκροπόλεως (1.6)), offers advice about the securing of ramparts for protecting "a tyrant's *akropolis*" (ἐν τυράννου ἀκροπόλει (22.19)) and gives an account of the smuggling of an object that in the past had supported the "capture of cities and even their *akropoleis*" (οἷς ἤδη πόλις καὶ ἡ ἀκρόπολις κατελήφθη (29.1)); elsewhere he makes reference to methods by which the Theban Kadmeia was captured (24.18; 31.34). However, throughout his work, their presence can very much be envisaged at the background of his advice.

Non-Greek Akropoleis

As we saw above in a survey of the work of Herodotus, *akropoleis* (or features interpreted as such) play a role in Greek accounts of the world to the east of Greece. Diodoros' Hellenised account of Assyrian history, based possibly on the fifth-century work of Ktesias of Knidos (*BNJ* 688 fr. 1b), identifies some landscape features as *akropoleis*. Diodoros maintains that the Baktrian city of Baktra "surpassed the others in its size and the strength of the *akropolis*" (2.6.2; cf. 2.6.4, 2.6.7) but concedes that Semiramis' rock-climbing soldiers were able to enter it through a narrow cleft (2.6.8). The tomb of Ninos was said to be visible for many stadia "as if an *akropolis*" (2.7.2), and Semiramis was credited with fortifying the *akropolis* of Babylon (2.8.6). In the same narrative (2.22.3) we read that Memnon

constructed a palace on the *akropolis* of Susa, which survived until the Persian hegemony and was called the *Memnoneia* after him (see above).

Ktesias brings us back to a theme familiar from Herodotus: the Persian assault on Sardis, the *akropolis* of the Lydians. Ktesias offers an account of how the Persians tricked the Lydians into thinking that they had taken control of their *akropolis* displaying images of Persians on long wooden poles above their walls (*BNJ* 688 fr. 9b). And the *akropolis* of Lydians looms large in Xanthos of Lydia (*BNJ* 765 fr. 41a), who maintains that Cyrus brought a wagon full of gold to the *akropolis* to bring over some traitors. And there is another story about the same *akropolis* preserved by Hermesianax of Colophon (4th century BC: *BNJ* 691 fr. 1) attributing Cyrus' capture of it to the treachery of Kroisos' daughter Nanis, who offered herself in marriage to Cyrus in return for admitting his forces to an unguarded part of the *akropolis*. A version of this story is mentioned also in an inscribed chronology from Rome of ca. AD 16-20 (*SEG* 33.802.11-15).

As Francesca Gazzano points out (pers. comm.), Greek authors sometimes present *akropoleis* as a central element (especially in terms of security and conquest, or as seats of power) of the narrative history of non-Greek places which, like Sardis and Xanthos in Lykia, might not normally be classified as *poleis*.[25] This Greek interpretation of non-Greek *akropoleis* is a subject which may repay further exploration.

10. Conclusion

This assessment of classical writers with past-oriented themes has demonstrated the importance of the *akropolis* as a space not just in the history of Athens but also that of other city-states and sovereign entities beyond the Greek world. It is important to acknowledge that whereas Athenian discussions of their own *akropolis* sometimes present it as a multi-faceted space, involving money, cult, politics and institutional activities, most discussions of non-Athenian *akropoleis* refer to their role

25 Rönnlund 2026 counts 22 cases of *interpretatio graeca* (including Babylon, Carthage Inessa and Rome). See above, n. 22, on the *akropoleis* referred to in other works of Xenophon.

largely in contexts of military power-struggle. But this is likely to be consequential of the emphases of our sources and should not be accepted uncritically as a reflection of a simplistic reality: in fact, the details of military narratives set on *akropoleis* (especially those in the work of Herodotus and Xenophon) attest occasionally to their importance in terms of cult activity and religious lore. Moreover, the complexity of human activity on *akropoleis* is reflected in the epigraphical evidence from non-Athenian *akropoleis*, which will be subject of a separate study; but for now one can point to Polly Low's discussion of the Spartan *akropolis*, which demonstrates that it was a place for the display of proxeny decrees, treaties and agonistic achievements.[26] And, even though it is a late source, Pausanias (2.13.3-5) portrays an *akropolis* of Phleious which preserves a rich set of traditions about the landscape of a non-Athenian site.

On another level this survey showcases the value of spatially-informed approaches to ancient writers (cf. Gilhuly & Worman 2014) by probing senses in which *akropoleis* were sites of evocative belief, memory and narrative. Of the texts we have looked at, Aristophanes in the *Lysistrata*, Herodotus, and Xenophon in the *Hellenika* seem particularly drawn to setting episodes on *akropoleis*; in so doing they add spectacle to their accounts and appeal to their audience's expectations about the spatial settings of historical episodes. From a historical perspective, several themes have arisen: the *akropolis* as a place for cult activity; as a place where there were buildings and other physical phenomena meaningful to a community's identity; as a place for the storage of sacred and secular material wealth or for the public inscription of written words significant to the community. But it is in the broader working out of power-relations that the significance of the *akropolis* looms large in these literary texts: the *akropoleis* of Greece and those in adjacent lands were venues for the performance of political struggle, whether that be hegemonic, geopolitical, or civil or related to governance and sovereignty, but also sometimes, under the eyes of the gods, the resolution of tensions between individuals or human groups or by resolution or by reconciliation. Perhaps this power-dynamics orientation of *akropoleis* was one reason why the Athenians thought it appropriate to set up treaties and other decrees on

26 On the epigraphical evidence from non-Athenian *akropoleis*, see Liddel in preparation. On the Spartan *akropolis*, see Low 2011.

theirs (cf. Osborne 1997; Liddel 2003); discussing the degree to which other city-states used their *akropoleis* for such purposes will be subject of a separate study.[27]

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27 Cf. on the place of publication of treaties, Drauschke 2019. It was only the Athenians who specified simply that their treaties and decrees should be set up as 'on the *akropolis*'; other cities tend to give the instruction to set up at a particular sanctuary (sometimes one located on an akropolis but which was not usually described as so: see Liddel in preparation).

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CLASSICAL ARCHAEOLOGY AND POLITICAL HISTORY: SCOPE FOR RAPPROCHEMENT?

By Catherine Morgan

Summary: This article assesses the legacy of the Copenhagen Polis Centre and its influence on the study of Greek social and political organization. The *Inventory of Archaic and Classical Poleis* transformed the field through its systematic mapping of *poleis*, horizontal networks, and forms of dependency. Yet its temporal limits and text-centred approach constrained the integration of archaeological evidence into broader narratives of state formation. Building on the CPC's work and subsequent insights into federalism and regional diversity, I identify five themes – trust, warfare, economic processes, population, and the nature of *koina* and *komai* – where archaeology has the potential to reshape understanding of long-term trajectories. Using examples from northwestern Greece, I argue for methodologically ambitious, multi-scalar research capable of addressing structural questions about governance, identity, and political integration. A renewed, theoretically grounded collaboration between archaeology and history that mirrors Mogens Hansen's comparative vision would expand the possibilities for writing political history through material culture.

Mogens Hansen's masterly guidance of the Copenhagen Polis Centre (CPC) over a decade from 1993-2003 was undoubtedly a highlight in an exceptional career. The Centre attracted diverse collaborators some of whose interests at the time appeared remote from Archaic and Classical Greek political and institutional history. Some expressed scepticism about aspects of the project: as an archaeologist then working on the Greek Early Iron Age, I was among them. But I quickly came to value Mogens' close attention to critical views,[1] and continue to benefit from insights gained during debates in Copenhagen.[2]

1 A point noted by reviewers, notably Rhodes 2005.
2 Acknowledged in Morgan 2003: xi; reflected in Morgan forthcoming-a.

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The *Inventory of Archaic and Classical Poleis* is a landmark work. Basing the case for the importance of the *polis* upon systematic substantiation of contemporary Archaic and Classical perceptions of its nature and role, the CPC compiled comprehensive datasets to address fundamental questions.[3] How many communities were termed *poleis* in contemporary or near contemporary sources? How large were they, and do they display common traits?[4] What can be learned from comparison with other city-state cultures?[5] Beyond the *Inventory,* a wealth of preparatory and adjunct work in some 14 volumes of *Acts* and *Papers*, plus other related publications, explored cities and regions, conceptual and methodological problems, and laid out research questions for future consideration.

I will not revisit this corpus in detail, since it has been subject to lively critique and debate. Instead, I will explore the consequences of the CPC agenda for the direction of research into Greek social and political organization in the decades following the publication of the *Inventory*. I begin by considering the legacies of the CPC, before moving to the role of Classical archaeology and changing approaches to statehood. In the final part of the article, I will bring the threads of archaeology and political organization together and present a personal wish-list for future research.

The Copenhagen Polis Centre and its Legacies

Even the CPC's critics have generally welcomed the *Inventory* as a foundation for new research.[6] Its data have been widely exploited, with par-

3 Hansen & Nielsen 2004: 12-15. Some omissions, inevitable in a multi-author work, have been noted in subsequent work (e.g. Rönnlund 2018: 29-30 re acropoleis in central Greece), but this does not detract from the overall achievement.

4 Hansen & Nielsen 2004: 1-11.

5 Hansen 2000, 2002.

6 E.g. Vlassopoulos 2007: 64-65, who combines disagreement with the project's positivism with appreciation of its outcome; Ma 2024: xvi-xvii, 17-18. See Parker 2006; Frölich 2010 for thorough critique.

ticular attention to the overall figure of 1035 probable or possible Archaic and/or Classical *poleis* and their overwhelmingly small territories[7] – in most cases one could get from the urban centre to the border and back in a day. These figures provide our first large-scale and robust picture of *poleis* across the Greek world, plus a clear sense of *poleis* attested but not yet located and pre-Hellenistic settlements yet to be characterized.[8] The *Inventory* records only four *poleis* (Syracuse, Sparta, Pantikapaion, and Cyrene) with territories over 3000 km^2, and a further 13 in the 1000-3000 km^2 bracket created in whole or part via subjection, merger, or synoikism. This brings into sharp focus questions of process in the creation of residential concentrations on different scales. Drawing on the *Inventory* and on Mogens Hansen's work on estimating comparative population size,[9] Walter Scheidel suggests that fewer than half of the known Archaic and Classical *poleis* had more than 2,000 members and only 15% more than 5,000. The few largest *poleis* had urban centres liable to be settled substantially by non-farmers, but the emergence of super-cities (Rome, Antioch, and Alexandria) with more than 100,000 permanent urban residents was a distinctive phenomenon of the third century BC worthy of investigation in its own right.[10]

Notwithstanding considerable variety in settlement organization and the difficulty of measuring shifts in population distribution between the countryside and cities, these figures underscore the permeability of the town-country, 'urban'-rural divide in most Greek *poleis*. Inter-*polis* borders could be complex constructs, their definitions frequently revisited sometimes without resolution.[11] Assessing how people lived within (or

7 Hansen & Nielsen 2004: 70-77. Ober 2015: notably 21-44; place data visualized at https://polis.stanford.edu [consulted 24.9.25].

8 Ruschenbusch 1985 is prominent among earlier work in this direction. Lists of pre-Hellenistic settlements not attested as *poleis* appear in each regional chapter, with a list of *poleis* attested but not located at Hansen & Nielsen 2004: 1250.

9 Hansen 2006.

10 Scheidel 2007: 75-88 (see 262 for the figure of 15%).

11 Urban/rural: Bintliff 2006, summarizing previous scholarship. In the present discussion I retain the term 'urban' in quotes because large settlements often changed in nature from Archaic to Hellenistic times, and doubts have been expressed about

transcended) them is an important matter. Equally, the challenge of characterizing 'urban' and 'rural' while avoiding anachronism or undue generalization across time and space has long been recognized. However, fresh impetus to discussion was given by the coincidence of the publication of CPC data and shifts in thinking about ancient Greek economies (with increasing emphasis on quantification).[12] Take the example of 'urban' space. The limitations of the concept of 'town' as an analytical category had already been noted by Peregrine Horden and Nicholas Purcell, emphasizing the deep and complex interdependence between settlement concentrations and their physical and social environments.[13] These concerns have now fed through into a number of studies of *poleis* or groups of *poleis* which place environmental history and ecology on the same footing as, for example, built form,[14] as well as larger studies of the operational chains behind different forms of production and the markets they supplied.[15] In similar vein, the 'spatial turn' in sanctuary studies initiated with the work of Francois de Polignac in the mid-1980s, which emphasized the location of a sanctuary in the physical environment (not merely in relation to the characteristics of a deity), has come under fresh scrutiny in the light of strong recent interest in approaches to landscape, historical geography, and ancient conceptions of space.[16] Reappraisal suggests that concepts of 'urban and rural', 'centre and boundaries' are better understood as part of a continuum, with environment construed in both physical and cognitive terms, and distance in terms of travel

the applicability of the term before the fourth century (on which see point 5 below). On borders, see latterly Reger 2017, noting also current interest in borders within federal structures (nn. 71, 72 below).

12 Among a rich field of scholarship on economic matters, Alain Bresson's publications exemplify that trajectory: his 2002 *La cite marchande* was a milestone among a growing chorus of criticism of Finleyan primitivism, cemented by his 2007-2008 *L'economie de la Grèce des cites*, then translated and revised into his 2016 *The Making of the Ancient Greek Economy*. Subsequent discussions (e.g. Oliver 2018) point to a marked contrast between Hellenistic and earlier data, without interrogating earlier periods in detail.

13 Horden & Purcell 2000: 89-122.

14 See e.g. papers in Baier & Gauss 2025 (notably Bonnier *et al.* 2025; Morgan 2025a).

15 Exemplified by Gleba et al. 2021.

16 See Rousset 2023 for an overview.

time, social or spatial proximity, intervisibility, and/or position within a network or itinerary.[17]

Making the CPC agenda coherent and deliverable within a reasonable timeframe required difficult choices about which constraints to impose. Although the decision to close the *Inventory* at the end of the Classical period had sound practical justification, it has given rise to criticism of various kinds. It is regrettable that it tells only part of the story of the *polis*, albeit an important one.[18] Extending CPC coverage and methodology to cover the Hellenistic period remains a desideratum. Equally, while the editors acknowledge variation in *polis* numbers and physical development over the Archaic and Classical periods, it is the chosen snapshot of the year 400 BC that leaves a lasting impression. The result is a tendency to focus on this figure at the expense of understanding longer-term dynamism within the polis world.[19] Yet here too, CPC data have afforded a base for further work. Connecting economic performance with democratic institutions, Josiah Ober has argued for a Classical period 'efflorescence',[20] while Robert Fleck and Andrew Hanssen use CPC data to model political transitions, evaluating their utility and limitations and focusing not only on constitutional form, but on proxies for *polis* wealth (i.e. size of territory, coin issues, *proxenoi* sent, public buildings, and colonies founded).[21] The larger, period-focused picture is also explored in the multivolume *Oxford History of the Archaic Greek World* and its Classical

17 The classic exposition, de Polignac's 1984 *La naissance de la cite grec*, is best consulted in the revised second edition (Polignac 1995), with his own retrospective reflections in Polignac 2016. Polinskaya 2006 offers an overview and robust critique of subsequent directions. Among recent collections: Verdan et al. 2026; Williamson et al. forthcoming.

18 Hansen & Nielsen 2004: 10-11. Critique ranges from observation of the fact (as F. Naerebout https://bmcr.brynmawr.edu/2005/2005.02.29/ [consulted 24.9.25]) to discussion of practical difficulties in separating data around this divide, with potential loss of information (Frölich 2010: 648-56), and the extreme view of it as a fatal flaw in the entire enterprise (Osborne 2014: 205).

19 Hansen & Nielsen 2004: 53-54, with index 10.

20 Ober 2015.

21 Fleck & Hanssen 2018.

successor (in preparation), which trade the CPC's systematic coverage for greater depth, nuance, and fuller use of the material record.[22]

Clearly, it would be unfortunate were organizational convenience to reinforce, rather than spur us to interrogate, perceptions of a change in the nature of the *polis* after Alexander. Major historiographical and evidentiary fault lines still separate scholarship on the Hellenistic period from that on earlier centuries. Accounting for the consequences of the scholarly choices behind various strands of modern research when attempting to understand the long-term development of Greek states and institutions remains a distant prospect. Approaches to citizenship, for example, have been a particular focus in the Archaic period, with results which only partially carry forward into later times.[23] Likewise, discussions of Hellenistic *poleis* have favoured subjects such as relationships with larger imperial or quasi-imperial powers; characteristics seen as distinctive in relation to earlier periods;[24] and the reception of Athenian thought, images, and ideas.[25] This remains true of the latest and increasingly influential study of the *polis*, John Ma's 2024 survey that sets out to examine long-term changes in attitudes to statehood, autonomy, power, and social bargaining from the Early Iron Age to Late Antiquity. It is no injustice to Ma to note (as he does himself) that he does not interrogate underlying period-specific approaches and historiographies.[26] Ma's work on Hellenistic *poleis* is largely shaped by cities in Ionia and the eastern Aegean, where the epigraphic record is particularly rich; the results do not describe the situation in the northwest, for example. Agendas for exploitation of the archaeological record also diminish in scope and ambition as one moves forward in time.

22 Cartledge & Christensen 2023-; Constantakopoulou et al. in prep.

23 Brock 2018.

24 Gray 2018; papers in Börm & Luraghi 2018.

25 Variously explored by contributors to Canevaro & Gray 2018.

26 Ma 2024 (p. xvii, "even while trying to renegotiate the boundaries of traditional periodization, I often follow the tenor of the existing scholarly treatments").

The Copenhagen Polis Centre and Classical Archaeology

Two choices largely determined how material evidence was adduced in the CPC's publications. First, a start date well into the seventh century (including Hesiod but excluding Homer) fitted the project's emic focus[27] but passed the point when material evidence serves as the primary tool for social and political reconstruction. Second, material evidence was used in the *Inventory* essentially as a measure of settlement status. Aside from the size of territory, attention focused on coinage and monumental constructions such as city walls, settlement planning, 'political architecture' (e.g. *bouleuteria*), and infrastructure such as temples, theatres, stoas, and facilities for competitions and festivals.[28] This is not solely due to the constraints of the *Inventory*: while a few contributors to the *Acts* and *Papers* made wider use of archaeological evidence,[29] a specific focus on the connection between the built form and political status of settlements entered the CPC agenda early on.[30] At the same time, it was recognized that monumental investment was not unique to the *polis* level of political organization. The *Inventory* addresses the significance of second- and third-order sites, and includes in regional accounts settlements not attested as *polis* towns or of uncertain status.[31]

Here too, it is no accident that historians broadly aligned with New Institutional Economics were the first to exploit these data.[32] Records from the *Inventory*, from coin issues to fortifications, have begun to be deployed in examination of economic growth, as noted above. But much more should now be done to place the growing body of work on infrastructural investment and its role in the political economies of individual *poleis* within a larger, comparative frame.[33] The second charge raised above, that the *Inventory* downplays diachronic development, has greater

27 Hansen & Nielsen 2004: 9-10.
28 Hansen & Nielsen 2004: 25-26.
29 E.g. Morgan & Hall 1996; Morgan & Coulton 1997.
30 Hansen & Fischer-Hansen 1994; see also Hansen & Nielsen 2004: 138-43.
31 Hansen & Nielsen 2004: 74-79; Hansen 1995b.
32 For overviews and critique of NIE and its applications in ancient history, see Boldizzoni 2011; Bowes 2021; Carugati 2024; Eberle 2024.
33 Indicatively: Fachard 2012 on the defence of the territory of Eretria; O'Halloran 2019 on naval aspects of the Athenian political economy.

consequences when reading socio-political significance from the material record. While broad dates provide a framework of sorts, change – in the use of structures, modifications to them, the planning and execution of new buildings, or the use of the surrounding area – was normal and ranged from small, near continuous alterations to occasional and usually major structural development. The decisions involved at each stage variously inform on institutions, actors, and their agency, with clear political implications (broadly understood). It is commonly claimed (not always convincingly) that urban development in colonial *poleis* was particularly influential on the old Greek world, but as I have argued in relation to other periods, radical change (e.g. relocation or synoikism) was a wider and more or less cyclical phenomenon.[34] Political integration and state politics ebbed and flowed over the dynamics of life in settlement centres, and can neither be dissociated entirely nor inextricably linked.[35]

The archaeological aspects of the CPC's work reflect a more general lapse in creative thinking about the application of the material record during the long Classical period. By contrast with the Late Bronze/Early Iron Age, and the Roman period, work on Classical Greek socio-political organization rarely seeks a comparative Mediterranean or larger frame (in this respect Mogens Hansen's study of city-state cultures stands out). And while important science-based research has been undertaken on both organic and inorganic materials from Archaic and Classical contexts, it is clear that the results have not cut through into historical understanding in the same way as in the long Early Iron Age and the Roman period. Indeed, the Roman picture should dispel any notion that archaeology is somehow less significant in a text rich-period.

Over the decades since the publication of Anthony Snodgrass' 1984-1985 Sather Lectures,[36] there has been considerable reflection on the development and scope of Classical Archaeology as a discipline (here I confine myself to indicative examples from anglophone literature; readers

34 Morgan 2003: 45-106 (esp. 95-102 on cyclical change); 2012: 39-42 (decisions involved in settlement relocation on Andros); 2025a: 34-36 (built environment as a work in progress). Hansen & Nielsen 2004: 19 reiterate the view that colonial foundations had a formative influence on old world *poleis*.

35 Morgan 2025a: 28.

36 Snodgrass 1987.

will doubtless fill in gaps from their own standpoint). Much celebrates achievements, the pace of change, and the diversity of interests and approaches now encompassed.[37] Some authors lament unfulfilled potential – a failure to use archaeological data and text together to tackle issues of long-term economic and social change, for example.[38] Others focus on the differing historiographies and interpretative practices pertinent to text and material evidence, on the alternative and sometimes conflicting results they may produce, and on the challenges of achieving rapprochement on a sound methodological basis.[39] In contrast to my approach in this article, recent consideration of the place of material evidence in historical discourse beyond antiquity tends to begin with objects rather than research questions, focusing on diverse approaches to artefacts (however defined) and their materiality. Insofar as antiquity enters such larger discussion, the Archaic and Classical periods have played a relatively small role.[40] Long-durée studies of Greek historical writing,[41] while offering excellent summaries of current knowledge, neither challenge historiography nor push boundaries with respect to the questions asked of material data.

My concern here is less with the state of Classical Archaeology as a discipline, and more with the conservative nature of the questions generally asked of the late Archaic-early Hellenistic record, which may explain why historical arguments founded on archaeological data rarely cut through as effectively as they do in other periods. This is not just a matter of using both text and the material record (as many historians do). As Anthony Snodgrass put it almost 40 years ago, "Classical archaeology may excel in offering strikingly new answers to old questions; but in the long run this is much less fruitful than asking entirely new questions."[42] What are the questions which we need to answer in order to move forward our understanding of the Greek world? Regardless of

37 E.g. Nevett 2017; Whitley 2018.

38 Osborne 2014.

39 Hall 2014. Rapprochement should not automatically be equated with the identification of a supposedly unproblematic middle ground, as Khatchadurian 2016: 196-99 rightly notes.

40 Cooper 2020 reviews the long history of such engagement; Osborne 2020a; 2020b.

41 Whitley 2001; Bintliff 2012.

42 Snodgrass 1987: 12.

whether these answers are currently within reach, defining the gaps and the kind of information needed to fill them may at least encourage forward-looking research strategies.

The Copenhagen Polis Centre and Approaches to Greek Statehood

Every reader will have their own preferences as to which questions to tackle and in what way. Reflecting on the CPC's impact on our understanding of Greek statehood and my own work on long-term state development in northwestern Greece,[43] I will focus on the conditions for the development of common polities or federations, especially changes over time in the fabric of decision making, disruptive events, the agents involved, and the potential for formalized regulation. Before setting out my personal desiderata, I begin by reviewing the implications of the CPC's work for the study of Greek statehood in the fullest sense, and the steps subsequently taken to explore federal states or common polities.

Two of the most significant conclusions of the CPC were: (i) that 'tribal' states (*Stammstaten*) were not precursors of *poleis* but coexisted and overlapped geographically with them; and (ii) that *autonomia* was not an indispensable characteristic of the *polis* during the periods under consideration. As the atoms of political society, *poleis* functioned in collaborations of various kinds, and these could be asymmetric to the point of dependence or subordination (locally or via formal control by an external power).[44] This was not a unilinear trend: a community's exact place on the spectrum of dependency was contingent on a range of immediate circumstances, and its own rhetoric may gloss over asymmetries pertaining in real life. As Hansen noted, by the time that the use of the term *autonomia* spread in Hellenistic times and became more closely linked to the *polis*, it essentially described the place of self-government within

43 Morgan forthcoming-a; forthcoming-b.

44 Hansen 1995a; 1998: 77-83 (as Hansen points out, for Aristotle the key is *autarkeia* – economic and demographic self-sufficiency – *autonomia,* or political self-sufficiency, is not a point of discussion); Hansen & Nielsen 2004: 87-94.

larger systems of power, consensual or otherwise.[45] There has been substantial discussion of the nuances, complexities, diachronic development, and local significance of *autonomia* (where I remain in substantial agreement with Hansen's position),[46] but my concern here is not with the rhetoric of autonomy but with the various ways in which freedom of choice was circumscribed in practice, or perhaps better, the risk/benefit calculations which might favour particular associations.

The emphasis placed by the CPC on understanding the horizontal and vertical relationships of *poleis*, their complementarities, clusterings, and collaborations, has now become normalized and recalls interest in networks broadly understood.[47] Yet while mindful of the role of federal political structures (i.e. those where sovereignty is divided among different levels of government), discussion in the *Inventory* of larger-scale or parallel affiliations linking individual *poleis* with the wider Greek world concentrated on ethnic identity, usually in the sense of a group living in a specific area, whether described in ethnic or tribal terms.[48] Evidently, most *ethne* were thickly sown with *poleis*. This gave meaning to a regional scale of investigation; indeed, the CPC *Acts* and *Papers* contain several explorations of different aspects of regional organization. These include examinations of the place of Sparta within Lakedaimon and the nature of perioikic dependency.[49] In Achaia, discussion of the pace and nature of *polis* development was set in the context of regional topography (with its unifying and dividing features), overarching and local or sub-regional communal/tribal identities, and the potential influence of Achaian colonial foundations in southern Italy.[50] In Elis, James Roy's exploration of traditions of synoikism highlights the mismatch between settlement history and much later textual evidence and calls to mind the work of Katherine Clarke on Strabo's understanding of long-term universal processes

45 Hansen 1998: 82. In this respect, Ma 2024: 211-13 misrepresents Hansen's position.

46 Frölich 2010: 645, 660-67, essentially followed by Ma 2024: 176-78; response by Hansen 2015.

47 E.g. Ma 2024: 115-21; Vlassopoulos 2007: 190-99; 2009.

48 Hansen & Nielsen 2004: 4-5.

49 Shipley 1997; Hall 2000.

50 Morgan & Hall 1996.

as operative in the creation of the diverse communities he observed.[51] Of all the regions examined, Arkadia provided the richest evidence for the operation of *polis* communities and networks alongside and within tribal and ethnic groupings.[52] Considered in its historiographical context, this aspect of the CPC's agenda did most to lay to rest evolutionary models.

This work provided the direct inspiration for my 2003 book *Early Greek States Beyond the Polis,* in which I mapped the different tiers of identity via which mainland Greek communities constituted themselves, setting the stage to consider when and how particular aspects of this palimpsest became salient.[53] I demonstrated that key developments such as the clustering of population in towns were not distinctive to the supposed 'major' *poleis* and that the areas considered in the book (Thessaly, Phokis, East Lokris, Achaia, and Arkadia) were neither primitive nor 'backward' in relation to some abstract, *polis*-centred ideal. This approach has since been forcefully championed by John Davies, who opens a characteristically unorthodox exercise in modelling the operative forces behind state formation with a reminder that "the 'rise' of all the various post-Mycenaean polities that emerged in Greek-language space by ca. 600 BC is equally worthy of analysis".[54] Both Davies and I focused on the Early Iron Age and Archaic period, but neither of us saw our approach as period-specific.

Despite these advances, key pieces of the puzzle remained poorly understood. The CPC did not interrogate the notion of *koinon*, even though *koina* vary greatly in scale, may nest within larger common polities, and may or may not include settlements identified as *poleis*. *Komai* were, and continue to be, examined as second order settlements;[55] but is this appropriate? As I will argue, further work is required to understand their nature, operation, and roles within *koina*. Even allowing for marked differences in preservation, archaeological visibility, and/or capture in the

51 Roy 2002; cf. Hansen 1995b: 58-60; Clarke 1999: esp. 247-51, 264-93; see now papers in Rousset & Derron 2023 for renewed interest in Hellenistic and later understanding of historical geography.

52 Nielsen 1996a; 1996b; Roy 1996; Nielsen & Roy 1999.

53 Morgan 2003: agenda at 1-4.

54 Davies 2018: 52.

55 Hansen 1995b.

epigraphic record, regional socio-political organizations across the Greek world (and experiences of them on the ground) present a more complex and varied picture than could reasonably be discussed in a study devoted to the *polis*.[56]

Nonetheless, others were quick to explore the wider implications of the CPC's conclusions for our understanding of what at the time were generally termed 'federal states'. In an important stock-taking article published in 2003, Hans Beck rightly observed that while the ethnicity turn, with its focus on process and contingency, represented an important rejection of old evolutionary models, it left open the problem of interaction between collective identity and political integration and the rationale for political/legal institutions at all levels.[57] Among the large body of work on aspects of federalism that followed, I single out two landmarks. The first is Hans Beck and Peter Funke's 2015 collection of essays exploring individual federations across the Greek world and examining the concept of federalism and ancient and modern attitudes to it.[58] As Emily Mackil notes, almost half of the 456 mainland Greek and Peloponnesian *poleis* securely attested in the late fourth century were members of a common polity or federation.[59] Mapping the scale and diversity of the phenomenon was therefore a major step. But against a tradition of deep and broad inter-community cooperation – military, economic, political, and religious – it is clear that many collaborations did not translate to formal federation, and the figure cited should be seen as one end of a large and varied spectrum.[60] What 'membership' meant and why formal association proved attractive are thus important questions. The second landmark work, Emily Mackil's 2013 account of Boiotia,

56 This is not peculiar to the work of CPC: Ma 2024: 210-12, for example, takes a somewhat one-dimensional view in accepting that "the generalization of autonomy and the end of dependent *polis*-hood" facilitated participation in large federal states, citing the third-century Boiotian, Achaian, Akarnanian, and Aitolian Leagues, even though these differed markedly in history, character, and composition.

57 Beck 2003; echoed by Mackil 2013: 6-8.

58 Beck & Funke 2015, explicitly presented as an update and expansion of Larsen 1968.

59 Mackil 2013: 1-2 with n. 3, calculates that some 40% of *poleis* (183 of 465) are securely attested as members, rising to 46-50% when probable cases are added.

60 For indicative examples of recent approaches, see e.g. Mackil 2015a; Morgan 2021; Nielsen & Schwartz 2013.

Achaia, and Aitolia from Archaic times to the end of the Hellenistic period, addresses exactly these questions, examining the complexity of *koina* and their religious, political, and especially economic underpinnings.[61]

Considering the role of the material record, while there is some variation in approach between contributors to Beck and Funke 2015, all rely more or less exclusively on textual sources.[62] Partly because of the questions asked and the time-span covered, Mackil makes more extensive use of archaeological publications (including landscape studies) within a text-based framework although, coin studies aside, she does not work independently with primary material data. This situation is not unusual, and archaeologists and archaeologically-focused historians must accept considerable responsibility for it, given the conservativism of their questions and approaches in comparison with earlier and later periods. Nonetheless, it fails to do justice even to current archaeological discussions.

Three points should be noted here. First, for many archaeologists (myself included), the 'ethnicity turn' was less about identities *per se* and more about understanding the *habitus* and the practices which shaped and were shaped by it, and thus how differences might be objectified and expressed in context.[63] Ethnic identity was certainly a powerful and flexible tool to encourage (or coerce) people into participation and/or foster a sense of stability, but behind its ostensible timelessness lie change, disruption, and resilience.[64] In *Early Greek States,* I examined the diversity of groupings and affiliations centred on practical activities and the taskscapes involved in them – groupings which intersect but are not always co-terminous with *polis* or *ethnos* boundaries. This focus on the *habitus* permits a thicker understanding of the drawing of boundaries and of points of identification.[65] It still holds great potential to build long diachronic perspectives emphasizing bottom-up experiences.

61 Mackil 2013.

62 The view expressed by Beck 2003 (at 181) that "there is hardly a methodological knife that cuts before Homer" is unlikely to convince EIA and Archaic specialists.

63 Jones 1997 is the classic exposition of this position.

64 Mackil 2019.

65 As recognized by Mackil 2013: 151-52 with respect to communities of worship.

Second, while discussion of common polities as economic communities has drawn on a range of environment-related issues, from resource distribution to subsistence practices, land-ownership, and transport routes,[66] floral, faunal, and other material data from Archaic-Hellenistic contexts have been slower to enter the larger frame of work on climate change and human responses (e.g. in terms of diet and subsistence).[67] Among factors encouraging and sustaining co-operation in antiquity, further critical consideration could be given to the role of shared and potentially unifying environments such as gulfs, rivers, and island clusters. The publication in 2000 of Peregrine Horden and Nicholas Purcell's *The Corrupting Sea* brought consideration of micro-ecologies, small worlds, environmental change, and networks of all kinds into the mainstream.[68] Equally familiar is the idea that small polities often collaborated closely (even as micro-federations) in order to mitigate risk.[69] Less attention has been paid to the role of micro-environments in creating co-dependencies even between hostile states, especially when the shared space is small and there is common interest in access to resources and infrastructure. For example, I have argued elsewhere that access to a well-functioning Leukas channel and the large all-weather port at Leukas was a powerful factor militating against sustained hostility between Leukas and its Akarnanian neighbours.[70] Risk/benefit calculations of this kind may vary over time, but the role of the physical environment and of human interventions in it is important in understanding how local relationships and co-dependencies could become strong factors promoting associations from the bottom up.

Yet just as archaeological interest is expanding to encompass these larger environmental factors, historical research into common polities is

66 The fullest account remains Mackil 2013: 237-325, citing Horden & Purcell 2000; see also Post 2022.

67 Work is now developing at greater pace (albeit of varying quality). For critical overviews, drawing out key contributions, see: Bonnier 2022-2023; Lodwick & Rowan 2022; Post 2017.

68 As Horden & Purcell 2000: 123-43 in microcosm. See e.g. Bonnier 2014 on the Corinthian Gulf; Morgan 2021; Morgan forthcoming-b on the central Ionian islands and the Akarnanian coast.

69 Ma 2024: 170-78.

70 Morgan forthcoming-b.

homing in on the legal and institutional specifics of border cultures and border-management policies, albeit now with fuller consideration of the interests, cultures and/or practices in which they were grounded.[71] This contrast in analytical scale could helpfully open discussion about how borders and boundaries exist because or in spite of other patterns of connectivity, as points of decision (to limit, cross, ignore or avoid), with multiple viewpoints in play.[72]

The third point concerns the relationship between institutions, instruments, and customary practice. Institutions and instruments usually leave a direct trace in the form of texts or artefacts such as coins. Customary practice may be alluded to, but is more often depicted visually (e.g. in vase painting) or observed ephemerally as a space of decision making indicated by the nature or affordance of particular objects, or by the sequence of decisions understood from a set of material remains. It is objectively true that without text we cannot know the details of institutions and their decisions, or the letter of the law. Nonetheless, not everything was written down, and even in Classical Athens where so much was, the work of Edward Jones in particular demonstrates how the inscribed record fits in the context of customary practice.[73] If we are to understand the impact of institutions – if and how they functioned in reality, and what they meant in daily life – we must avoid the positivist fallacy of measuring their significance by the size of their textual footprint.

One might take these points simply as confirmation of slow and sometimes erratic scholarly progress towards common goals. But I suggest that there is more at stake for our understanding of common polities. In some instances, we have reached an impasse and have little hope of progress without new evidence. A case in point is the Akarnanian League, where conflicting views about the existence or robustness of common

71 Notably the ERC-funded *FeBo* project at the University of Trento: https://erc-febo.unitn.it

72 Dietler 2022: 245-46.

73 Jones 2024.

institutions during the fifth and early fourth centuries largely reflect different interpretations of the same small body of texts.[74] One might reasonably seek to target for exploration less well-known Akarnanian centres such as Argos Amphilochikon (in existence by the late sixth or early fifth century),[75] Olpai, a fortified site in Argive territory and perhaps the seat of a common *dikasterion*,[76] and Anaktorion, although here earlier prospections suggest shallow soil cover and few obvious remains.[77] Any or all of these sites might produce epigraphic evidence, but this cannot be relied upon, and we must entertain the possibility that epigraphic culture in this area was radically different from other parts of Greece.

In other cases, supposed fixed points in the development of common polities rely on readings of texts which can be questioned in their own terms and may be challenged on the basis of the material record. In the case of Aitolia, I argue in the *Oxford History of the Archaic Greek World* that text-based reconstructions of Archaic and Classical political history may be misleading if they are not grounded in the larger context provided by the archaeological record.[78] Setting aside his political/philosophical motivations,[79] Thucydides' treatment of the tribes and subtribes of the Aitolian interior essentially describes how people chose to identify themselves, muster, and take decisions in wartime. In so far as he discusses the rich coastal *poleis* with their monumental city centres, he treats them individually, from a maritime perspective, rather than as parts of an Aitolian collectivity. Sometimes he uses colonial language to express strategic alliances and/or associations, real or perceived, with external powers (hence Chalkis is a Κορινθίων πόλιν at 1.108.5, a characterization which is neither necessary nor compelling). The question is whether this

74 Compare, for example, Marcotte 1985; Gehrke 1994-1995; Beck 1997: 31-43; Corsten 1999; Beck 2001; Fantasia 2010; Freitag 2015; Lasagni 2018, 162-71; Pascual 2018.

75 Date by interference from Hekataios of Miletos (*FGrHist* 1) fr. 26 (as quoted in the second century AD in Arr. *Anab.* 2.16.5); thereafter, Thuc. 2.68.3-6.

76 Thuc. 3.105.1; Steph. Byz., *s.v.* Ὄλπαι; tentatively located at modern Agrilovouni.

77 British School at Athens Archive: Handlist of Topography Papers: Aetolia, Acarnania, and the Ionian Islands 6: Anactorium [G. M. Young – T. Dunbabin April 1939]; Stavropoulou-Gatsi & Alexopoulou 2002.

78 Morgan forthcoming-a: section 5.1, with further references in sections 4.1.1, 4.1.2, 9.1.1, 9.1.3, and 11.3.

79 Hirsch 2022 with extensive bibliography.

difference in treatment can be attributed to geopolitical concerns or whether it connotes real political fragmentation to the point of separation, with subsequent reunification of the coast and interior a critical step towards federation.[80] If the latter, how can it be reconciled with the archaeological picture of communication, co-dependence, and a medium-long term cycle of movement between the interior and the coast involving different rhythms of urban foundation and expansion? Or should we instead recognize different perspectives on a complex set of relationships?

Looking Forward

The selective and personal sketch that I have presented so far highlights a collective failure of imagination in the use of the material record during the long Classical period (ca. 600-300 BC).[81] The task now is to provoke archaeologists and historians to ask different, challenging, and disruptive questions. The effect may be to open new spaces of research and discourse rather than to provide immediate answers, but acquiring the data for new lines of argument takes time. Alongside this, I have sought to explain why I find current understanding of long-term trajectories in the development of common polities somewhat thin. Given the high degree of variation in political organization across the Greek world, bias towards the regions with the richest textual record inevitably means a loss of alternative and potentially challenging perspectives.

In the remainder of this article, I bring these two concerns together in setting out a personal wish-list of five areas for future research. The challenge of modelling process in the material record will be familiar to those working in earlier periods. In bringing it forward into the Classical world, I implicitly reject the idea that the textual and the material are

80 For summaries with extensive bibliography, see Freitag et al. 2004: 379, 384-85; Funke 2015. Mackil 2013: 52-53, 276-77, 286-87 is more nuanced.

81 There is, for example, nothing in the Classical Greek world to compare with Lori Khatchadourian's approach to satrapy in the Persian empire in terms of framing of research questions, methodology, and handling of material evidence: Khatchadourian 2016.

entirely different discourses.[82] It is essential to recognize their different methodological underpinnings, but equally important to establish shared intellectual space and common theoretical perspectives.

What follows is relevant across the Classical Greek world in one way or another, although the illustrations I cite mostly come from the northwest – from Aitolia, Akarnania, Epirus, and the Ionian islands. In part this reflects my own research interests, noting that substantial new excavations (many for large-scale public works) have significantly changed our understanding of these areas.[83] But it also responds to the admission, noted by Robert Parker in his review of the *Inventory*, that most of the scholars entrusted with these regions by the CPC struggled to handle their material in the terms required.[84] This is a complex part of the Greek world, with very different political organizations in close proximity: two emergent common polities in Akarnania and Aitolia which variously combined coastal *poleis* with inland tribal groupings; three separately governed tribes in Epirus (the Molossians, Chaonians and Thesprotians – the first a monarchy and the latter governed by aristocracies, Chaonia also with annual magistrates),[85] plus occasional references to subgroups; and a series of independent *poleis* in the Ionian islands.

In so far as the northwest has entered into studies of Greek state development, attention tends to focus on Aitolia (and largely on the Hellenistic federation) and the Corinthian foundations at Leukas, Anaktorion, and especially Ambrakia. This is not just a matter of the limited pre-Hellenistic textual record. Significant differences in settlement history (at least before the fourth century), and the diversity of built environments and phenomena such as material expressions of religious belief, may seem insurmountable obstacles to understanding significant parts of the northwest within what we have come to accept as a 'Hellenic' frame. This view was not entirely shared in antiquity: the Aristotelian *politeiai* included treatises about a range of northwestern *poleis* and *koina*

82 *Pace* Hall 2014: 210. My case recalls a longer debate in relation to non-western cultures, closely linked to post-colonial critique: for a review, see Schmidt & Mrozowski 2013.

83 Morgan 2026; forthcoming-a, -b, -c; in preparation. See also Handberg forthcoming.

84 Parker 2006: 381; Hansen and Nielsen 2004: 339, 380, 392.

85 Thuc. 2.80.5-6; Morgan forthcoming-a: section 5.5, with previous bibliography.

now preserved in largely uninformative fragments.[86] These areas merit investigation free of preconception and with greater openness to wider comparison.

At the same time, a high degree of (especially economic) interconnectivity on scales from the very local to long-distance confirms close relationships across borders, and sometimes strong co-dependencies. These embed the Classical northwest into areas which we would place firmly within the old *polis* world: the region can no more be understood through the lens of colonial relations and/or legacies than it can be dismissed as peripheral.[87] There are significant challenges in modelling long-term change in a methodologically more robust way than merely moving between textually attested episodes. It is already evident that the idea of a Great Convergence which features so prominently in Ma's history of the *polis*[88] is not so clearly attested in the northwest, where hegemonies of various kinds and on various scales remained significant. But even though it does not work as a universal, Ma's model is powerful, so it is important to understand how, when, and why things differ and what lessons might be learned that could also nuance the picture elsewhere.

My personal list of priorities encompasses large (and to some extent intersecting) themes and fields of enquiry some of which are already attracting attention. All speak to theoretical and thematic interests rarely linked in discussion of Classical Greece. All could entail a significant number of new field projects, doctoral theses, and/or large syntheses, with corresponding potential for methodological and theoretical innovation. And all will require time to develop. To effect a qualitative change in our understanding of how and why common polities developed in the Classical period, and if and how their form influenced what followed, a much higher degree of granularity in our material data, region by region, will be required to build the blocks necessary to construct and test larger

86 Ambracia: Gigon 15 = Rose fr. 477; Kephallonia: Gigon 143,1 = Rose fr. 611.64; Ithaca: Gigon 509-14 = Rose frr. 504-9; Leukas: Gigon 102 = Rose fr. 546; the Akarnanians: Gigon 477-8 = Rose frr. 474-5; the Aitolians: Gigon 476 = Rose fr. 473; the Epirotes: Gigon 501 = fr. 494 Rose; and the Molossians: Gigon 143,1 = Rose fr. 611.45.

87 For analogous reflections on Hellenistic northern Greece, see Daubner 2018.

88 Ma 2024: 203-28.

comparative scenarios. Key to this is greater capacity to work on multiple scales.[89]

A Wish-list for Future Research

1. Trust.

The epigraphic environment of Classical Greek states varied greatly. At one end of the spectrum lay Attica and Boiotia, with their continuous and extensive record of public inscriptions from Archaic times on. At the other, most parts of the northwest have produced few Archaic and Classical inscriptions (the Dodona tablets excepted), which largely consist of private texts – funerary, votive, and a small but significant body related to crafts.[90] It is always possible that this picture will change. But given important eighth- and seventh-century evidence from Aetos on Ithaca and Vlachomandra in Aitolia, I suggest that it is more likely that the record represents not a rejection of writing *per se*, but a different view of what should be recorded and how.[91] The implication is that public actions, from engagement in trade to justice and government, relied on customary behaviour and on trust in processes and in the individuals who played key roles.

The concept of trust can be understood in two main ways. It may apply to confidence in a familiar individual or, in an abstract sense, a system which allows people to interact as if they trusted each other. In a stimulating examination of trust in the Classical Greek world, Steven Johnstone focuses on the latter.[92] His work is significant not only for the issues covered (from establishing value to collaboration and decision making), but for the way in which he positions trust between competing emphases on structure (i.e. institutions) and agency as forces shaping political society. In this he acknowledges inspiration from Pierre Bourdieu's exploration of the notions of practice and the *habitus*.[93] Johnstone

89 For pertinent remarks on scale, see Dietler 2022: 235-36.

90 Evidence collected in Morgan forthcoming-a: *passim.*, with summary discussion in section 12.1.

91 Antonetti & Cavalli 2004; Morgan 2017.

92 Johnstone 2011.

93 Johnstone 2011: 4-6. Agency: Latour 2005. Practice and the *habitus*: Bourdieu 1977.

addresses the relationship between trust (and distrust – not always a negative force), institutions (which have a formal existence independent of trust), and agency, concluding that in analysing trust he is not commenting on agency itself but on the conditions that made it possible. Trust, in other words, has general political import as a force positioning actors and institutions for success. And as Esther Eidinow has shown, the downside, the need to manage mistrust in the social and spiritual realms, is powerfully attested in the ritual sphere, for example in the use of *pharmakos* rituals to purify the city or the cursing of individuals in the exercise of their professions.[94]

A further question concerns the extent to which individuals who successfully practised in conditions of trust could enhance their personal or familial agency, and how the opportunities for this changed over time. How may we understand pathways to the exercise of political power or public influence, and personal or familial path-dependency? Later in the Hellenistic period, public honours are generally linked to benefactions, but how did individuals' personal trajectories build to this point? From the late fourth century on, as public inscriptions in Aitolia, Akarnania, and Epirus increased in number, we see new opportunities via roles in political institutions, religious matters, and the resolution of disputes (commonly over boundaries), with status, office, and honours expressed in terms widely recognizable beyond the Greek world. This recalls my point that while inscriptions show how federal government operated, they do not show how and why it became necessary and embedded into local decision-making traditions. Or to state the proposition in another way, identifying spaces of decision making and potential regulation in the material record even without inscriptions is essentially a matter of research design.

Steven Johnstone is not unusual in basing his discussion on textual evidence, although he takes full account of practices involving distinctive objects. Coins, weights, or capacity measures remain visible in the record and in many cases indicate a location and/or context of use. But we can go further in pursuing the affordances of objects and assemblages and the decisions embodied in their use, thus delineating the social (and perhaps also physical) spaces of decision making by trusted actors that

94 Eidinow 2013: 160-94; 2022: 18-20.

may or may not be managed in other times and places using instruments and/or institutions. We are already accustomed to considering aspects of sanctuary conduct and organization in this way, if not exactly in these terms.[95] I add here one further example of how such evidence may hide in plain sight.

Approaches to containerization – the packaging of goods for transport and the transfer of information about them – varied greatly over the long span of antiquity. In Archaic-Classical times, transport amphorae were the dominant form of container used to move widely available commodities across the Mediterranean for some comparative advantage in terms of perceived quality or access to bulk supplies.[96] Provenance therefore matters, and here consumers largely relied on information encoded physically on containers or conveyed by trusted agents.

Transport amphorae display notable variation in the degree of visible/functional connection to a place or a commodity through space and time. As Andrew Bevan has suggested, large-scale shape analysis conducted over a wide geographical area, and the systematic use of computational artefact modelling, might reveal underlying attitudes to factors such as capacity, stress and strain properties, and ease of handling and loading.[97] This would enable us to discern which properties were prioritized and where decisions were required as a result. But in terms of the information made visible, during the Archaic and Classical periods there is a marked difference between east and west. In the eastern Aegean, we find stamps, distinctive ceramic fabrics, and shapes which generally correspond to a *polis* or circuits of polities: the long-term trend was towards greater convergence.[98] In the Ionian and Adriatic seas, however, 'Corinthian'/Adriatic A, A' and especially B types dominate the record, with much greater uniformity in shape and general appearance over a much larger area. This choice optimized efficiency in cargo-building, but left open more questions for consumers. Type B in particular was made at

95 Most recently, Barringer et al. 2025.

96 Residue analysis is now providing more information about contents, trace ingredients, and vessel treatments; as evidence builds this could be linked back into local/regional production strategies: Foley et al. 2012.

97 Bevan 2025: 17.

98 Lawall 2010; 2025 with previous bibliography; Panagou 2010.

multiple centres. Sometimes these are identified by stamps, but for the most part jars were unmarked, looked alike, and did not advertise the nature or source of their contents. This information must have been conveyed by other means, presumably at the point of transaction,[99] putting trust (in individual agents and perhaps locations) at a premium. Quantified distribution data would help to establish where agents and labour were concentrated and amphorae produced, delivered, and perhaps recycled. Identifying end-to-end transport routes, the terrain crossed, the various vessels used at each stage, and the decisions taken, would also build a picture of the trust placed in those variously involved. By contrast with the later convergence in the Aegean, the Hellenistic and Roman west saw greater provenance- and product-related divergence in amphora types. Might this suggest limits to the scale and/or complexity on which a trust-based system could operate, or did consumer expectations change?

2. Warfare.

Few would now defend 'events led history' or the reading of the archaeological record through the lens of what we choose to prioritize in texts. But what Douglas Bolender terms 'eventful archaeology', i.e. a focus on those major disruptive events which create impacts observable in diverse interconnected ways, and on different temporal and spatial scales, is a powerful notion.[100] Northwest Greece experienced exactly such disruptions during the fifth and fourth centuries, especially during the Peloponnesian War. Surely the most potent were the episodes of warfare waged across the territories of all mainland states in the area (touching also the islands). These variously implicated local people as combatants on behalf of conflicting powers and in pursuit of their own interests, exploited local resources, threatened and in some cases displaced communities, and raised the prospect of material and social gain.

Recent work on material and social aspects of conflict covers subjects such as the costs of creating and maintaining infrastructure (from shipsheds to city walls), technological innovation,[101] and the work of craft

99 Morgan 2025b: 70-71.

100 Bolender 2010.

101 On the Athenian naval economy, see e.g.: O'Halloran 2019; Davies 2007.

communities to provide for large-scale campaigns.[102] To this we may add historical work on fiscal matters such as profits in the form of booty or reparations.[103] Thinking about this in terms of politics, institution-building, and personal authority takes us in additional directions.

Military campaigns had the potential to disrupt the economies of the areas affected, for example by introducing new wealth gained from the sale of supplies and materiel to allies or trade in booty.[104] A striking case is the hoard of at least 388 Aiginetan silver staters buried in a late sixth- or early fifth-century bronze oinochoe by the fortress of Hollm in south-east Albania. Formed a little after 430 BC, it is the earliest on the eastern side of the Adriatic, in an area unaccustomed to coined money. Shpressa Gjongecaj-Vangjeli attributes the import of these coins to late fifth-century military activity.[105]

Under such circumstances, established flows of coin and plate could easily become skewed. Especially when offset against detriments arising from war, there is high potential for social inequalities to emerge and/or deepen. The issue of where benefits went raises the questions of which communities prospered, which did not, and the factors behind this (such as location or access to particular infrastructure or resources). Considering how this may appear in the archaeological record, we may examine public construction – when and what did communities build and at what cost – and public art, whether it be the adornment of monumental buildings or commemoration of events or people in the public domain.

The status and capacity of social actors may also be impacted. Were gains confined to a few individuals, and/or those already well placed to profit? Did they amount to 'new wealth', i.e. wealth not incorporated into those families already recognized as wealthy? Did they serve to build or extend markets in the sense of negotiated transactions where the wealth created was not automatically embedded into any institutionalized relationship between people? Changes in local demography resulting from

102 Massar 2021.

103 Konijnendijk & Dal Borgo 2024.

104 O'Connor 2015.

105 Gongecaj-Vangjeli 2019: 16-36 connects the hoard with the movement of Brasidas' forces in 424 (citing in error Thuc. 4.58 for Thuc. 4.79, 4.83). While the precise suggestion is not credible, the larger notion is.

displacement and increased mortality (for reasons ranging from disease to homicide) may have made it challenging to maintain the social order. Can we see this, for example in the burial record where we may compare traditions in the form, furnishing, and grouping of graves with biological indications of residence history and kinship (on which see point 4 below)?

Environmental questions also arise. Armies and navies at various times carried food supplies, scavenged, lived off the land, or relied on markets controlled by friendly or neutral communities.[106] Calculation of a typical military diet now enables us to quantify demand and consider potential impacts.[107] To contextualize this, we need a more extensive and granular picture of the productive landscape of Aitolia and Akarnania (as of many other parts of Greece). Recent consideration of the relationship between pollen data and food supply highlights the potential for combining environmental data with residue analysis, storage capacity, rural installations, and settlement and market locations to assess diet and production strategies and support inter-regional and diachronic comparisons.[108] The construction of rural infrastructure forms part of this picture. During the fifth century, few areas in the northwest were defended in the same way as, for example, the countryside of Eretria.[109] In considering how this changed from the latter part of the century on, how may we understand the respective effects of lessons learned, demographic change, emerging markets, and changes in the nature and/or intensity of rural exploitation? Arguments based primarily on survey data often point to the Classical period as the peak of population pressure and agricultural intensification. In the northwest, by contrast, emphasis on the Hellenistic period largely rests on urban development and rural investment, raising the question of what such changes actually mean, and whether we are comparing like with like.[110]

Taking these points together and focusing on questions of politics and routes to power and influence, what opportunities for public action and

106 O'Connor 2015; 2022; Sears 2023.
107 O'Connor 2023.
108 Bonnier 2023; Bonnier et al. 2025; Post 2017; 2022.
109 Fachard 2012.
110 For this reason, I am sceptical about the approach taken by Bintliff 1997.

benefaction may we see case by case, and how might we trace this systematically without written testimonia? The issues raised remind us that path dependency in the development of public roles and the identity of those who assumed them may follow circuitous routes.

3. Economic processes and questions of scale.

Emily Mackil has argued that the main driver of federation was to protect economies. This is not a matter of wealth redistribution or any strong social intervention, but rather a codification of rights and an easing of internal impediments to interaction to the point where economic integration might follow.[111] As she emphasizes, this foregrounds the interaction between state power and economic behaviour – federations in other words were not just political entities – while recognising that the relationship was dynamic. Understanding the history of economic connections, the various scales over which they operated, who they affected, and how matters of regulation intervened or not (let alone whether states could actually deliver what they claimed) is thus essential if we are to understand the logic behind the political choices made.

Here too, decision paths were not always direct. As an example of a shared instrument facilitating temporary convergence, consider the financing of Timoleon's expedition to Sicily (344-338 BC), which led to the defeat of the Carthaginians and the freedom of all Greek cities on the island, *inter alia* securing mainland access to western markets.[112] Support for the expedition crossed the political divides of the previous century, bringing together the Corcyraeans, Leukadans, Anaktorians, Ambrakians, Akarnanians, and Amphilochian Argives within an alliance extending from Corinth to Dyrrachion. Regardless of the differing numismatic histories of individual cities, widespread issues of silver staters on the Corinthian standard and with Corinthian Pegasos iconography surely facilitated common financing of the expedition. In the longer term, they may also have been advantageous in western trade.[113] They illustrate the

111 Mackil 2015b.

112 Plut. *Tim*. 35; Domingo-Forasté 1988: 58-63.

113 Pegasoi: Hoover 2014: 217-75 (noting, at 261, that the numismatic history of Palairos remains poorly documented). Domingo-Forasté 1988: 132-48 offers a critical overview of arguments surrounding the sudden widespread issue of this type.

prioritization of widely shared economic and geopolitical ambitions and buy-in to the most suitable instrument to achieve them on a geographical scale different from fifth-century alliances and larger than that of the future federations. This convergence may seem to be a step towards a common coinage shared by the northern islands of the Central Ionian Archipelago and their mainland neighbours,[114] but it had no long-term political consequence. Alongside it, the more varied histories of fractional silver and especially bronze coinage, for example in Leukas and among the Akarnanian cities, point to the co-existence of smaller scale markets and different local needs.

One of the least developed areas of current discussion concerns what we might term the middle range – documenting markets which can extend beyond *polis* borders, if not always greatly so, and understanding how they might operate individually and in the context of intersecting networks.[115] We also know surprisingly little about the real extent of monetization region by region: about coin supply, the use of other fungible commodities, and the potential role of bullion and metals in other forms alongside coin. Methodologically innovative work is now being done to identify metal sources and bullion mixes, painting a picture of essentially opportunistic trade on which minting communities could draw more or less at will.[116] What we lack is a balance between larger scale issues of supply and exchange and granular understanding of practices and attitudes (e.g. to value and valorization) in individual regions.

Finally, there is the question of labour, wealth, and inequality. Discussions of the nature of work and of 'professions' in the Classical world[117] have largely remained separate from evaluation of economic performance.[118] Recently, Sarah Murray has emphasized the need to factor in the human costs of growth and to develop metrics to assess cost/benefit

114 Liampi & Papaevangelou-Genakos 2022; on the spectrum of common coinage, from convergence to issues in the name of federations, see Mackil & van Alfen 2006.

115 A phenomenon better understood in Hellenistic times: e.g. Oliver 2018. Hayward & Morgan (in review) pose similar questions in relation to the supply of building materials.

116 Davis in review.

117 As Lytle 2018; Stewart et al. 2020.

118 Morris 2005 remains a standard treatment of Classical data.

in human terms.[119] Nuancing the general assumption that improved performance promotes greater well-being, Murray raises the question of whether there was such a thing as 'bad' growth that might disproportionately affect different sectors of the population, create risks to be managed, or even threaten the integrity of the state.

A growing body of work seeks to evaluate socioeconomic inequalities on the basis of the mortuary record. Some studies are morphometric, as the examination of (in)equalities in Classical to Roman east Attica by Anna Karligkioti and colleagues, and Anna Lagia and Lisa Steige's comparison of Early Iron Age to Early Byzantine skeletal remains from Laurion and the *asty* of Athens, designed to test the view that the Classical period saw a peak of economic prosperity, and if so whether all benefitted equally from it.[120] A greater range of techniques and much larger samples are required in order to examine the effects on various sectors of the population of settlement scale, intensity of occupation, and differing diet and exposure to pathogens and other environmental factors. Here Greece is particularly well placed to contribute, given the large data sets amassed from decades of rescue excavations in settlements and cemeteries across much of the country. One example of how such data can be mobilized is the programme *CityLife. A Bioarchaeological Study of 1,800 Years of Resilience and Adaptation to Urbanity*, directed by Christina Papageorgopoulou (Democritus University of Thrace). Based on a sample of 4,500 skeletons from contexts dating from 300 BC-1500 AD excavated during the construction of the Thessaloniki metro system, this addresses issues of resilience, pathogen load, diet, immunity, living conditions, urban food systems, and social structures.[121] A related challenge is to develop a more sophisticated theoretical understanding of inequality and its relationship to wealth creation, and thus to make the fullest use of the information acquired. Some of this work is being done within the discipline of ancient history,[122] but there is also great promise in ongoing

119 Murray 2024.

120 Karligkioti et al. 2023; Lagia & Steige 2024. Such approaches are more advanced in the Roman world: see Bowes 2024 for a review, emphasizing potential methodological pitfalls.

121 https://cordis.europa.eu/project/id/101126337 [consulted 24.9.25]

122 Eberle 2024.

comparative research into the nature and role of asymmetric relationships of all kinds worldwide, up to and including slavery.[123]

4. Population.

It is only fitting that discussion of population should feature in a tribute to Mogens Hansen, given his many contributions to this field. Amongst archaeologists in particular, methodological discussion remains live.[124] But while population size can be relevant to political organization, as we have seen, my focus here is on the relationship between changing population composition, governance, and decision-making.

How may we understand changes in population size, social composition, and distribution within state territory? Can we quantify movements in and out of state territory, from traffic in unfree labour to population displacement or voluntary resettlement (temporary or permanent)? What sectors of the population were most affected? What opportunities might have been opened by changes, for example in inter-state connections, increased investment, or economic activity including agricultural regimes? This all speaks to the 'what' and 'how' of government and foregrounds the resilience of existing systems. What were the potential strains on government, and did countering them open different conceptual space in terms of how regulation (including taxation) might be applied? If we are correct in assuming that systems of trust played a fundamental role, how might they be impacted if the people involved changed? Did it make a difference if incomers were assimilated into traditional structures (by marriage and/or acceptance into families as attested, for example, by burial in family tombs or plots) or if they emphasized their differences; if they were people who could bring assets or otherwise assert influence or if they filled subaltern roles? If inequalities in

123 The concept of Strong Asymmetric Dependency (SAD) has been developed and researched by the Bonn Center for Dependency and Slavery Studies: https://www.dependency.uni-bonn.de/en [consulted 24.9.25]. Archaeological aspects of this agenda are carried forward by the Centre's ARCHDEPTH research group.

124 Terrenato 2013 reviews recent work on this subject in a volume dedicated to problems and agendas in historicizing archaeological data of this kind.

wealth and status increased, might this affect popular acceptance of administrative systems which were not formally regulated?

Understanding the composition of populations over time is an essential first step. One approach is to acquire large diachronic data sets connecting genetic relationships with kinship structures as expressed in the mortuary record, health status, social standing, and social practices such as foodways. This does not imply a crude distinction between self-identity and biological identity, let alone an attempt to identify ethnicity or race.[125] Rather, it is a matter of grounding scientific data from skeletal material in social practice using the culturally sensitive context of formal burial.[126] DNA is a key tool, but it is also expensive to employ at scale; other approaches, including isotopic analysis and cranial and dental non-metric traits, are cheaper although to varying degrees cruder and with their own methodological complexities.[127]

These techniques are well established, and while they may feel new in Classical archaeology they are beginning to cut through. However, studies are still geographically scattered and sample sizes often small. There is a pressing need for larger and better integrated studies with emphasis on building a picture across the territories of future federal states. Areas of northwest Greece hold great promise in this respect. Excavation of large cemeteries for recent public works[128] offers the prospect of comparison between Akarnanian and Aitolian cities and Corinthian colonies which themselves had divergent trajectories – undergoing change in political control and forced migration (Anaktorion and Ambrakia) or hosting foreign residents (identified in the port community of Leukas by ethnics on gravestones). The colonial cemeteries all display strong emphasis on the family, with tomb re-use normal from the beginning and complemented in Classical and Hellenistic times by the grouping of graves within periboloi. At Ambrakia in particular, substantial work has been undertaken to characterize the human remains in these often-complex contexts and to consider questions of diet and health status.[129] It would

125 Parmenter 2024.
126 Laghia & Voutsaki 2024 represent the current state of the field.
127 Exemplified in Panagiotopoulou et al. 2018; Nikita et al. 2024.
128 Vikatou 2019.
129 Angeli 2021; Berry 2002; Georgiadou et al. s.a.

be a logical further step to address the biological relationships between those admitted to such contexts.

5. Koina and komai.

Whether we truly understand the range of communities brought together within common polities is an open question. The *Inventory* included settlements not attested as *poleis*, and in *CPC Papers* 2 Mogens Hansen examined the term *kome* as attested in literary sources (largely Athenian at least for the Classical period).[130] As he observed, perceptions of the socio-political significance of *komai* vary. For Aristotle, they were lower-level villages, while Thucydides saw them as evidence of earlier and/or more primitive society (he allows their existence in early *poleis* as Athens under Theseus, as villages within a conurbation like Sparta, or as characteristic of a backward *ethnos* as that of the Aitolians). In Xenophon's *Anabasis, kome* describes a barbarian town.

In the same article, Hansen addressed the question of transformation in settlement organization. In the case of Kassope, he contrasts Ps.-Skylax's description of the Thesprotoi, Kassopoi, and Molottoi (Ps.-Skylax 31-32) as *ethne* where people lived *kata komas* with the reference to Kassope as a place (and likely a *polis*) in the Epidaurian list of *theorodokoi* (*IG* IV^2 95.24-26). Ps.-Skylax was active around 380-360 BC and the inscription dates ca. 356, implying a change just before the mid fourth century. This accords with the archaeological date for the foundation of Kassope.[131] Hansen thus assumed that Kassope was created via a synoikism of *komai*. Yet we lack evidence to substantiate this: the texts are uninformative, and post-prehistoric data from the only systematic survey of the area, conducted by the Nikopolis project from 1991-1996, remain unpublished.[132]

There is much still to learn about the nature and role of communities of this kind both individually and as members of *koina* of varying scales. Unfortunately, some of the most significant areas for our understanding of them are also the least explored and/or with problematic and often

130 Hansen 1995b.

131 Hansen 1995b: 61.

132 On the project design and coverage: Wiseman & Zachos 2003: 1-45.

unpublished data sets. In inland Aitolia, for example, a shortage of evidence for settlements and burials after the early eighth century makes it impossible to contextualize the emergence of towns from the mid-fifth century onwards.[133] In Epirus, before the widespread urban development of the fourth and third centuries, settlement in Chaonia, Molossia, Thesprotia, and the lower Acheron area is uniformly described as *kata komas,* yet varied considerably in appearance. Molossia has the highest number of excavated sites; villages with associated cemeteries and access to fortified areas which appear consistent in form from the Early Iron Age until their abandonment (generally in the fourth century).[134] But even here, there are many unanswered questions – about social structure, relations between communities, patterns and locations of trade and exchange, and the continuing role of rural sites, especially fortifications, after the foundation of urban centres. Clearly there are ways to approach this via the material record – mapping storage capacity for example, or the activities of mobile craftsmen – but this will require further publication and new fieldwork.

This situation cannot be dismissed as just a phenomenon of the 'periphery'. First, it speaks to larger biases in the settlement record. Site distributions are inevitably incomplete, but gaps in the coverage of particular areas and kinds of environment should be targeted as a priority, and legacy data published and/or reappraised. In other words, the problem is less one of increasing site numbers *per se*, and more of designing projects to target difficult areas and assess what the data represent. Some unpublished data will be straightforward to process. Others are so severely impacted by landscape change and problems of visibility that a new research design is required: such is the case with legacy data from the Grevena Survey in western Macedonia.[135] In the northwest, including the Ionian islands, large areas of uplands and mountains are barely investigated (a situation not unusual in the old Greek world). In these kinds of environment, pedestrian survey faces challenges of scale and practi-

133 Evidence summarized in Morgan forthcoming-a: section 4.1.2.

134 Morgan forthcoming-a: section 4.1.6; Papadopoulos 2016.

135 Apostolou et al. 2024.

cality. Integration of LiDAR, drone, and geophysical survey is significantly more advanced in Italy and further west in Europe and is much needed in Greece.[136]

Secondly, a clearer view of the form and date of the infrastructure belonging to communities currently subsumed under the heading of *komai* in modern scholarship will permit more robust comparison with settlements attributed to *poleis*. In a provocative recent article, Robin Rönnlund argued that it is misleading to treat Greek *polis* towns as 'urbanized' before the late fourth or third centuries and thus as models for settlement development in temperate Europe.[137] Rather, with primary reference to western Thessaly, he identifies a dominant system of lowland villages with fortified hilltop refuges. Whether or not one agrees with this argument, it challenges us to take a comparative view of how populations aggregate and with what degree of variation across a political territory.[138] Rather than simply contrasting some abstract idea of a *kome* with that of an *asty* (bearing in mind that we lack direct evidence for how many supposed *komai* were described by their inhabitants), one might, as a heuristic exercise, evaluate points of similarity and difference between widely scattered communities (considering, for example, Corinth, Sparta, western Thessaly, and Epirus within the same frame). Rönnlund himself has advocated such an approach to acropoleis across political formations of all kinds.[139]

This in turn problematizes attitudes to fourth- and third-century urban development which explicitly or implicitly present formal planning and monumental construction as aspects of modernity and symptomatic of larger political transformations. One should not underestimate the social, economic, and political implications of investment on such scale, nor the conceptual shifts implied in changes such as the first use of formal cult buildings in Thesprotia and Molossia. However, the success with which these cities became embedded in local society, with transformational effects in the long term, clearly varied. In western Thessaly, Rönnlund describes such urbanization as ephemeral, meeting late fourth- and

136 Stek & Hamel 2019.
137 Rönnlund 2024; compare Morgan 2003: 47-49.
138 Gyucha 2019.
139 Rönnlund 2018.

third-century political needs but losing relevance and fading away by the mid second century, thus displaying a lack of resilience which contrasts with the persistence of often wealthy and powerful villages.[140]

Sites of the kind now described as *komai* range from villages to small conurbations. As communities they could be expected to have their own political organization and to act as units in larger associations. We hear about tribal government, but the potential for more local, smaller-scale groupings is worth examining. In the case of Epirus at least, the form of overarching government could change without any real impact on the size and/or form of settlements, at least until the fourth century. It is not easy to find suitable language to describe these settlements without recourse to the outsider voices of Thucydides and Aristotle. Reliant on these sources, we tend to distinguish *komai* from *poleis* by virtue of a supposed lack of political status, and thus fall back on socio-economic considerations. But this is hardly satisfactory: the lack of an insider voice to give a sense of the political language surrounding these communities cannot be taken as evidence that it did not exist. The larger aim must be to fill out and thicken the picture presented by Mogens Hansen.

Conclusion

It would hardly be appropriate to commemorate Mogens Hansen with familiar questions and simple answers. I celebrate his taste for the intractable both in my choice of subject – the contribution of the material record to understanding the decision paths leading to the development of common polities – and region, since (Hellenistic Aitolia apart) northwestern Greece so rarely features in discussions of Greek statehood.

My conviction that nothing is off-limits for material modelling may seem a throwback to the 1960s and 70s. But in asserting our capacity to write history through material culture,[141] I take inspiration from recent work on other western places and periods,[142] as well as from the concern

140 Rönnlund 2023. More systematic exploration of notions of disentanglement, as advocated by Semerari 2017, would also be profitable.

141 Renfrew 1980; on the intersection with history, see Hall 2014: 1-16; Khatchadourian 2016.

142 Dyer 2021; Gerritsen & Riello 2020; 2021.

expressed in the Americas and beyond the western world to avoid allowing the idea of prehistory to reinforce the supremacy of text-based outsider voices.[143] This is a matter both of reclaiming a wider range of voices and of recognising the equal importance of histories read through material and textual sources. In the Greek world, the task is to identify compelling questions with the power to change historical understanding. I emphasize the need to embrace dissonance between sources – to seek a thicker understanding rather than just connecting more reference points in one dimension – and to respect methodological and evidential challenges arising from all forms of source material.[144] Given concerns that the archaeology of the long Classical period appears introverted, I stress the need to tackle large problems with questions and methodology widely applicable across the Greek world and beyond. The CPC took a comparative approach to city-state cultures. Federal states and *koina* are larger and more complex entities, with implications for studies of urbanism, forms of political integration and their relationship to economic and other forms of alliance, and links with local power structures.

If I have been critical of current historical research, it is not to score points or set archaeology against ancient history. As Andrew Bevan has emphasized, the risk that Mediterranean topics are seen as over-represented in archaeological research means that we have a responsibility to maximize larger impacts and the utility of the data generated. Perpetuating splits with history, being unwilling to generalize, and accepting in his words a 'balkanization of study into sharply bounded, period-, region-, and material-specific territories' can only be counter-productive.[145] Greek archaeology has long produced an enviable range and quality of data. Now we must find more compelling ways to exploit it.

143 Lane 2013; Schmidt & Mrozowski 2013.

144 Snodgrass 1987: 38. Hall 2014: 207-12.

145 Bevan 2025 (quotation at p. 13). Sauer 2017 likewise emphasizes the political wisdom of outreach and generalization at a time when the future of the humanities is insecure.

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SYMPOLITEUOMENOI IN BOEOTIA: AKRAIPHIA AND ITS *ISOTELEIS* METICS AT THE BEGINNING OF THE THIRD CENTURY BC (ABOUT *SEG* 67.253)*

By Christel Müller

Summary: A decree from Akraiphia in Boeotia, published in 2017 by Yannis Kalliontzis, grants *isoteleia* to city residents, called πεδάϝοικοι, for their active participation in a battle probably fought in 291 BC against the Macedonian king Demetrios Poliorcetes. The privilege granted brings these metics very close to citizen status, to the point that they are included in the category of *sympoliteuomenoi*, a term rightly restored by the editor at the beginning of the text. We can therefore see the contours of a large community, a particular form of *sympoliteia*, which encompasses these *isoteleis*, while distinguishing them from the rest of the *politai*.

The attention that Mogens H. Hansen paid to classical Athens throughout his work did not prevent him from taking an interest in many other regions, notably Boeotia, neighbouring Attica, which he considered to be an excellent 'test case'. He first devoted a long article to the region in 1995, intended to assess his hypotheses on the conditions of existence of dependent *poleis.*[1] Then, in 2004, he tackled the Boeotian cities himself in

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1 Hansen 1995. Other works by Hansen on Boiotia are as follows: Hansen 1996a (*autonomia* of Boiotian *poleis* in the classical federations); Hansen 1996b (inventory of Archaic and Classical Boiotian *poleis*). On dependent *poleis*, see Hansen & Nielsen 2004: 87-94 ('A Typology of Dependent *Poleis*').

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the *Inventory of Archaic and Classical Poleis.*[2] It is therefore a Boeotian tribute that I wish to pay to a historian whose works never leave my desk.

In 2017, Yannis Kalliontzis published an inscription from Akraiphia kept at the Museum of Thebes,[3] the content of which is exceptional for our knowledge of the military, social and institutional history of this small city in the eastern Copais (Fig. 1). Inscribed on a marble block, it consists of two texts: on the front, a civic decree granting *isoteleia* to metics to reward them for having participated, alongside the citizens, in a war against Demetrios Poliorcetes; on the left side, a list of male names, undoubtedly those of the beneficiaries, which forms the expected follow-up to the decree. The editor has shed light on the historical context,[4] showing how difficult relations between the Macedonian king and the Boeotian *koinon* led to two successive revolts in 292 and then 291. The inscription probably refers to the second one but was not set up until after 287 BC, when Boeotia was liberated from the domination of Demetrios Poliorcetes and underwent a profound transformation of its federal organisation, which resulted in the definitive establishment of the Hellenistic *koinon* as reconstructed by Denis Knoepfler.[5] However, while the military history issues and formal aspects raised by this text are now clear, the social and institutional aspects have received less attention, as can be seen from reading the few subsequent comments made by the editor. This article is therefore devoted to a re-examination of these aspects, in particular to the question of the inclusion of the beneficiaries in a group of *sympoliteuomenoi*. My intention, in these few pages, is not to study *isoteleia* in detail, nor the various forms of *sympoliteia*. It is simply to assess the validity of the restoration proposed by the editor *princeps* and to draw all the historical implications of the link between the presence of *sympoliteuomenoi* and the granting of this fiscal privilege.

2 Hansen 2004.

3 Kalliontzis 2017; Knoepfler 2019: 281-82 for hypotheses on how the stone came to be housed in the Thebes Museum; the author emphasises in particular that the excavations carried out by French archaeologists since the 19th century were not responsible for the discovery, and that the block was probably "found in reuse."

4 Kalliontzis 2017: 692-94.

5 Knoepfler 2001a.

For the sake of clarity, I reproduce here the text of *SEG* 67.253 with Kalliontzis' translation (modified):

A. Front side (Fig. 2)

[- - - *c.* 7 - - -]ιω ἄρχοντος τοιὶ ἀπεγράψανθο ἐν τὼς συ[μπο]-
[λιτευομέ?]νως καττὸ ψάφισμα τῶ δάμω·*vacat*
[- - - *c.* 6 - - -] Μειλιῆος ἔλεξε· δεδόχθη τοῖ δάμοι[6] ὅπως κὰ ϝιδῶ[νθι]
4 [πάντε]ς τοὶ Ἕλλανες ὅτι Ἀκρηφιεῖες πολλὰν ἐπιμέλειαν πο[ιῶνθι]
[τῶ]ν χρεισίμων ἐν τοῖς κηροῖς γ[ι]νυμένων τῆ πόλι, δεδόχθ[η τοῖ]
[δ]άμοι, ὅποττοι τῶν πεδαϝοίκων συνεπολέμεισαν τὸμ π[όλε]-
μον τὸμ περιστάντα περὶ τὰν πόλιν τὸμ ποδ Δα-
8 μάτριον ἐπὶ Ξενοκρίτω ἄρχοντος κὴ διέμειναν ἐν τῆ πόλι πι[θό]-
μενοι τοῖς ἀρχόντεσσι κὴ ταδδόμενοι ὅποις ἕκαστον κατέτ[αξαν],
εἶμεν αὐτοῖς ϝισοτέλιαν δεδομέναν παρ τᾶς πόλιος κὴ α[ὐτοῖς]
κὴ τοῖς ἐκγόνοις, ἐμφερόντεσσι ἐν τὰν πόλιν κὴ ἐν τὸ κο[ινὸν]
12 Βοιωτῶν ἅ κα κὴ τοὶ ἄλλοι πολῖτη ἐμφέρωνθι· ἐπιμέλεσ[θη δὲ]
τὼς πολεμάρχως ὅπως μειδὶς αὐτὼς ἀδικίει, ὅπ[ως δὲ]
ἁ δωριὰ κουρία ἴει αὐτοῖς ἐμ πάντα τὸν χ[ρόνον, κὴ φανε]-
ροὶ ἴωνθι ὁπόττοις δέδοτη ἁ ϝισοτ[έλια παρ τᾶς πόλιος, ἀπο]-
16 γράφεσθη αὐτὼς ποττὼς π̣[ολεμάρχως τὼς ἐπὶ *nomen*]
-ω ἄρχοντος ἐν τοῖ πρόσθα [- - - - - - - - - - - - - - - - ἀπο]-
γράψαντας αὐτῶν τὰ ὀνύμᾳ[τα - - - - - - - - - - - - - - - -]
ἐν τοῖ δάμοι· ἐπὶ δέ κα ἀν[αγράψωνθι τὰ ὀνύματα - - - - -]
20 ἤ τίς κα β̣ε̣ί̣λ̣ε̣ι̣τ̣η [τῶν πολιτῶν - - - - - - - - - - - - - - - - - -]
- -

[- - -] being archon, the following persons were registered among the [*sympoliteuome]noi* in accordance with the decree of the People.
[- - - -] son of Meilias made the proposal; be it resolved by the People, so that
4 all Greeks may know that the Akraiphians take great care
of those who have rendered service to the city in times of hardship, be it resolved

6 The text presents two motion formulas and not one enactment formula and one motion formula, contrary to what Kalliontzis 2017: 679 writes.

by the People: Regarding all the metics who fought with [the Akraiphians]
in the war against Demetrios, which threatened the town
under the archon Xenokritos, and who remained in the town, obeying the magistrates and staying where the latter had assigned each of them, let there be
isoteleia for them, granted by the city, both for themselves and their descendants,
such that they contribute to the city and to the *koinon*
of the Boeotians what the other citizens contribute.
The polemarchs shall ensure that no one commits any injustice against them. So that
this gift may be valid for them forever and that
all those who have been granted *isoteleia* by the city may be known, they shall be
registered with the polemarchs under the archon [- *personal name* -],
in [- *place name* -] in front of [- - - - - - - - - - - - - -]; after
inscribing their names [-]
before the assembly of the people; after they have [inscribed the names - - - -]
if any of the [citizens] wishes to [- - - - - - - - - - - - - - - - - - - -

Πανκλεῖς Σιμίαο, Ὀνασίων
Παράλω, Διωνουσόδωρος Χα-
ριξένω, Δρόμων Διωνουσο-
δώρω, Πατρώνδας Πάτρων-
ος, Θρασοκλεῖς Ἀρχεβώλω,
Ζώπυρος Θρασοκλεῖος, Ἐρά-
[των] Στροτώνιος, Νικόλαος
[- - - - - - - - - - - - -]Ν Θιαγέ-
[νιος - - - - - - - - - - - - - - -]

Karpos son of Dionousios, Phileteros son of Kallippos, Pyrrhandros son of Lion, Hermaios son of Hermaios, Thion son of Damoteleis, Menon son of Damoteleis, Soteiridas son of Damostrotos, Pankleis son of Simias, Onasion son of Paralos, Dionousodoros son of Charixenos, Dromon son of Dionousodoros, Patrondas son of Patron, Thrasokleis son of Archebolos, Zopyros son of Thrasokleis, Eraton son of Stroton, Nikolaos [son of?, - - - - - -]N son of Thiageneis [- - - - - -].

Commentary

1. A group of πεδάϝοικοι

The first point concerns the initial status of the beneficiaries of the decree. The latter refers to them as πεδάϝοικοι, a dialectal form for *metoikoi*, attested here for the first time in Boeotia. We are therefore dealing with free non-citizen residents, a category that sources rarely mention for the region. As the editor observes, for the Hellenistic period, *metoikoi* are known only in connection with Alexander's siege of Thebes in 335, in the writings of Diodorus.[7] The term is then that of the *koine*, but it has the advantage of informing us about the presence of such residents on the

7 Diod. 17.11.2: οἱ δὲ Θηβαῖοι τοὺς μὲν ἱππεῖς ἐντὸς τοῦ χαρακώματος ἔταξαν, τοὺς δ'ἐλευθερωθέντας οἰκέτας καὶ τοὺς φυγάδας καὶ τοὺς μετοίκους τοῖς πρὸς τὰ τείχη βιαζομένοις ἀντέταξαν: "For their part, the Thebans stationed the cavalry within the palisades, assigned their enfranchised slaves, along with refugees and resident aliens, to face those who drove at the walls" (ed. and tr. C.B. Welles, Loeb Classical Library, 1963).

territory of the city. Later, well after the break-up of the Hellenistic *koinon* in 171, *paroikoi* are found in inscriptions. In central Greece, this term refers to resident foreigners and not to free peasants settled in the *chora* as in certain cities of Asia Minor.[8] It is attested from the second half of the 1st century BC in Megaris in Pagai,[9] as well as in Boeotia in Thespiai, but also in Akraiphia itself, where the benefactor Epaminondas, in the first half of the 1st century AD, lavishly entertained several categories of inhabitants, including the *paroikoi.*[10] The existence of 'resident foreigners' in the cities of Boeotia during the Hellenistic period and the early Empire is therefore both undeniable and expected, even if there is little evidence of them.

Another, more delicate question is to understand the number and origin of these πεδάϝοικοι. Here they are considered as a group that enjoyed a collective privilege, even if its enforcement could only be individual. They were soldiers who συνεπολέμεισαν τὸμ π[όλε]μον τὸμ περιστάντα περὶ τὰν πόλιν τὸμ ποδ Δαμάτριον, "fought with [the Akraiphians] in the war against Demetrios which threatened the town." One may hesitate here as to the meaning of *polis*, 'city' or 'town'.[11] In any case, it is not simply a matter of "participating in the war against Demetrios,"[12] but rather a situation viewed from a physical perspective: one should give a concrete sense to the participle περιστάντα applied to a particular place. *Polis* could, of course, refer to the city and its surrounding territory, but it seems to me that the rest of the narrative shows an emergency situation linked primarily to the urban perimeter. These metics, indeed, had the merit of remaining ἐν τῇ πόλι, "in the town" (διέμειναν being endowed with a preverb emphasising the persistence of their behaviour), and not leaving the positions assigned to them (A.ll. 8-9). In other words, they did not desert. We must therefore assume that not all the fighters, whatever their status, had shown the same courage.

8 Gauthier 2011 [1988]: 73.

9 *IG* VII 190 (= *IG* VII^2 1 434: decree for Soteles, son of Kallinikos, dated between 64/3 and 56/5 BC by Adrian Robu in his forthcoming edition of the *IG* volume).

10 *IG* VII 2712 (= see the better edition by Oliver 1971: 225-36: decree for Epaminondas, between 37 and 67 AD), ll. 12 and 64-65.

11 For the two meanings of the term, see Hansen & Nielsen 2004: 39-46 and 138-43.

12 As Kalliontzis 2017: 675 puts it.

They appear not as scattered foreigners, but as a group assigned tasks and places in the battle, exactly as was the case in Diodorus with the metics stationed at Thebes during Alexander's attack in 335.

Nevertheless, it remains difficult to assess whether, outside of the military context, the metics of Akraiphia formed a homogeneous social group. Because the individuals listed here are labelled as πεδάϝοικοι, they cannot be mercenaries, even if that was the case originally. What can be said about them in 'civilian' life? Kalliontzis assumes that the list began at the end of the front side and continued on the left side.[13] The list, as it is preserved, contains 17 names and is incomplete, which may bring the total to at least 20 people, taken from among those eligible for military service, in principle men between the ages of 20 and 49.[14] Military catalogues, which list the annual conscripts belonging to the civic body, varied in the Hellenistic period for Akraiphia between 7 and 37 names, an average of just under 20 per year, if we count from the 17 catalogues that have been preserved. Demographic calculations by Thierry Lucas and Guillaume Dubach show, for the city, a population of 600 to 900 male citizens and of 350 to 550 soldiers aged 20 to 49.[15] The *metoikoi* in the decree therefore do not form a large contingent, but we should not expect to find thousands of foreigners eligible for enlistment in Akraiphia.[16] Moreover, these *metoikoi* represent only a fraction, albeit undoubtedly an important one, of the group of 'resident foreigners': soldiers of fighting age who participated in the defence of the city and were rewarded. The social group itself was therefore larger, if we count those who were not eligible for military service and the rest of the families. The latter can be identified thanks to the patronyms: we find two brothers, Thion and Menon, sons of Damoteleis (B.ll. 4-5), and two pairs of father and son, Dionousodoros son of Charixenos,[17] with Dromon son of Dionousodoros (B.ll.

13 One might wonder why the stonecutter did not inscribe anything in the upper part of this side, leaving a third of the surface blank: perhaps there was a painted image that has left no trace?

14 According to the probable calculation by Lucas & Dubach 2023: 504 n. 111.

15 Lucas & Dubach 2023: 508-10.

16 Knoepfler 2019: 283.

17 Omitted by Kalliontzis 2017: 678-79.

8-10), and Thrasokleis, son of Archebolos, with Zopyros, son of Thrasokleis (B.ll. 11-12).

Their geographical origin is much more problematic, and the 17 names in the catalogue generate more questions than answers. Kalliontzis' careful and lenghthy onomastic analysis, based on occurrences in the *LGPN*, shows a great variety of origins: some names are rarely attested in Boeotia (*Dromon*), whilst others are fairly common (*Patron*), but these occurrences alone are not sufficient to conclude that these metics were Boeotians. Hence Kalliontzis' conclusion that "this is clearly a group of non-Boeotian foreigners who settled in Akraiphia."[18] The linguistic features specific to the Boeotian language, especially the presence of patronymic adjectives and certain dialectal characteristics, do not allow us to conclude that these names are local,[19] but rather that they have been Boeotianised. The interpretation can be taken even further. A highly probable hypothesis is that Boeotians residing outside their city of origin enjoyed privileges such as *eppasis* (dialectal form for *enktesis*) or *isoteleia* within the territory of the Confederacy. This explains the absence of civic decrees honouring members of the *koinon* prior to its dissolution. Under these circumstances, the metics of Akraiphia cannot have been Boeotians from neighbouring *poleis*, as they would not have needed to be granted *isoteleia*. There was undoubtedly no Boeotian metics, or πεδάϝοικοι, at all within the borders of the *koinon*.

Another point has, curiously, escaped commentators: the absence of ethnics after the patronyms. Such an absence is surprising, and there are three possible hypotheses to explain it, with varying degrees of probability:

— The first, which remains unverifiable, would be to say that the absence of ethnics is only apparent and that our metics came from one or more cities whose names would have been indicated at the bottom of the decree, in the damaged part of the stone. A parallel example is the politography of Larissa dating from 217-214, in which

18 Kalliontzis 2017: 679.

19 It remains difficult to understand why Denis Rousset, in his review of the article (Rousset 2019: 534, no. 210), writes that "their names are characteristic of Boeotian onomastics and dialect" and concludes that we are dealing with people from the region.

naturalised citizens are classified according to their origin: one citizen from Samothrace, 142 from Krannon, and more than 60 from Gyrton.[20]

— In the second hypothesis, the absence of ethnics is an expected situation. It might be, for instance, an indication of another status, that of freedmen residing in Akraiphia, in which case we are no longer talking about resident foreigners *stricto sensu*. In another Thessalian politography, that of Pharsalos,[21] dating from the last third of the 3rd century BC, the catalogue contains 177 names, 154 of which have no ethnic and 23 neither a patronym nor an ethnic. The latter beneficiaries are considered, most likely, to be *Penestai*, in other words a local population of servile status, while the others are believed to be *Penestai* who had already been freed.[22] Boeotia did not have this type of rural population, but it did have freedmen who are well known in several cities.[23] The two questions raised by this status are that of the 'disappearance' of the freedmen after their emancipation or once the possible period of *paramone* had ended, and that of the fate of their family, if they had one. This brings up the problem of the value of the so-called patronymic genitive, placed after the *onoma*, which could refer, for example, to a biological father, and would not be a marker of citizen status. One must therefore consider the onomastic characteristics of the individuals concerned. The difficulty here is that the concept of 'servile onomastics' is not always effective; it has even been challenged by Kostas Vlassopoulos for classical Athens and by Dominique Mulliez for Late Hellenistic Delphi.[24] An

20 *IG* IX.2 517, ll. 48-93.

21 *I.Vallée Enipeus* 50.

22 Ducat 1994: 73, 107-13, followed by Bouchon 2021: 169. See below (n. 59) for another hypothesis by Oetjen 2010: 246-48, concerning their origin, in relation to the participle *sympoliteuomenoi*.

23 See the corpus edited by Darmezin 1999, with, admittedly, a slightly later documentation for the manumissions.

24 See Vlassopoulos 2010 and 2015: his detailed quantitative study shows, p. 102, that "the majority of Athenian slaves bore names that did not distinguish them from citizens; and different groups of slaves show different onomastic patterns"; the conclusions are roughly the same in Mulliez 2023: 346: one observes "the predominant use

exchange with Mulliez has convinced me that, in our case, the names did not sound especially servile, except perhaps Karpos or Onasion.[25] The names themselves therefore do not help to clarify their status. Beyond this criterion, if we accept the hypothesis that they were freedmen, they could well have been classified as πεδάϝοικοι, which is paralleled in other cities, even if not all *apeleutheroi* automatically fell into the category of metics.[26] A critically important argument in favour of this hypothesis is to be found in the text by Diodorus already cited:[27] among the combatants of Cadmea in 335, the Thebans had formed three groups of fighters, one of which consisted of "freed slaves (ἐλευθερωθέντες οἰκέται), as well as refugees (φυγάδες) and resident foreigners (μέτοικοι)," which shows the possible inclusion of such freedmen in the ranks of the army and their closeness to the metics.

— A third hypothesis is that the catalogue mentions the result of the operation, in other words that these soldiers would now be Akraiphians, so their ethnic is irrelevant. This would imply the granting of citizenship, a point to which we will return later. However, politographies, whether individual or collective, always give the original (and not the final) status of the beneficiary. This is the case in the lists of Miletos, dated 250-180 BC, which record the *neopolitai* who became citizens 'by decree of the People': in these lists, the only people mentioned without an ethnic are the *nothoi* or *nothai*, the 'illegitimate children', whose situation requires regularisation.[28] Beyond *politeia*, decrees granting privileges to foreigners, whether residents or not, do not omit the ethnic of the beneficiaries,

of Greek names, which has a counterpart: once slaves are freed, it becomes difficult to identify them in Delphic society and to measure the place they occupy there."

25 Mulliez *per epistulam*.

26 Dimopoulou-Piliouni 2008, according to whom the transition from the category of freedmen to that of metics could be the result of both statutory and social promotion; Zelnick-Abramovitz 2005: 307-19. The question remains unresolved for Athens: Kamen 2013: 43-54.

27 Diod. 17.11.2.

28 *E.g.*, *I.Delphinion* 41 (226/5 BC).

and this is the case in Boeotia as elsewhere.[29] If the omission here is deliberate, it becomes meaningful in itself. We must then assume that, in the case of these πεδάϝοικοι, the omission implies, first and foremost, residence in the area and a distancing from the city of origin: this might be the most reasonable solution. In this respect, it is worth noting that individuals with *isoteles* status frequently appear in inscriptions without their ethnic. In the case of Athens, for example, some funerary stelae show the ethnic being replaced by a reference to their *isoteleia.*[30]

Little more can be said about the πεδάϝοικοι. Ultimately, the key point is to accept that this category is not necessarily a homogeneous one.[31]

2. The privilege of isoteleia

These πεδάϝοικοι receive a privilege that is the main focus of the decree: *isoteleia.*[32] This privilege is very frequently given in Boeotia to foreign benefactors, for whom there is no evidence of residence, but who could be attracted by such a grant. It is generally accompanied by other advantages, notably the 'right to acquire land and a house', which is called γᾶς κὴ ϝυκίας ἔππασις.[33] One deals here with a collective grant to brave metics, that had, in fact, a greater impact than individual decrees. The best parallels for such collective grants can be found in Athens, where on various occasions the *demos* granted *isoteleia* to a group, as it did in 401/0 BC to foreign soldiers who had taken part in the Battle of Mounychia and

29 *E.g.*, in Akraiphia, Perdrizet 1899: 90-91 (two decrees of proxeny for Chalcidians, late 3rd century BC).

30 E.g. *IG* II^2, 8652 (4th century BC): Εὔκολον |᾽Ονησίμου | ῾Ηρακλεώτου. | ᾽Ονήσιμος | Μνησικλέους | [ἰσο]τελής, κτλ., "Eukolon daughter of Onesimos from Heraclea; Onesimos son of Mnesikles *isoteles*." It is the woman's name that indicates the city of origin of Onesimos.

31 Dimopoulou-Piliouni 2008: 47.

32 I discuss the topic of *isoteleia* in greater depth in Müller forthcoming.

33 *E.g. IG* VII^2 3, 18 (Tanagra, late 3rd century BC, decree in honour of Histieos son of Ariston of Miletos). For the *eppasis* privilege in Boeotia, see Mackill 2013: 258-59, with her epigraphic dossier that provides further examples.

liberated Piraeus.[34] In our case, *isoteleia* is not associated with the granting of *eppasis*, perhaps because the πεδάϝοικοι had already received it, or because the Akraiphians did not deem it appropriate to grant it then, a less likely hypothesis given the usual Boeotian generosity in this matter.

Isoteleia implies that the beneficiaries change tax category: instead of paying the tax reserved for resident foreigners, the local equivalent of the Athenian *metoikion*, they will pay the same taxes as citizens. The text, which is perfectly clear on the topic, provides a definition of *isoteleia* as it applies in Boeotia in the 280s BC: εἶμεν αὐτοῖς ϝισοτέλιαν δεδομέναν παρ τᾶς πόλιος κὴ α[ὐτοῖς] κὴ τοῖς ἐκγόνοις, ἐμφερόντεσσι ἐν τὰν πόλιν κὴ ἐν τὸ κο[ινὸν] Βοιωτῶν ἅ κα κὴ τοὶ ἄλλοι πολῖτη ἐμφέρωνθι, "let there be *isoteleia* for them, granted by the city, both for themselves and their descendants, such that they contribute to the city and to the *koinon* of the Boeotians what the other citizens contribute."

The reason this document is so crucial is that it refers explicitly to the tiered structure of taxation between the civic and federal levels.[35] The existence of taxation in the Boeotian *poleis*, along with exemptions, is well documented: this may have taken the form of ordinary *tele*, such as those on the import and export of commercial goods, but the list is by no means exhaustive. However, federal taxation is more difficult to grasp from the sources. Apart from decrees granting *ateleia* or *isoteleia* to foreign benefactors at the level of the *koinon*, there are two main sets of documents that refer to federal levies: the *Hellenica Oxyrhynchia*, which describe the situation in Boeotia during the second half of the 5th century BC, with *eisphorai* paid by each district;[36] and three leases from Thespiai which mention a *telos* to be paid, if required, by the farmer either to the

34 Rhodes & Osborne, *GHI* 4.7-9. See other parallels cited by Kalliontzis 2017: 684. All the Athenian cases are discussed by Flament 2022.

35 Mackill 2013: 289-304, about various confederacies, including the Boeotian *koinon*.

36 *Hell.Oxy.* D 19.4 (ed. M. Chambers [Teubner 1993]): ἁπλῶς δὲ δηλῶσαι κατὰ τὸν ἄρχοντα καὶ τῶν κοινῶν ἀπέλαυον καὶ τὰς ε[ἰ]σφορὰς ἐποιοῦντο καὶ δικασ<τὰς> ἔπεμπον καὶ μετεῖχον ἁπάντων ὁμοίως καὶ τῶν κακῶν καὶ τῶν ἀγαθῶν "In short, in proportion to the number of magistrates, they shared in the common funds, paid the taxes (*eisphorai*), sent judges, and took part in everything on an equitable basis, both in the burdens and in the benefits" (transl. Lucas 2023: 14).

city or to the *koinon*.[37] Three questions arise, all interrelated: what taxes were paid in Boeotia? Who benefited from these taxes (the *koinon* or the city)? How was collection carried out? Regarding the nature of the taxes, the *koinon* levied *eisphora*-type taxes, intended mostly to finance the army and military operations. These levies were proportional to the population of each district in the classical period, and there is every reason to believe that the same was true in the Hellenistic period. It is indeed the districts, whatever their institutional existence, that were liable for taxation and that spread the burden across each of the member cities. This required a "tremendous coordination effort on the part of the several *poleis* that made up a single district."[38] We do not know, however, how frequently these levies were imposed. One cannot help but think that they must have been regular, given the responsibilities borne by the federal authorities regarding the protection of the Boeotian territory. The *telos* mentioned in the Thespiai leases is more mysterious: it represents a tax on land (?), appears to be levied on individual farmers, but does not seem to be collected systematically, either at the civic or federal level.[39]

What does the decree for the πεδάϝοικοι bring to the issue? It does not, of course, give a list nor describe the nature of the taxes concerned, but it does not exclude any of them a priori. We can therefore venture the hypothesis that the use of the verb ἐμφέρω, a dialectal form of the verb εἰσφέρω, implies that a possible *eisphora* or 'exceptional contribution' could also be involved.[40] But both terms can take on a very general

37 *I.Thespies* 55, ll; 1-2 and 26-27 (Pernin 2014: 122-25, no. 25), *ca*. 230-215 BC: εἰ δέ τί κα δείει τέλος ἐμφερέμεν ἐν τὰν πόλιν εἶ ἐν τὸ κοινὸν |Βοιωτῶν, ὕσι ὁ γ[αϝ]εργός, "if tax is to be paid to the city or to the Boeotian Confederacy, the farmer will pay it" (transl. Pernin). The phrase (restored) also appears in two other leases (*I.Thespies* 48 = Pernin 2014: 108, no. 22, l. 15-16 [250-245 BC], and *I.Thespies* 54 = Pernin 2014: 118, no. 24, l. 5-6 [230-215 BC]). In all three cases, the *telos* relates to a sacred domain: Mackill 2013: 297, therefore writes that "it is possible that sacred land may somehow have formed the basis of the tax assessment for a *polis*," which is not very clear.

38 Mackill 2013: 297.

39 Pernin 2014: 139-40.

40 On *eisphora*, see Migeotte 2014: 518-24.

meaning to refer to the payment of any amount of money in a wide variety of contexts.[41] Regarding the collection of taxes, there is no reason to interpret the expression κὴ ἐν τὸ κο[ινὸν] as implying a direct payment to the *koinon* by the citizens, any more than in the case of the *telos* mentioned in the Thespiai leases. Such a practice would make no sense in this hierarchical system, which sought, moreover, to minimise transaction costs. These are simply taxes owed *to* the *koinon*, which were collected *by* the city. The decree shows that these contributions were themselves based on levies imposed on the citizens. To pay their due to the *koinon*, the cities did not use only (or at all) the revenues collected, for example, from harbour or sales taxes. Concerning the πεδάϝοικοι, it is impossible to say whether they already paid similar taxes in the 'metics' category. The decree definitely allows them to contribute in the 'citizens' category, with all the changes that may be involved.

We know that *isoteleia* could be granted by the *koinon* itself:[42] This implies that it had sufficient authority over the cities to impose a specific tax regime on them in favour of a particular individual.[43] This privilege is also attested at the civic level, in Haliartos, Orchomenos, Plataea, Tanagra, Thespiai, Thisbe and, above all, Oropos during the time it belonged to the Confederacy. This is its first attestation in Akraiphia, probably for chronological reasons: the civic decrees there are mainly dated after the period of the Hellenistic *koinon*, during which *isoteleia* was granted elsewhere in the region. The new decree makes it clear that, in this case, it is the *polis* that grants the privilege: εἶμεν αὐτοῖς ϝισοτέλιαν δεδομέναν παρ τᾶς πόλιος, the last part of the sentence serving to emphasise the point.

The granting of *isoteleia* is described as a *doria*, 'gift' (l. 14), a term often used in inscriptions to refer to an honour or a privilege. The text ensures that it is effectively applied by recording the names, the polemarchs be-

41 *E.g.* in the dossier concerning the loan granted by Nikareta of Thespiai to the city of Orchomenos, the term ἐνφορά (= εἰσφορά), accompanied by the verb εἰσφέρω, refers to the 'contribution' intended for repayment: Migeotte 1984: 53-69, no 13: III (F), l. 49 (150).

42 E.g. *IG* VII^2 2, 1 (ca. 270 BC), l. 7: federal decree for Ophelas son of Philemon of Amphipolis.

43 Mackill 2013: 294.

ing responsible for enforcing this 'equality of tax', while also guaranteeing the safety of *isoteleis* metics (ll. 12-13), another fundamental grant.[44] It is worth noting how counterintuitive it is for a modern mind to describe the payment of a tax as a 'gift'.[45] Indeed, *isoteleia* here is not simply a matter of exemption from the tax levied on resident foreigners, nor is it simply equivalent to *ateleia*, in a weakened sense, as sometimes happens including in Boeotia.[46] It consists of paying the same taxes as citizens, in this case at two levels, civic and federal.[47] It is therefore difficult to imagine that this grant constituted a real tax relief. *Isoteleia* plays in fact a special role that goes far beyond the financial issue alone. In the toolbox of *philanthropa* that a city can grant, when *isoteleia* is bestowed on resident foreigners, it represents the highest possible privilege before *politeia* itself: in this regard, it should be noted that the Boeotians rarely granted citizenship and preferred to maintain an ethnic basis for the exercise of political offices. As a result, *isoteleia* placed its beneficiaries as close as possible to the body of citizens, without granting them full participation. This was also the case in Athens, where the *isoteles* metic became a quasi-citizen, deprived only of sharing in the *arche*.[48] This brings us to the question of a possible *sympoliteia* between these privileged πεδάϝοικοι and the *politai*.

44 Kalliontzis 2017: 686 recalls that in Athens, it was also the polemarchs who "played an important role in the relationship between metics and the city." Although the title is the same, it is not certain that the office was exactly equivalent in both regions. In Athens, there was a single magistrate, the archon polemarch, while in Boeotia there was a board of three people who performed multiple functions: Roesch 1965: 162-76; Kalliontzis 2020: 65-66.

45 See already Müller 2017 [2014]: 551.

46 This usage can be observed in a number of Boeotian proxeny decrees, especially in Oropos, which often grants *isoteleia* (e.g. *IG* VII^2 2, 126, l.6 (for Hekataios son of Noumenios of Mesembria, *ca.* 235-205 BC)). On this equivalence, see Knoepfler 2001b: 58-9; Knoepfler 2019: 282, for Euboea; Migeotte 2014: 111 n. 310 (about Odessos) and 115. On the extent of the different forms of *isoteleia*, see Müller forthcoming.

47 Kalliontzis 2017: 685.

48 Kamen 2013: 55-61; Migeotte 2014: 461-64.

3. What kind of sympoliteia*?*

The most formidable difficulty in the text arises in the first two lines, which are unfortunately mutilated in the worst possible place. We read: [- - - *c.* 7 - - -]ιω ἄρχοντος τοιὶ ἀπεγράψανθο ἐν τὼς ΣΥ[- - | - *c.* 9-11 - - - - - -]ΝΩΣ καττὸ ψάφισμα τῶ δάμω: we have here the dating by an archon whose name has been lost, and a title that is the beginning of the list of beneficiaries (τοιί = οἵδε). The latter are included in a group beginning with ΣΥ- and stated in the middle-passive participle (-ΝΩΣ). There are not many solutions for the reconstruction, and all are linked to three possible fields: military, fiscal or political:

— A first idea would be to find a verb related to the military field, since the formula τοιὶ ἀπεγράψανθο ἐν τὼς usually appears at the top of conscripts' catalogues to specify that they are enrolled in a particular corps, for example that of the peltophors. One might think of the middle verb συμμάχομαι, 'to fight with', 'to be an ally, an auxiliary', but the participle *symmachomenoi* (here potentially συ[μ|μαχομέ]-νως) does not seem to have any obvious epigraphic parallel. Furthermore, it does not sufficiently fill the gap, even if the spacing and size of the letters are subject to variation in the text.

— A second solution is to choose a verb from the field of taxation, because of the privilege of *isoteleia*. Denis Knoepfler suggested συντελέω, 'to contribute together', here in the middle voice, and restored συ[ντελιομέ]νως: metics would thus be included in a category of contributors.[49] The difficulty is that, here too, there is no epigraphic parallel with such a meaning, and the uses of this verb are generally limited to expressing, in the active voice, the completion of an action – sporting event, sacrifice, ceremony etc.[50] An interesting parallel can nevertheless be found in the passage of *Hellenica Oxyrhynchia* concerning the Boeotian federal organisation in 395 BC and the Theban district: the latter provided four Boeotarchs, two for the city and two for Plataea, Skolos, Erythrai, Skaphai and the other

49 Knoepfler 2019: 283.

50 Among many examples, see *IG* XII 5, 865 (Tenos, 2nd century BC), which refers to performing 'the ceremony and the sacrifices' (l. 12-13): καὶ συντελοῦντες τὸν τελεσμὸν καὶ τὴν θυσίαν.

places which were then tributaries (συντελούντων) of Thebes.[51] As expected here, the participle is in the active voice. Furthermore, if the Akraiphia group had, in these lines, a fiscal meaning, we would rather expect the adjective *isoteleis* to designate it.

— This leaves us with the 'political' solution proposed by the editor: συ[μπο|λιτευομέ?]νως, a reconstruction that fits the size of the lacuna. According to Denis Rousset, "the participle is reconstructed, cautiously but quite plausibly, based on what follows."[52] Denis Knoepfler, on the other hand, expresses doubts, "because a *sympoliteuomenos* is in principle someone who enjoys the same rights as native citizens, which can hardly be the case here, since these metics did not receive full *politeia*."[53] It is this statement that we must now address in order to draw all the conclusions from the situation, beyond the broad outline proposed by the editor.

If one sticks first to internal criticism, a weighty argument, which curiously is not invoked by Kalliontzis, lies in the mention, in line 12, of τοὶ ἄλλοι πολῖτη. *Isoteleis* will be subject to the same taxes as "other citizens." The text could have simply referred to τοὶ πολῖτη: the adjective ἄλλοι implies that the group receiving the privilege is understood to be included in the civic body in one way or another. It is therefore quite logical to restore συ[μπο|λιτευομέ?]νως in lines 1-2, which can be translated as 'those who are associated with the citizen body'. The question remains as to the nature of this association.

As a brief reminder,[54] one distinguishes for practical purposes between bilateral sympolities, involving one or more *poleis*, and federal sympolities, where cities are placed in a *koinon* with a two-tier citizenship. In this regard, Hellenistic Boeotia, described as a *koine sympoliteia* by

51 *Hell.Oxy.* D 19.3 (ed. M. Chambers [Teubner 1993]). Transl. Lucas 2023: 14. See below n. 56 for the full passage.

52 Rousset 2019: 533, n° 210.

53 Knoepfler 2019: 282-83.

54 See Reger 2004 and Pascual 2007, while awaiting the publication of Priol 2023. *Sympoliteia* is not to be confused with *isopoliteia*, 'granting of equal citizenship', which was recently discussed in Gagliardi 2025 and Müller 2025, with previous bibliography.

Polybius,[55] fell into the second category. At a lower level, and in between the two categories, we can cite the *sympoliteuomenoi* grouped around Plataea before its destruction in 427 BC and probably already in 431: they consisted of the series of villages or small dependent cities, which after that date were tributaries of Thebes, as mentioned above.[56] However, these two types of *sympoliteia* do not exhaust the meaning of the concept. As Luigi Moretti had already pointed out,[57] a third sympolitic arrangement may exist within a city itself, when it establishes links with a community of free residents and forms with it a group, whose members do not all have the same relationship to citizenship. For this type of *sympoliteia*, Kalliontzis offers a series of parallels for a better understanding of the Akraiphian decree. Among them, the text that seems to me the closest and most relevant is the one already mentioned, the Pharsalos politography from the end of the 3rd century BC.

The first lines of this decree specify the action of the city: ἁ πόλις Φαρσαλίουν τοῖς καὶ οὗς ἐξ ἀρχᾶς συμπολιτευομένοις καὶ συμπο|λ[εμεισάντε]σσι πάνσα προθυμία ἔδουκε τὰν πολιτείαν καττάπερ Φαρσαλίοις τοῖς| ἐ[ξ ἀρχᾶς πολ]ιτευομένοις, "the city of the Pharsalians, to those who have already been *sympoliteuomenoi* since the beginning and have participated in military actions with all their zeal, has granted *politeia* on the same terms as [those that exist] for the Pharsalians who have been *politeuomenoi* since the beginning."[58] The beneficiaries are thanked here, as so often, for their eagerness to fight alongside the citizens. The expression ἐξ ἀρχᾶς is not easy to understand, but seems to refer to a long-

55 Plb. 27.2.10.

56 *Hell.Oxy.* D 19.3: δύο δὲ ὑπὲρ Πλαταιέων καὶ Σκώλου καὶ Ἐρ[υ]θρῶ[ν] καὶ Σκαφῶν καὶ τῶν ἄλλων χωρίων τῶν πρότερον μὲν ἐκείνοις συμπολιτευομένων, τότε δὲ συντε|λούντων εἰς τὰς Θήβας, "two for Plataea, Skolos, Erythrai, Skaphai and the other places which, previously, formed a *sympoliteia* with Plataea, but were then tributaries of Thebes." For the various Parasopia sites, see Hansen 2004: 440-41, s.v. Erythrai; 441 s.v. Eteonos/Skaphai; 449-51 s.v. Plataiai; 452 s.v. Skolos. The case of this subregion is discussed from multiple perspectives by Mackill 2013: 41 n. 93; 185-86; 188; 205; 284-85; 296; 336; 371 and 404.

57 Moretti 1975: 63, n° 96 and, following him, Pascual 2007, who also distinguishes three forms of *sympoliteia*.

58 *I.Vallée Enipeus* 50 (= Decourt 1995: 61-63, n° 50). See the excellent commentary by Ducat 1994: 107-13.

standing coexistence of the two statutory groups on the territory of the *polis*: that of the 'authentic' citizens, the native Pharsalians, and that of the citizens 'aggregated' to the whole, undoubtedly the *Penestai*, some already free, others manumitted by the decree itself, as we saw above in relation to their denomination.[59] The most likely scenario is that the *Penestai*, at least the free ones (?), had various rights within the territory prior to naturalisation, with the exception of the one that characterised by default the group of the native Pharsalians: *political rights*, in other words the *arche*, the ability to govern. Therefore, *sympoliteuomenoi* should not be translated, as Jean-Claude Decourt does, as "those who, from the outset, have been participating with the Pharsalians in the exercise of political rights,"[60] because this is precisely what they lack and what *politeia* grants them. It is indeed the granting of this *politeia* that tips them over to the side of the authentic Pharsalians, those who enjoy the most complete status.

Returning to Akraiphia, if we accept the restoration συ[μπο|λιτευομέ]νως, the registration process is located, so to speak, 'one step lower': thanks to *isoteleia*, the πεδάϝοικοι are included in the group of *sympoliteuomenoi* and become comparable to the Pharsalian *sympoliteuomenoi*, that is the *Penestai* before naturalisation. The *sympoliteuomenoi* are not to be confused with the *politai*.

4. Conclusion

All these texts seem to me to show that, in both 3rd century BC Boeotia and Thessaly, there could exist a tiered form of local citizenship, in which

59 Another hypothesis, put forward by R. Oetjen (2010: 246-48, repeated in Oetjen 2014: 99-101), suggests that these *sympoliteuomenoi* were military colonists settled by the Macedonian royal power, as part of a genuine Antigonid colonisation program. However, this hypothesis faces numerous objections, including the absence of any ethnic or any allusion to a 'royal intervention' for these settlers. On the contrary, the mention of ἐξ ἀρχᾶς suggests a much older situation, or at least one that was experienced as such. The author considers that "here, *sympoliteuein* is not a technical term describing a legal status but means 'to be a fellow citizen'," which is hardly comprehensible, and proposes a complicated translation for τοῖς καὶ οὗς ἐξ ἀρχᾶς συμπολιτευομένοις: "those who behaved as if they had been fellow citizens from the beginning."

60 Decourt 1995: 61.

a large group of *sympoliteuomenoi* involved privileged residents, whatever their origin. They were not included in the narrower group of *politai* or *politeuomenoi*, but were not far from it for various reasons,[61] not least of which was their zeal to fight alongside citizens. Consequently, there is no longer any contradiction, in the Akraiphian case, between the status of *isoteles* and that of *sympoliteuomenos*. This situation recalls Aristotle's remarks, in *Politics*,[62] on the ambiguous position occupied by the *archomenoi*, the 'governed', in relation to 'those who exercise power', the *archontes*, particularly in oligarchic cities: these *archomenoi*, who are nevertheless called *politai* in some places, do not have access to public offices. Modern historians have concluded that there existed incomplete or passive forms of citizenship, to quote terms used by Claude Mossé.[63] For Aristotle, presenting these 'passive citizens' as true *politai* is an *apate*, a 'deception': ἀλλ' ὅπου τὸ τοιοῦτον ἐπικεκρυμμένον ἐστίν, ἀπάτης χάριν τῶν συνοικούντων ἐστίν, "where this exclusion is concealed, it is for the purpose of deceiving the people who reside in the city."[64] Interestingly, he uses the participle *synoikountes*, 'those who share residence', to describe these people who are made to believe they are citizens: their real status, he explains, brings them closer to metics, which takes us back to our Akraiphian πεδάϝοικοι. In this case, beyond shared residence, the participle *sympoliteuomenoi* has other implications: for the beneficiaries of *isoteleia*, the operation is indeed a promotion and, despite the watertightness of statutory compartments, the term *sympoliteuomenoi*, which has both strong legal and ideological connotations, is meant to refer to the wider community beyond the restricted civic body. There is no doubt that Mogens H. Hansen would have loved to read this inscription, he who had written so extensively on *politeia* and *politeuma*![65]

61 On the question of the position of each status in relation to that of the *polites* in Greek cities, see Müller 2026: 206-9.

62 Arist. *Pol.* 3.1278a13-40.

63 Mossé 1979.

64 Transl. Pellegrin 2015: 237.

65 I would like to cite here an article that I believe is a perfect example of his method: Hansen 1994, which deals with *polis*, *politeuma*, and *politeia* in "one of the trickier passages in the *Politics*" (1278b6-14). More than *sympoliteia*, however, it was *synoikismos* that had caught his attention: see Hansen & Nielsen 2004: 115-19, 'The Emergence of *Poleis* by *Synoikismos*'.

Figure 1
General map of ancient Boeotia
(© Thierry Lucas)

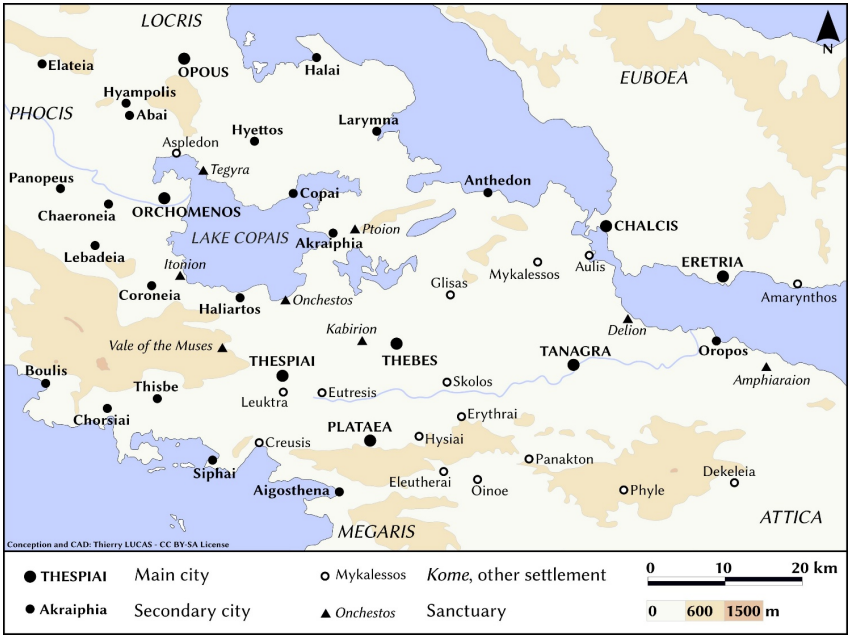


Figure 2
Front side of the inscription Kalliontzis 2017
(© EFA, Ephorate of Antiquities of Boeotia, Ioannis Kalliontzis)

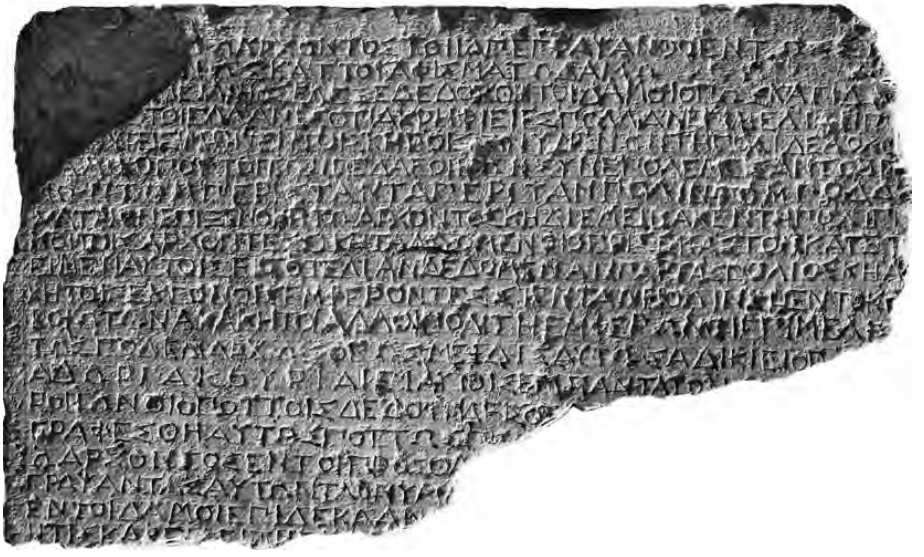


Figure 3
Left side of the inscription Kalliontzis 2017
(© EFA, Ephorate of Antiquities of Boeotia, Ioannis Kalliontzis)



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CITIZENSHIP AND NUDITY, A 'TRUE HISTORY'

By Oswyn Murray

Summary: This paper is an attempt to write the history of the 'grandeur and decadence' of the Greek *polis* through the history of nudity in the ancient world from ca. 700 BCE to ca. 700 CE in eight episodes: (1) The origins of Greek male nudity in athletics; (2) the development of the *ephebeia* and the *gymnasion* as a universal aspect of Greek education; (3) the spread of the *gymnasion* through the Hellenistic *polis*; (4) the Maccabaean resistance and Jewish attitudes to public nudity; (5) the problem of circumcision; (6) conflicts between Greeks and Jews in the Alexandrian *gymnasion* and the *Acts of the Pagan Martyrs*; (7) the Roman Empire and the rise of the public bath; nudity in the bathhouse; (8) the Christian emasculation of public statues and the end of the Greek *polis*. Each episode rests on the detailed researches of others; it is merely the possible interconnection between them that I am seeking to establish.

For Oswyn, from Mogens, a Dane
who writes books at a rate quite insane.
Some get covered in dust
But this one, I trust
Is the one which is not quite inane
30.7.1987 A.D.

With this limerick[1] Mogens Hansen introduced himself to me at the start of our long friendship, inscribed in his book on *The Athenian Assembly* which was published in my now defunct series with Basil Blackwell. It was the start of forty years of friendship and collaboration that brought me much Danish smoked fish: I can only respond to his passing with a contribution in similar light-hearted vein, which he would have appreciated at least for its originality.

1 How Mogens would have loved the inconclusive researches of Bob Turvey, *Why are Limericks called Limericks?* (Waldegrave Publishing: Bristol, 2025).

Oswyn Murray: 'Citizenship and Nudity, a 'True History'' C&M Supplementum 4 (2026) 335-369.

On May 26th, 2018, I gave a talk at a meeting in Uppsala of the European Network for the Study of Ancient Greek History, which one of our editors has asked me to rejuvenate in honour of a dear departed friend. It requires much more research than I can give it, but it is meant seriously.

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In the second century of our era the Syrian mystic Bardesanes attempted to establish the existence of free will independent of astral influences by considering the differences in human customs related to death and sexual behaviour. The Hindus burn their wives, the Germans are killed by strangulation, men of Gaul have sex with each other, the Britons are addicted to polyandry, the Persians marry their sisters and daughters, the Medes are eaten by dogs, the Romans are prone to conquest, the people of Edessa live chastely, and the Greeks practice GMNSYN (*gymnasion*), that is naked sport: 'In each country and each nation people use the liberty belonging to their nature as they please'; the customs of men are stronger than the Fate in the stars.[2]

Every culture may indeed be different in ways that seem distinctive; but historians have a natural tendency towards 'presentism', the assumption that in many basic unresearched respects other cultures are fundamentally similar to their own. It may be that there are parallels between the Greek and modern political institutions of democracy which explain our obsession with the legacy of the Greeks, as Mogens Hansen has attempted to show in his life's work. But for most of my own academic life I have tried to undermine this view and to formulate some of the forgotten differences between the ancient Greeks and the modern world. I have argued that Greek practices in the consumption of wine were unique in their own period and quite alien to modern perceptions and tastes; they influenced in turn very different attitudes to pleasure, to poetry and literature, to sexuality and to the categorisation of human societies; moreover these attitudes changed in almost imperceptible

2 Bardaisan, *The Book of the Laws of Countries: dialogue on fate* ed. J.H. Hospers and Th.C Vriezen (1965) p. 57. In the Syriac ms. there follows a lacuna of two or three erased words, and the editor (F. Nau) supplies 'standing naked', following the standard older edition (*Patrologia Syriaca* I.3, col. 599) (information from Sebastian Brock).

ways across the centuries of Greek and Roman interaction.[3] But in this habit of historical amnesia the most striking examples concern the neglect of things that offer disturbing elements in our idealised picture of the Greek past.

As I contemplate the end of my long association with the *symposion*, I have also begun to reflect on the wider significance of this problem. I have always been puzzled by one aspect of the *longue durée* as it is reflected in cultural history, that is the question of movement or change. Jacob Burckhardt was unable to explain how his different static representations of 'Greek man' developed over time from one period to the next.[4] If we take any specific aspect of culture, we can indeed see that it changes over time, but we find it far more difficult to explain how and why. That is part of the natural characteristic of historical study in general. Many of us spend most of our time evaluating the events that we find recorded in our sources, in the activity that the young Edward Gibbon in the eighteenth century described as that of the *érudit*; indeed more and more in the modern age, as we come to mistrust theories of history, we tend to confine ourselves in that prison of description, we follow the evidence towards the action, the event; we espouse change not continuity, as if the world, both past and present, consists of facts that do not need explanations. But we should remember the example of Gibbon who already argued that the true function of the historian lay in combining the approach of the *philosophe* with that of the *érudit*: *description* was the work of the *érudit*, but the real meaning of history lay in *explanation*, the work of the *philosophe*, in tracing and understanding movement over time.[5]

Of course Gibbon himself did not invent the idea of 'Decline and Fall'; he borrowed that from the famous work of Montesquieu, *Considérations sur les causes de la grandeur des Romains et de leur décadence*, published in 1734 simultaneously in French and in English: there, in less than two hundred pages Montesquieu explained the history of the Romans from their origin to the fall of Byzantium, and bequeathed to the Enlightenment and to Gibbon the task of filling out his little sketch. As he showed

3 Murray 1990 and 2018.
4 Murray 2024: 203-4, 220.
5 Momigliano 1966.

the movement of civilizations is not so much a question of conquest and destruction, as of changes in the hidden internal mechanisms of societies. That is what cultural history should aim to uncover, despite being essentially synchronic rather than diachronic.

Herodotus already understood the problem well. Greek culture, *to hellenikon*, is distinguished by blood, by language, by common sanctuaries, by religious practices and by common customs (8.144). So a culture is a unity, but its activities may cause it to change over time. What I think we cultural historians are attempting to explain is why and how that unity changes: how can we explain the *grandeur et décadence* of *to hellenikon*? So, in the spirit of Bardesanes and Montesquieu's *Considérations*, for a future lifetime's project I propose taking one neglected phenomenon that is characteristically Greek and asking how it changes over time. That phenomenon is male nudity.

An even more fundamental difference between ancient Greek and modern attitudes than the modes of drinking is visible between ancient Greek perceptions of the human body and our modern ways of thinking. Even in their own cultural period the Greeks knew that they were unique among contemporary societies in their attitude to nudity. It is the history of this curious difference between themselves and their surrounding cultures, and the conflicts and developments that it engendered, that I wish to explore in this little sketch.[6] Why was nudity once regarded by the Greeks as a basic value of Hellenism and how and in what circumstances was it defined? And to put it more crudely, can we understand better the nature and differences between ancient and modern societies by their attitudes to the presence or absence of clothing?

Nudity whether total or partial is indeed a complex cultural concept whose meaning and significance changes across historical periods and societies. It is governed by many unspoken tabus, of varied religious or customary origins. It is often but not necessarily connected with both

6 On this theme I acknowledge especially the inspiration of Larissa Bonfante (1989) for her studies of the representation of the nude in Greek art. I must emphasise that this is a set of hypotheses, not a fully worked out theory: it is for others to test them with their superior knowledge. In particular my access to modern libraries is limited and my information may not be entirely up to date. In this respect I thank my two anonymous readers for helping me.

sexual desire and the sense of shame in relation to both male and female objects; in most but not perhaps all societies the rules of bodily exposure differ between the sexes: Polynesian attitudes to nudity for example might be held to offer little or no difference between male and female nudity. For the purpose of the following analysis of ancient attitudes to nudity I am confining myself to the significance of male nudity.

But first I'd like to dedicate this preliminary sketch to my Granny who taught me to reflect on nudity. All her life she was a naturist and sun worshipper. In that short wartime period between the Blitz and the Doodlebugs, when it was safe to go to London, I used to visit her house on Richmond Green. I can probably even date the event because the British Sunbathers Association was formed in 1943, and she must have been one of its first members, judging from the magazines in her house, which gave me my first sight of naked women. I was six years old. Every sunny morning, we would climb up through the bathroom skylight onto the roof by the chimneys, and sheltering behind canvas screens would sunbathe in the nude. It did not seem to worry her that her house was surrounded by much taller buildings, whose windows gave a perfect view of our activities. It was she who taught me that nakedness was as normal as clothing.

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Male nudity in ancient Greece is a phenomenon closely connected to athletics, which is the display of the human form in action.[7] Until the post-classical period such naked display is confined to men, and to gods conceived in anthropomorphic guise. Women were not permitted to attend the Olympic games because they involved a display of male nudity,[8] but

7 For the many modern theories concerning the reasons for this connection see the excellent survey of Kyle 2015: 113. I see no evidence for the commonly asserted connection of nudity with democracy and egalitarianism: ib. 82-85.

8 At the Olympic Games the death penalty was allegedly mandatory for women who were caught attending: it is said that in 404 BCE the mother of a competitor in the boys' boxing disguised herself as a trainer and became so excited that she jumped up revealing her sex; she was let off because of the sporting traditions of her family, but in future all trainers had to appear naked: Paus. 5.6.7. But at 6.20.9 he says that the priestess of Demeter Chamyne is present, along with *parthenoi* (her unmarried attendants?) who 'are not debarred from watching.'

they can naturally view male statues, and take part in many religious festivals that involve parade of the phallus.[9] Gradually in the Hellenistic age statues of naked women began to appear; but they remained confined to representations of goddesses (primarily Aphrodite) and mythical beings such as nymphs and personifications.

Thus, in the ancient world it is not only sport that is peculiar to the Greeks, it is also the fact that they engaged in it naked, whether or not that is appropriate to the activity. Although physical activity is a natural human pleasure giving delight in the perfection of the skills of the body, the Greeks invented sport as a competitive lifestyle for the aristocracy. Their sport was individual not a team activity, in contrast to much of the modern idea of sport, which evolved in the nineteenth century; it accepted the idea of competition both individual and civic, but lacked many aspects of the modern image, such as the ideas of fair play and professionalism versus amateur engagement.[10] And despite the modern cult of the Olympic Games, in contrast to the Greeks the display of the naked human form is not today regarded as an essential aspect of athletics, at least among men; although there is perhaps emerging a contrary tendency towards encouraging bodily exposure among female athletes.

Naturally the Greeks developed a myth to explain this custom of naked display in sport, whose arrival they dated to the early archaic period of the late eighth century: around the 14th or 15th Olympiad (724-720 BCE). Orsippos of Megara (or perhaps Akanthos of Sparta or an unnamed Athenian) won the Olympic footrace after he discarded his loincloth, and ever afterwards all Greeks whatever their sport exercised naked.[11] Like most late *mythoi* the Orsippos story is crazy: it does not seem to be traceable before the second century CE. But unusually this dating, although much embroidered in the sources, has the advantage of being supported by contemporary artistic evidence: earlier representations of athletes on black-figure vases often show them wearing some form of loincloth, but by the mid seventh century nudity has become normal.[12]

9 E.g. Ar. *Ach.* 253-38.

10 Murray 2013.

11 Paus. 1.44.1.

12 Normal but not quite universal: it is suspected that representations of clothed athletes may be intended for the Etruscan market: Scanlon 2002.

In his discussion of the development of early Greek sartorial customs Thucydides (1.6.5) might seem to have placed this change rather later:

> [The Lakedaimonians] were also the first to exercise naked and stripping down openly to rub themselves with oil after exercising. In ancient times, even at the Olympic games, athletes competed wearing loin cloths over their genitals, and it is *not many years ago* that they ended the practice.

Plato (*Resp.* 5.452c) seems to reflect the same view, in words that might suggest actual reading of Thucydides with a characteristic variation:

> ... *not long ago* it seemed shameful and laughable to Greeks, just as it seems now to most barbarians, for men to be seen naked, and when the Cretans first introduced nude exercising, followed by the Lakedaimonians, it was possible for the sophisticated people of that time to ridicule all these things.

The attribution of the change to Cretans is not significant, being part of the common belief that Spartan customs originated in Crete. But the phrases in these two passages, *ou polla ete* and *ou polus chronos*, have suggested to some commentators that the change should have occurred in the fifth century rather than earlier, although McDonnell gives good reason why this cannot be accepted.[13] But whatever the date of the change, both literary passages attest a firm belief in the classical period that there had been a change in the past towards nudity in athletics, and this change was already a topic of open discussion in the discourse concerning the differences between Greek and other cultures. The claim of Thucydides may therefore be ambiguous in date, but at least it attests to two classical fifth-century ancient views. The Greeks invented competitive sport before they practised nudity: they knew that the Homeric heroes in their funeral games had worn some sort of clothing; but by the mid fifth century nudity in sport was the norm. And they were well aware that they were unique, not only in practising developed forms of sport, but also in valuing nudity in its performance. The association of this

13 In turn Plato is surely reflected in Plut. *Amat.* 751f-752a.

change with Sparta is perhaps supported by the tradition that the main sporting youth festival of Sparta the *Gymnopaidia* was instituted in 668 BCE, which again reflects a view that nudity in sport began in the seventh century.

By the late classical period nudity for exercise and for religiously sanctioned sport performed at sanctuaries was one of the distinguishing marks of Greek culture, part of *to hellenikon*; there seems in this respect no difference between public performance and secluded training. Apart from religious sanctuaries this activity was engaged in at designated training sites called *palaistrai* and *gymnasia* (as in our nudist beaches, or the notorious but now defunct Parsons Pleasure in Oxford), which excluded women and (at least in terms of participation) slaves; but as we know from multiple sources such as Aristophanes and Pindar, older men could enjoy viewing the younger ones, and *erastai* could meet and court their *eromenoi* in the normal and approved activity of intergenerational male homosexuality; it is clear generally that the prevalence of pederasty in archaic Greek culture was strongly connected with the development of the *gymnasion*.[14] Outside the *gymnasion* of course male Greeks were clothed.

The earliest recorded *gymnasion* structures were doubtless temporary, such as those created by Kleisthenes of Sikyon in the early sixth century for the wedding competition of his daughter Agariste (Hdt. 6.126.3). There will have been others, but we do not I think possess evidence of civic building complexes for this naked activity before the late classical period, although it was already carried out in designated places. The activity may have been aristocratic in origin,[15] but by the end of the classical period at least it was diffused among the hoplite classes. In Athens this may have begun to occur as early as the Kleisthenic reforms of 510 BCE; but in any event educational nudity became more dominant among the citizen body after the massive losses in the Peloponnesian War had shifted the class structure away from the *nautikos ochlos* to the

14 Dover 1978: esp. section III; Scanlon 2002: ch. 8.

15 Not according to Miller 2000, who would date the existence of *gymnasion* rules as early as the age of Solon, and yet associate athletic nudity with democracy.

hoplites.[16] Even before then nudity and rituals of initiation into citizenship were closely related:

> Describe to me what benefits you say you gain from your so-called rule over Greece.
> - I get to see the boys' genitals when they are being registered as citizens.[17]

The existence of state subsidised *gymnasia* is mentioned by Xenophon in his last work dated to 355 BCE, the *Poroi* (IV.51-52), which is thought to be related to the financial policy of Euboulos; they are already connected to garrison duties in Attica. It seems that in this period the three main *gymnasia* of Athens, the Academy, the Lykeion and Kynosarges, were even supported by subventions from the state.[18]

The *Athenaion Politeia* 42 begins its account of the 'current constitution of Athens' with a description of the formal *ephebeia* established by Epikrates about 335 BCE after the defeat by Philip of Macedon in 338 BCE at Chaeronea; it is generally agreed that this second part of the *Ath. Pol.* is based on a direct reading of official decrees,[19] and such a reorganisation of the *ephebeia* fits well with the other reforms of the age of Lykourgos. The author regards enrolment in the military *ephebeia* for two years at age eighteen as an essential step to full citizenship, although it may be disputed whether this relates only to those of the hoplite class and above, rather than all citizens including the thetes.[20] This reform was clearly influenced by Spartan models, and included the standard training in the *gymnasion.*[21]

16 On the numbers of Athenian citizens in relation to the *ephebeia*, see Hansen 1988, and De Marcellus 1978: appendix 1.

17 Ar. *Vesp.* 577-78. *Dokimasia* was a complex procedure, and it is not clear at what point or for what reason boys appeared naked, perhaps to verify their age: see Rhodes 1981: 496-502.

18 Delorme 1960: ch. 1; Höcker 2004.

19 Rhodes 1981: 30-37.

20 De Marcellus: App. 1.

21 De Marcellus: ch. 3. On the significance of Epikrates' law, see the bibliography cited in Rhodes 1981: esp. 503. More generally on the tangled history of the *ephebeia* in modern scholarship, see De Marcellus 1978 and Chankowski 2010.

From the age of Solon the *polis* had concerned itself with the regulation of *gymnasia*, attempting to protect the adolescent young from sexual predation. Times of opening and closing were established and access to *gymnasia* was denied to undesirables. In the Hellenistic age the Athenian *ephebeia* served as a model for both older cities and the newly founded colonial *poleis*; there is evidence of its adoption in at least a hundred cities from mainland Greece and the Mediterranean to Afghanistan.[22] The *gymnasia* were tightly controlled by regulations: two detailed laws have been found; both come from the kingdom of Macedon and the emphasis on the military nature of the education may be due to the needs of Macedon in its struggle against Rome and may not therefore be typical of other *poleis*, but they illustrate the centrality of this organisation to the Greek *polis*. There are many analogues or parallels between the two texts, although they treat of different aspects of the regulation of *gymnasia*; and it has been claimed that they both reflect the activities of the later years of Philip V (221-179) in reorganising his kingdom: he is known to have been a reformer whose work reflects the influence of Aristotle and other classical thinkers.[23]

The first is from Beroia of the early second century BCE, headed 'The Law on the Gymnasiarchy' concerning the appointment of the *gymnasiarchos* and his duties. Side B details the rules for stripping in the *gymnasion*; exclusions are 'if he is a slave, a freedmen or a son of these, if he is *apalaistros* (probably disabled, unable to participate in the *palaistra*), if he is a pederast, or has practised a vulgar trade or is drunk or mad' (lines 26-30). The duties of the *gymnasiarchos* include supervising the contest held at the festival of Hermes and the provision of oil and umpires, his responsibility for the accounts and his duty to punish thieves.[24] These

22 Chankowski 2010.

23 Philip's historical interests are shown by his epitome of Theopompus (*FGrHist* 115 T 31) and his regulations for the ephebic 'hunters of Herakles' (*SEG* 56.625). It is indeed time to reconsider the modern scepticism about the importance of Aristotle and Athens in the standardisation of the structures of the Hellenistic *polis*; see Hatzopoulos 2015-2016.

24 Gauthier & Hatzopoulos 1993; Austin 1981: no. 118. A full and vivid discussion of the *gymnasion* of Amphipolis is found in Evans 2022: ch. 2, who notes that there is no evidence of continuity after the end of the first century CE.

regulations concern the supervision of the age group of the *paides* (15-18).

The second is from Amphipolis, containing regulations for the group of *epheboi* (18-20). It appears to be a republication in 24/3 BCE, possibly after the destruction of the *gymnasion* by marauding Thracian tribes, of an earlier law again of the same period as that of Beroia.[25] The official nominated is the *ephebarchos*, who is responsible for controlling the list of *epheboi* and ensuring that those coming from the *gymnasion* are enrolled: there is a wealth qualification for entry. They must attend and be registered daily and he must appoint *paidotrophoi* to instruct them in javelin, archery, stone throwing and horse riding and supervise these activities in the *palaistra*; they are to attend for two years in special dress without an attendant and with *petasos* and arms. They must come from dawn to dusk wearing no shoes in summer; they may not loiter in the streets, in shops, the agora or baths; they must eat only at home. The *ephebarchos* will supervise various annual competitions and arrange the prizes; he is permitted to enforce discipline but must register punishments; *epheboi* are immune from civic liturgies; in their second year the *ephebarchos* shall take charge of their manoeuvres.

At its core each *polis* was composed of *politai* whose right to citizenship was guaranteed by their enrolment in the *gymnasion* as the first stage of an education which differentiated them from the surrounding native peasantry; and the officials of the *gymnasion* and the *ephebeia*, the *gymnasiarchos, ephebarchos* or other *kosmetes*, became alongside perhaps the *strategoi* the most important magistrates in the control of the citizen lists.[26] Nudity was intrinsic to Greek culture, and the *gymnasion* was a distinguishing mark of the Greek *polis*: lack of one according to Pausanias was a sign of extreme poverty (10.4.1). It lay behind the dominance of a standard Koine Greek dialect, the *enkyklios paideia* in education, and enshrined the practice of nudity in education.

25 Lazaridou & Hatzopoulos 2015; Rousset 2017 disputes the claim that this is an accurate transcription of the previous law and considers it an eclectic reformulation created for the institution in the age of Augustus. I follow the original editors.

26 Discussed in Chankowski 2010: 277-84; cf. Gauthier 2011 [1995]: ch. XXI. The question of how far the *epheboi* were an elite within a wider citizen body is complex and probably depends on the nature of the individual *polis*.

The *gymnasion* was the focus of cultural continuity in the Greek *polis*, as is shown by the discovery of the *gymnasion* at Ai Khanoum in Afghanistan, with its visiting philosopher Klearchos and its inscribed Delphic maxims, which are known to have been repeated in similar public displays around the Hellenistic world.[27] It seems that each *polis* possessed as a physical entity a building or space designated as the *gymnasion*; and archaeologists can trace the spread of this distinctive type of space across the Mediterranean world. 'Qui dit gymnase, dans l'antiquité, dit moeurs grecques, pensée sur le mode grec.'[28] It represents the dominance of the *polis* system and of *to hellenikon* over native cultures. Education (*paideia*) within it became standardised; and, although I have no doubt that much of this activity was carried out in classrooms in which the male pupils were clothed, nevertheless nudity was expected for all forms of physical activity, which were a major component of the education of the citizen class: from this descends the re-creation of the male 'Gymnasium' in Germany and the male 'public school' in England during the 19th century, although (for reasons that will need explanation, and relate perhaps to the invention of team as opposed to individual sport) nudity in sport was not practised, even if homosexuality was often tolerated or even encouraged.

> Si on parle de la diffusion de la civilisation de la cité à l'époque hellénistique il faut dire que l'éphébie et avec elle le gymnase constituaient un outil essentiel de cette diffusion. De même que la cité classique, la cité hellénistique distingue le groupe des "jeunes" et se préoccupe de leur préparation aux devoirs des citoyens. En éduquant ses "jeunes" et en leur transmettant les valeurs civiques, la cité hellénistique perpétue la tradition de la civilisation de la *polis.*[29]

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27 Veuve 1987; Robert 1969-1990.

28 Delorme 1960: 478 (see esp. chs. XI-XII: 'Le Gymnase. Institution intellectuelle', 'Le Gymnase. Centre religieux et civique'); Kennell 2015.

29 The conclusion of Chankowski 2010: 440.

Resistance to the culture of Hellenism can first be detected in the third century BCE. It was hardly surprising that the thoroughly Greek Antiochos IV Epiphanes, in the interests of consolidating his power over that part of Syria and Palestine that his father had wrested from the Ptolemies, should decide to extend his promotion of Hellenism to Judaea, and establish Jerusalem as a *polis*, with a *gymnasion* and an *ephebeia* structure.[30] Supported by a strong Hellenising party within the Jewish elite under the hereditary Oniad High Priests, he created the institutions of a Greek city. In the later Hasmonean tradition this forcible attempt to Hellenize the holy city was the cause of the resistance of the Jews in the Maccabean revolt. As I *Maccabees* 1.14 says, "they built a *gymnasion* according to the customs of the gentiles in Jerusalem; they made themselves foreskins (*akrobustiai*) and abandoned the holy covenant."[31] The ensuing struggles of resistance centred on forcible circumcision by the rebels (I *Macc*. 2.42-48); Antiochos plundered the temple, and the period 168-164 saw the reaction of the Jewish countryside to this enforced attempt at Hellenization; the Maccabean Wars finally liberated the Jewish holy city and established the independent kingdom of Judaea. It was this ostensibly cultural conflict that provoked Antiochos' attack on the common Near Eastern practice of circumcision and definitively established the antipathy of orthodox Jews to the Greek practice of nudity. The Hellenizing faction under Onias III or IV eventually fled to Egypt with a large military following, which for a period under Ptolemy VI Philometor (181-145) became the main military support of the later Ptolemaic dynasty; for a time there even existed a second Temple at Leontopolis in Egypt, though the extent of its existence and significance as a rival of Jerusalem is disputed.[32]

Much of this evidence of course comes from the Jewish tradition, and it may be doubted whether contemporary Greeks understood the importance of what lay behind a curious form of religious mutilation, which

30 Tac. *Hist.* 2.89; Joseph. *AJ* 12.254.

31 I *Macc*. I.13f; II *Macc.* IV.9-14; Joseph. *AJ* 12.5.1; *Jubilees* 3.30-31; 15.33-34.

32 On the much-disputed history of the temple at Leontopolis, see Tcherikover 1959: 278-80.

they must have regarded with distaste.[33] Indeed among the Greeks there is evidence of what amounts to a counter-movement, a veritable cult of the youthful prepuce: a number of medical practices known as *kynodesme* were at various times used to increase its length.[34]

Abhorrence of nudity was embedded in ancient Jewish culture, which had its own foundation myth in the story of Adam and Eve, who began life naked, but had eaten of the fruit of the tree of knowledge and so became aware of the shame of their nakedness: because of their disobedience to God they were expelled from the Garden of Eden; and the Lord sealed his compact with Abraham and the chosen people by requiring from them the mark of circumcision (*Genesis* 17.11-27). But male circumcision is not a unique Jewish phenomenon: it is attested in Egypt as early as the third millennium BCE, and was perhaps common among ancient near eastern societies: Herodotus regarded it as a sign of Egyptian influence spreading to the Syrians of Palestine, the Ethiopians and even the Colchians.[35] As in the modern world its origins are almost always social and cultural rather than rational, although sometimes justified by 'rational' arguments. In ethnic rivalries it has often been used for the purposes of persecution to identify and separate 'believers' from 'unbelievers' or racial groups, especially in Europe and the Islamic world.[36]

33 The Greeks would have seen it as "the ultimate in mindless, barbaric irreverence, excess, and depravity" (Hodges 2001: 388). Strabo 16.2.37 attributes Jewish circumcision to the tyrannical tendencies of the priests who succeeded Moses, a renegade Egyptian priest, who led his followers to Palestine.

34 As the many ancient references in Hodges 2001 make clear there existed among the Greeks a positive aesthetic of the prepuce. See also Henderson 1991: ch. 4. For further detailed discussion see Dingwall 1925; the problem remains that the visual evidence for the techniques of infibulation centres on the archaic age, whereas the literary evidence (Martial and the medical writers) belongs to the imperial period. What seems clear is that classical Greeks found a prepuce that covered the glans attractive and sought to lengthen it by stretching techniques (*kynodesme*).

35 Hdt. 2.36-37, 104.

36 A brief modern survey of the historical and ethical problems related to circumcision is to be found in Aggleton 2007. There is a good general survey of the practice of circumcision on Wikipedia, and a scientific website by Robert Darby, called 'History of Circumcision'. See also Agnieszka Holland's award-winning film based on the life of Solomon Perel, *Europa Europa* (1990).

"Here we witness one of the fundamental and irreconcilable points of discord between the Greek and Hebrew views of the body."[37] We do not know on what religious or ethnic principles male circumcision was practised among other ancient peoples; but for the Jews it became the hallmark of Judaism, enjoined by religious tradition and enshrined in the original compact between God and his chosen people. For Hellenising Jews it became a major problem. The Alexandrian Jew Philo begins his explanation of Jewish customs with "that which is turned into ridicule by people in general", despite its being widely practiced by the Egyptians, the *peritome*. He offers four traditional Jewish justifications for the practice of circumcision, which may loosely be described as medical or concerned with bodily cleanliness. To these he adds two allegorical interpretations of his own, which have often been repeated in later cultures:

> First of all, it is a symbol of the excision of the pleasures which delude the mind; for since, of all the delights which pleasure can afford, the association of man with woman is the most exquisite, it seemed good to the lawgivers to mutilate the organ which ministers to such connections; by which rite they signified figuratively the excision of all superfluous and excessive pleasure, not, indeed, of one only, but of all others whatever, through that one which is the most imperious of all. The second thing is, that it is a symbol of a man's knowing himself, and discarding that terrible disease, the vain opinion of the soul; for some men, like good statuaries, have boasted that they can make that most beautiful animal, man; and, being puffed up with arrogance, have deified themselves, hiding from sight the true cause of the creation of all things namely, God, although they might have corrected that error from a consideration of other persons among whom they live; for there are among them many men who have no children, and many barren women whose connections lead to nothing, so that they

37 Hodges 2001: 389.

> grow old in childlessness. We must therefore eradicate evil opinions from the mind, and all other ideas which are not devoted to God.[38]

The second reason clearly reflects disapproval of the same prevalence of pederasty in Greek culture as concerned the Romans. But Philo's whole discussion shows the sensitivity in contemporary Alexandria to the issue. In contrast the Hellenic conception of youthful male beauty and revulsion from any form of genital mutilation was equally deep rooted.

In the cultural context of Hellenism circumcision was of course problematic in relation to the principle of nudity in Greek *paideia*, and (as in later periods) was used by both sides in the conflict of religious orthodoxy with assimilation to Greek culture and citizenship, as a means of distinguishing Jews from Greeks. The attempts of Jewish Hellenizers to reverse or disguise the effects of circumcision by the various means of *epispasmos*, despite being widely practised, were condemned by the orthodox.[39]

If the grandeur of nudity and the triumph of the *gymnasion* can be placed in the third century BCE, it is clear that it was being met by strong resistance in the course of the second century. This is not of course just a Jewish phenomenon, the same period saw the rise of native Egyptian culture after the battle of Raphia in 217; if politically this can be seen as a result of the struggle between Antiochos III and Ptolemy IV Philopator for the control of Syria under the increasingly watchful imperialistic eye of the Romans, the consequences of these events in cultural terms were the decline of Hellenism across the eastern Mediterranean. And in the context of the *gymnasion* the struggle came to be centred on the foreskin. The foreskin was politicised, and from henceforth (if not before) it became a way of excluding Jews (and Egyptians) from the cultural complex of Hellenism; it was a major factor in the rise of anti-semitism in Alexandria.

38 Philo *Spec. leg.* 1: *peri peritomes* (trans. Yonge); cf. *Migr. Abr.* 92. On the relation between the views of Philo and Saint Paul, see Barclay 1948.

39 On ancient techniques for *epispasmos*, 'restoring' foreskins, by *lipodermos* see esp. Celsus *Med.* 7.25; these procedures (sometimes referred to as the *pondus Iudaicum*) were used by Hellenizing Jews who wished to enter the *gymnasion,* in order to reverse their circumcision.

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In the Hellenistic world the right to citizenship in the *polis* was hotly contested, and the *gymnasiarchoi* were the officials who effectively controlled entry to citizen lists. The infiltration of non-hellenic individuals into the citizen body doubtless varied; but it can to some extent be detected in the existence of non-Greek names among officials and in surviving ephebic lists, which are sufficiently rare to suggest that citizenship was indeed an exclusive right depending on education in the *gymnasion*.[40]

The city of Alexandria was the largest after Rome in the Mediterranean with perhaps half a million inhabitants; its population was composed of three main groups, 'Greek citizens', Jews (who had become especially important in the later Ptolemaic period) and native Egyptians, the latter subject to periodic expulsion. After the Roman conquest of Egypt in 30 BCE it was a separate *polis* in the province of Egypt which was governed by an equestrian *praefectus*. According to Dio 51.17 Augustus had refused the 'Alexandrians' the right to possess a *boule* or senate, although the Jews were permitted some form of separate organization under their elders; and the struggle by the Greek citizen population to achieve one was the source of many embassies to the emperor, until the right was finally granted under Septimius Severus. The relations between the two largest officially recognised communities, the Greeks and the Jews, are attested in the historical works of Philo through conflicting embassies from each group under Caligula and Claudius, and in a formal letter of response dated 41 CE in his first year from the emperor Claudius, in which he thanks the Alexandrians for their honorific proposals and defends the status quo, ordering Jews and Greeks to cease rioting and not to send separate embassies or intrude on each other's activities.[41] For the Greeks he proclaims:

40 The conclusion of Delorme 1960: 427-40, who rightly emphasises the exclusiveness of the Hellenistic city. Evans 2022: 87 (and Appendix 2) points out that Delos after the second Athenian occupation in 167/6 was an exception as a major cosmopolitan trading centre; the records of its *gymnasion* attest individuals from 63 different named *poleis*.

41 *P. London* 1912 esp. lines 52ff; see Bell 1924: 1-37; translated Sherk 1988: no. 44.

> To all those who have become *epheboi* up to my rule I confirm and guarantee Alexandrian citizenship with all privileges and benefits, except for those who deceived you by becoming *epheboi* though born of slaves. ... As for the Jews ... I also order them not to intrude into the games held by the *gymnasiarchoi* or the *kosmetai* since they enjoy their own affairs and have the benefit of an abundance of many good things.

The *gymnasion* at Alexandria was an especially impressive structure (Strabo 17.795), and it seems that much of the tension resulted from Jewish attempts to infiltrate the *gymnasion* system with its attendant right to Alexandrian citizenship.

These disputes are reflected in a number of papyri of the first century CE known as the *Acts of the Pagan Martyrs* which give semi-fictional accounts of the sufferings and executions of the leaders of the Alexandrians in their struggle for a *boule*. Although this anti-Roman and anti-Jewish literature clearly reflects the interests of the Alexandrian Greeks, it was also disseminated across the Egyptian *chora* among the Hellenized elite of Egypt in the various nomes.[42] These texts seem at least partially based on the format of official proceedings in the imperial *consistorium* and transcripts of trials; but they offer such egregious examples of Greek philosophical freedom of speech (*parrhesia*) before the imperial tyrant that few modern scholars have been willing to consider them historically accurate or more than loosely based on the actual record of proceedings. For present purposes the most important aspect is that a number of them present one official, the *gymnasiarchos*, as the hero and victim of martyrdom in the process of defending and promoting the demands of the Greeks against both Roman officials and their Jewish rivals. The *gymnasiarchos* is portrayed as hereditary and aristocratic in nature, and he controlled entry to the *gymnasion* whose education was required for citizenship. One of the more apparently historical texts, the '*boule* papyrus' purports to be part of a speech before the emperor (probably Claudius) on the advantages that would accrue from granting the Alexandrians a *boule*:

42 Musurillo 1954 and 1961; with new papyri, Paladino 2018; on their circulation, see Rowlandson & Harker 2004: esp. 94-100.

> I submit then, that [a *boule*] will ensure that none of those liable for enrolment in the poll-tax diminish its revenue by being listed in the public records along with the *epheboi* for each year, and it will take care that the pure citizen body of Alexandria is not corrupted by men who are uncultured and uneducated.

It would also protect anyone from being wrongly taxed by the *idiologos* or any other official and represent him before the prefect, "and if there is need for a diplomatic mission to you, the *boule* might elect those who are suitable, so that no-one ignoble might make the journey and no-one who is eligible might avoid this duty to his native city." That is, the existence of a *boule* would protect the tax revenues by ensuring that the privileges of and the distinction between Alexandrian citizens enrolled in the *ephebeia* and others liable for poll-tax (Egyptians, but not perhaps Jews) were protected by Greek monitoring of the citizen lists.

In another papyrus, the *Acts of Isidoros* (*P. Berol.* 8877) Isidoros accuses Herod Agrippa of the royal Judaean family and defends himself at a public *consistorium* in the presence of twenty senators, sixteen consulars and the women of the court. The insults begin with the emperor Claudius asking, "Are you really the son of an actress?" Isidoros replies, "I am neither slave nor actress's son, but gymnasiarch of the glorious city of Alexandria. But you [that is Claudius' friend Herod Agrippa] are the cast-off son of the Jewess Salome" and a "three-obol Jew", before he is led off to execution. In another account Isidoros addresses Agrippa directly:

> But to you, Agrippa, I wish to retort in connection with the points you bring up about the Jews. I accuse them of wishing to stir up the entire world ... We must consider the entire mass. They do not have the same lifestyle as the Alexandrians but live like the Egyptians: are they not equal to those who pay the poll-tax? [To which Agrippa replies] The Egyptians have had taxes levied on them by their rulers ... But no-one has levied taxes on the Jews.

Records of insults swapped between emperor and gymnasiarchs continue into the reign of Trajan. The endemic riots and troubles between Greeks and Jews in Alexandria seem indeed centred on the *ephebeia* and the *gymnasion* as a means of entry into citizenship of the *polis*, which was

closely guarded and excluded Jews and Egyptians. What lay behind this dispute centred on the *gymnasion* and citizenship? Although couched in general terms of objections to lifestyle it was surely the by now centuries old conflict over the presence or absence of the foreskin.[43]

At this point the philosophical historian may well despair. One of the least respected of the early Roman emperors with the full paraphernalia of the imperial court has sought to solve by common sense a dispute between two communities, both equally fixed in their prejudices, to be met only by narratives of abuse from both sides. The dispute over the foreskin had come to the attention of the imperial government: this continued to the end of antiquity, with Hadrian prohibiting the custom of circumcision, and legislation as late as the age of Theodosius permitting it only for Jews, but not (as enjoined by the Abrahamic covenant) their slaves.[44] But this was only the beginning of the 'Decline and Fall' of Hellenism, which is once more related to the fortunes of nudity.

Alexandrian citizenship (or that of another Greek *polis* in Egypt), was also necessary for Egyptians to acquire the most desirable of privileges, eligibility for Roman citizenship.[45] There were three *poleis* in Egypt, Alexandria, Naucratis and Ptolemais; to these in 130 CE Hadrian added a fourth, Antinooupolis, in honour of his deceased favourite Antinous, whose 'new Hellenes' were drawn from auxiliary veterans, Greeks from Ptolemais and 'those from the *gymnasion*'.[46] Such distinctions were of interest to the tax authorities, because they involved freedom from the poll-tax and other fiscal privileges.[47] There are documents from different nomes – Arsinoe, Heracleopolis, Hermopolis, Oxyrhynchus, which are registrations by *metropolitai* on behalf of their sons for the right to a reduced rate of the poll-tax. The category of '*Hellenes*' included a number

43 The foreskin seems also to be involved in the controversy over the Fiscus Iudaicus, a tax levied on Jews after the destruction of the Temple under the Flavians, which caused Nerva to mint coins with the legend FISCI IUDAICI CALUMNIA SUBLATA: Suet. *Dom.* 12.2; Goodman 1989: 40-44.

44 See Hodges 2001: 390-92.

45 As the younger Pliny discovered when he wanted Trajan to grant his doctor Roman citizenship: *Ep.* 10.5.

46 Zahnrt 1988; Boatwright 2002: ch. 8, 190-96.

47 For an introduction to the problems and complexities of this process see Lewis 1983: 39-48.

of different statuses, which in these documents required application by *epikrisis* to the authorities, before a commission of ex-*gymnasiarchoi* or other officials, which was usually initiated by parents around the time of enrolment as *epheboi* at the age of 13-14. Those providing credentials assert that they belong to the *metropolis*. The relevant documents are from the second and third centuries CE and seem to have been discontinued after the *Constitutio Antoniniana* of 212, when the privileged category perhaps disappeared. From Oxyrhynchus and Hermopolis there are similar documents, asserting a claim to the status of *hoi ek tou gymnasiou* with evidence of ancestry up to three generations or more to a census of the age of Augustus (4/5 CE), or to that of *katoikoi*, the 'six thousand four hundred and seventy-five Hellenic men' whose privileges went back to the Augustan or even the Ptolemaic period. From the same nomes there are requests by former *epheboi* for their sons to be enrolled as an *ephebos*. It emerges that in the province of Egypt the civic status of an individual claiming to be a *Hellen* depended as far as taxation was concerned on enrolment as an *ephebos* and in the *gymnasion*, and that this was strictly registered and controlled.

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Traditional Romans seem to have disapproved of the Greek ephebic education in general and the practice of nudity in particular.[48] And as Delorme already recognised in his classic archaeological study of the *gymnasion*, the arrival of Rome also heralded a new phenomenon in the architecture of the ancient city, the eclipse of the *gymnasion* by the heated bath complex, *thermae* or *balaneia*.[49] The pleasures of the bath and physical exercise rather than individual agonistic sport became the dominant expression of the Roman city:

> ... when clustered together and coupled with the physical, architectural, and engineering features of the building – the arches, the domes, the aqueducts, and the hypocaust – a public bath offered one

48 See Cic. *Rep*. 4.3-4 (cf. Ennius: *flagiti principium est nudare inter civis corpora*, apud Cic. *Tusc.* 4.70-71); a full list of Roman disapproval is collected in Evans 2022: n. 451.

49 Delorme 1960: ch. 8.

> of the most condensed expressions of Roman culture in a single space anywhere in the Mediterranean world.[50]

This created a different context of nudity, which in turn threw up its own problems. The phenomenon of 'A Jew in the Roman Bathhouse' has been explored in the groundbreaking work of Y.Z. Eliav, who has shown how the rabbinic rules on nudity and the naked mixing of sexes were formulated in the context not of preventing but of *allowing* orthodox Jews (and especially rabbis) to feel comfortable with access to the Roman baths across the empire. These rules are enshrined in the examples found in the Babylonian Talmud and reflect in turn the general Jewish unease at the earlier dominance of nakedness in the Greek culture of the *polis*.

The architectural history of the *gymnasion* in the Roman period is therefore a history of slow decline or absorption in competition with the bathhouse.[51] We are only beginning to know in detail from the archaeologists, how well supported the activities of the *gymnasion* and *palaestra* remained in the second and third centuries CE, or further into the period of the Christian empire. But certainly, the work of Delorme already showed that many *gymnasia* were transformed into adjuncts of the increasingly complex bath structures, and there seems to have been little specific new building of *gymnasia*. The process will have varied between different parts of the Empire; the *gymnasion* of Amphipolis appears to have ceased to function already around the end of the first century. Often older *gymnasia* were incorporated into new complexes including bathhouses, as can be seen for instance in sites like Sardis, Priene, Miletus and Ephesos:

> Overall, continuity appears to be an important factor in the bathing facilities of gymnasia in mainland Greece as compared to those in Asia Minor. Only a limited degree of Roman influence can be discerned at certain sites (such as Delphi and possibly Andros). In contrast to Asia Minor, no monumental bath gymnasion complexes are known in Roman Macedonia or Achaia … Gymnasia in Roman Greece acted as bastions of Hellenic cultural practices by preserving traditional forms of

50 Eliav 2023: ch. 1; see also Satlow 1997 and Poliakoff 1997.

51 Delorme 1960: ch. VIII (a useful initial survey).

bathing rather than adopting new Roman-style techniques. This is specific to the region, given that comparatively more Roman cultural influences can be discerned in Roman Asia Minor where monumental bath-gymnasion complexes appear.[52]

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In the beginning was the Word.
Superfetation of *to hen*,
And at the mensual turn of time
Produced enervate Origen.[53]

The final 'fall' of nudity in the *polis* is independent of the practice of circumcision. The early Christians disputed among themselves the conflicting claims to membership of the new religion among converts from the Jewish and the other communities: it was discussed at the first council of Jerusalem (*Acts* 15), and Saint Paul in his letters settled the matter definitively, refusing to recognise the distinction between circumcised and uncircumcised: "Circumcision has value, provided you keep the law; but if you break the law, then your circumcision becomes *akrobustia*. Equally, if an uncircumcised man keeps the precepts of the law, will he not count as circumcised? ... The true Jew is not he who is such in externals, neither is the true circumcision the external mark in the flesh" (*Rom*. 2.25-29). "For in Christ Jesus neither circumcision nor the foreskin (*akrobustia*) strengthens us, but faith activated through love" (*Galatians* 5.6); "Was one summoned circumcised? Let him not reverse it. Was he called with a foreskin? Let him not be circumcised. Circumcision is nothing and the foreskin is nothing. But keep to the commands of God. Let each man remain in the state in which he was called" (I *Corinthians* 57.18-19).

Nudity was a different matter: Christianity brought a new urgency to the purification of *to hellenikon*. However much occasional emperors might claim to protect pagan sanctuaries and pagan values until the Theodosian period of the late fourth century, Christianity increasingly

52 The conclusion of Evans 2022: ch. 5.

53 T.S. Eliot, *Mr. Eliot's Sunday Morning Service*.

taught intolerance of the body: it intensified the Jewish concept of original sin, to maintain that all nudity was a temptation of the human body to evil. And this belief in the corruption of the flesh found expression in the mutilation of statues.

Archaeologists have long been aware that a considerable number of antique naked male statues have been emasculated: originally this was attributed to the prudery of later cultures, whether Muslim or Christian. More recently it has been seen as a small subsection of the systematic purification through destruction of statuary and buildings which were deemed unacceptable to the Christian church.[54] While this general category of the destruction of the gods of hostile religions is surely correct, like the modern destruction by ISIS of images of Buddha or the temples of Palmyra, it does not entirely explain the concentration on genitalia. And the problem of all forms of damage is not only the distinction between the accidental and the deliberate: it remains that in the case of individual statues it is extremely difficult to establish the time and purpose of any deliberate mutilation. But two examples of the survival of emasculated *groups* of statues whose provenance is known enable us to begin to date and perhaps explain more clearly the activity.

The excavator of Aphrodisias, Bert Smith, has investigated the impact of Christianity and Judaism on the monuments of the city in the course of the changes of civic culture in Late Antiquity.[55] It was perhaps reasonable that the bishop should try to change the name from the city of Aphrodite to the city of the Cross, Stauropolis. The rebuilding of the temple of Aphrodite as a cathedral to St Michael around 500 CE was perhaps sensible, and one might understand the formal chiselling of the features of those statues which represent gods or goddesses and could be used in secret worship. The occasional scratched graffiti of crosses and Jewish symbols on pagan monuments may be mere signs of individual enthusiasm; but the systematic mutilation of genitalia inflicted on the great first-century *Sebasteion* of Aphrodisias is evidence of an officially authorised act of vandalism not specifically related to religion: the genitalia of all naked statues (usually specifically the penises but not the bollocks),

54 Pollini 2013.

55 Smith 2012. For the complex fate of temples in Anatolia, see more generally Talloen & Vercauteren 2011.

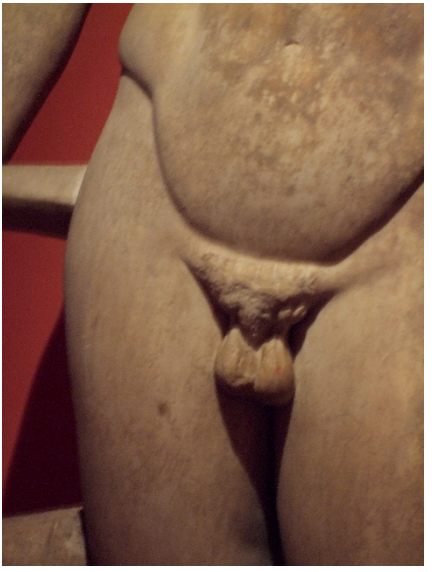
even including those of the naked Julio-Claudian emperors (an act that earlier would have been regarded as the *crimen maiestatis*), were removed without damaging the surrounding sculpture:

> The defacing was done carefully, selectively or minimally, and cautiously. Both full defacing and the 'lesser' genital and breast mutilation required planning, resources, and scaffolding. We should place this sanitizing activity probably in the later fifth or sixth century, after the great strengthening of the bishop's hand attested by the conversion of the temple of Aphrodite into a church and before the turmoil in city life and eventual collapse of what remained of the Sebasteion building in the seventh century.[56]

In my travels I discovered that the Museum of Antalya contains an especially fine collection of life size naked statues from the city of Perge; their inscriptions show that these were donated as a group to the monumental South Baths by Claudius Peison in the mid second century CE. At some point every single naked statue has been carefully mutilated, removing all trace of the genitalia (often testicles as well as penises, and in the case of female statues nipples and pudenda).[57] Although so far largely unremarked by archaeologists, this was again a systematic and careful mutilation by skilled sculptors who were concerned to otherwise protect the nudity of the works entrusted to them. What were their professional emotions as they smoothed out the offending areas so carefully created by their predecessors? The fact that these statues adorned the public baths suggests that their damage should be seen in the same context as the Talmudic discussions, as a sincere attempt by the civic authorities to purify the pleasures of the bathhouse.

56 I suspect that the mutilation may be as much as a century earlier.

57 Wood 2017. The author makes no reference to this prominent feature; but one of these statues is mentioned in the collection of Hannestad 2001.



The weary Herakles: an episode in Antalya Museum (photo Oswyn Murray).

This particular type of sexually targeted damage might seem to be attested on more individual surviving monuments across the empire; but these two examples from the provinces of Asia Minor are so far the only certain evidence for an official and systematic destruction of pudenda; Smith argues that such deliberate damage was mostly confined to the eastern provinces, but others may have their doubts. And, as Smith observes, it requires us to distinguish between the manner of emasculation, whether performed in a state of religious enthusiasm or with official care, attempting to preserve and adapt the beauty of the object.

Late antique statues were not inanimate objects: they were symbols of cultural and political authority, actors in a civic psychodrama. In 387 CE at Antioch, third city of the Empire, they came centre stage. Serious riots broke out as a result of the imperial demand for extra taxes in the form of *aurum coronarium*; unusually they seem to have begun with the city councillors who were responsible for collection; but the populace and even the monks from the caves in the hills joined in, and the bronze imperial statues of Theodosius were torn down. Then panic set in as the

inhabitants tried to flee the city in the expectation of imperial vengeance. In the end after an inquiry and the execution of alleged ringleaders the city was forgiven. In this episode two great orators, Libanius the supporter of Hellenism (who believed that his hero Julian had been murdered by the Christians) and his former pupil John Chrysostom sought to reassure their respective flocks: the tensions and hatred between cultural traditionalists and the dominant Christian communities resonate through the resulting speeches of the two men.[58]

This must be seen as the background to the mutilation of statues, whether for political or religious reasons: statues were the living representation of tradition and power. The ideas behind the specific attack on those bodily areas imagined to arouse sexual temptation and desire have been brilliantly analysed by Peter Brown in his *The Body and Society*; it is surely significant that he singles out the most eloquent exponent of this attitude in eastern Christianity as John Chrysostom.[59] It is of course related to the Christian attitude to sexual abstinence and female virginity as an essential step towards sanctity, and the abhorrence of all forms of sexual pleasure. The Christian obsession with what society still indeed calls the pudenda (things to be ashamed of) surely heralds the formal end of ancient nudity.

Sophie Remijsen has explored the end of Greek athletics with exemplary care.[60] Whereas in the age of the Tetrarchs the imperial government had promoted public games, later emperors were no longer interested in much beyond chariot racing. As long as contests in athletics continued, they preserved the 'gymnastic' principle of nudity in a society

58 Lib. *Or.* 19-22 (Loeb, vol. 2); John Chrys. *PG* 49.73; cf. Van de Paverd 1991; Leyerle 2020: 126-31. On John Chrysostom I thank Christian Mann for alerting me to Koch 2007, which shows the fascination of Late Antiochene society with the athletic games. See esp. p.139, *Ad populum Antiochenum* 1.8 (PG 49,26): "In secular competitions, these powerful and well built athletes do not appear particularly imposing when they are clad in their oil-slicked robes. However once they have taken off their robes and are led onto the arena naked, they usually astonish the spectators with their well-proportioned limbs."

59 Brown 1988.

60 Petit 1955 ch. III; Remijsen 2015; a detailed discussion of the Antioch Olympics, ib. 93-104.

obsessed with its moral dangers. In the late fourth century the last surviving 'Olympic' games of Antioch (founded in 212 CE) were a major festival at Daphnae, which involved a naked banquet given by the presiding *alytarches*, at which the athletes were unclothed, which was attended by young boys, also naked: this is deplored by the aged Libanius, despite his love of ancient customs and involvement in the games themselves, in his speech *On invitations to festivals*:

> 17. "It is an honour and a pleasure to fathers that their sons should feast in this manner." But if it is argued that this is not in accordance with the law, but better for a righteous man to do for their sake, how is this not wrong? For we do not honour the victors with any honours, but with those that no-one would criticise. And if anyone were to dishonour the God in order to honour a human, how would he not make a most grievous mistake?
> 18. We too now declare that this is harmful to the sons, and harmful to the fathers, and indeed to the interests both of sons and of fathers. For if the shame of the sons be an evil how can it be a good to those who begat them? What brings harm how could it be called an honour bringing dishonour to the honoured? And yet I have heard a respectable man pronounce, without having the right to speak because he had no conception of the occasion, to his friends and to himself, that "since the athletes come to the Olympia naked a young man should also be naked at such a public feast. He can keep a little back from the table and look at the legs of the reclining man rather than at what is exposed." Yet we know how Demosthenes revealed that in feasts and among drunken men a young person was abused and how he used it as a powerful witness against the companions of Aeschines.[61]

61 The reference is to the famous episode in Dem. 19. 196-198, when Aeschines was alleged to have been present at a Macedonian *symposion* at which a young girl recently enslaved after the sack of Olynthus was abused for being unable to entertain her captors by singing (an episode so damaging that Aeschines was forced to deny it and produce witnesses to show that it was fabricated (2.4; 153-158)); seven centuries later Libanius compares the aristocratic youths of his own day with the girl in their vulnerability to sexual abuse. He goes on to ask, what if your wives and their slaves were to engage in such naked orgies?

> 19. For to one accepting such harm which is no honour in my opinion, how could he comfortably salute God with his right hand? How is it possible for the recipient to be honoured? I would not deny that there is pleasure for fathers in this. Yet it is to us not a good idea in terms of what benefits the city as a whole to value so highly the pleasure of a few. For if we look at this aspect and consider it alone, the pleasure of a few, and do not investigate it, what is to prevent women also from feasting in common with their maidservants and those from the mill? – even the lowest slaves, who might say that they would especially enjoy and take pleasure participating in the Olympics if they could share in the feast. In praising the better should I not be unable to abuse the baser?
> 20. Do not yourselves give all and enjoy all without thought of what pleasure you are providing to these men. And if you fathers think it no great matter why should we accept this? If it is a great matter, they act thoughtlessly, and one must not take such people seriously. "But they will regret their sons being not invited and incurring no shame thereby." It is better for them to forgo a shameless honour rather than enjoy such pleasures (*Or.* 53. 17-20).

In this convoluted passage Libanius is trying to support the Christian rejection of naked boys at the festival banquet against the traditionalist defence of nudity in the celebration of the games. Over a century later John Malalas (*Chron.* 11-12) gives a detailed if imaginative account of these same Olympic games, and records that he was present at their last celebration in 520 CE.

More generally Remijsen traces the slow abandonment of the *gymnasia*, the *palaistrai*, the running tracks and all the other structures of the ancient Greek city designed to serve the sporting activities associated with nudity. There was no sudden prohibition, simply a slow abandonment of activities no longer acceptable to the Christian population. Professional athletes found their opportunities for display and sources of patronage drying up; but it is more difficult to follow the slow disappearance of *gymnasion* structures in education and therefore (if citizenship still mattered) the wider relation between nudity and membership of the *polis*.

So ultimately Gibbon was right to see the 'Decline and Fall' of the ancient world view as at least in part a consequence of the triumph of Christianity: the end of the ancient Greek *polis* as a cultural phenomenon and its replacement by the Bishopric can surely be symbolised in the slow decline of male nudity, which ended "not with a bang but a whimper".[62]

The consequences were already well recognised in the nineteenth century; they are described by Matthew Arnold in his book *Culture and Anarchy*, where he identifies the great cultural conflict between Hellenism and Hebraism:[63]

> The Discobolus is put here because he is vulgar,
> He hath neither vest nor pants with which to cover his limbs;
> I, sir, am a person of most respectable connections,
> My brother-in-law is haberdasher to Mr. Spurgeon.
> *O God, O Montreal!*[64]

—

But let us return to the moment of grandeur: what did *to hellenikon* mean when it spread across the ancient world after the conquests of Alexander? That is a theme that encompasses not just nudity and the *gymnasion*, but also the concept of citizenship, the history of the Hellenistic theatre, the spread of the *symposion*, the system of education that created the Koine dialect, as these were imposed and adapted in their new environments.[65] It is a huge theme worthy of a cultural Rostovtzeff, which I am too old to embark on now, and can only leave to my successors, but which would surely exemplify the truth that it is religious ideas and the conflict between social customs, not historical events, that determines cultural change. Hellenism is not a matter of conquest and exploitation, but the result of a widespread belief, among both Greeks and those with whom

62 T.S. Eliot, *The Hollow Men* (1925).

63 Arnold 1869.

64 Samuel Butler, *Psalm of Montreal* (1878), mocking the banishment of a naked statue of Apollo to the lumber-room of Montreal Museum.

65 On the earlier attempt of Schneider 1967-1969 see Murray 1969; cf. Marrou 1965; Hadot 2005.

they came into contact, in the superiority of Greek culture, which sustained the Hellenistic world for almost a millennium. As all modern scholars would agree, its slow transformation is not actually to be seen as a matter of 'decline and fall', but rather of the changing of cultural and religious norms that caused it to cease to be attractive.

Nudity is an important aspect of the ancient Greek *polis* that needs further exploration. For instance there is no archaeological study of the morphology of genitalia even for the purpose of dating; nudity is indeed still an almost tabu subject even in modern culture, involving formal disapproval or at best covert sniggers: even serious researchers seem confused by a Judaeo-Christian conception of disapproval: "the figleaf rules OK".[66] We need to liberate ourselves from these irrational prejudices: as Thomas Carlyle demonstrated in 1833-34 with his magnificent parody of German idealist philosophy, *Sartor Resartus*, clothing (or its lack) is a serious matter that defines and separates civilizations. It is time to revive 'The Life and Times of Herr Teufelsdröckh'. Why are our modern studies of the ancient Greek *polis* so antiseptic?

It was in this spirit that in 2004 I celebrated with my good friend the completion of his great collaborative work, *An Inventory of Archaic and Classical Poleis*, recording the standard institutions of the classical Greek *polis*, in which he already includes some fourteen cities with attested *gymnasia* (but no separate entry for *palaistrai*),[67] and not a brothel nor a drinking establishment in view, although we know they existed[68] – how unlike the normal Roman city! – by quoting words borrowed from a competitor in the (now defunct) Bulwer-Lytton Fiction Contest to create the "opening sentence to the worst of all possible unpublished and unpublishable novels":[69]

66 Barbara Górnicka, *Nakedness, Shame and Embarrassment* (Springer 2016) on Irish nudism; or the works of the feminist rabbi Delphine Horvilleur, on the theme of *Nudità e pudore*: *En tenue d'Eve: Féminin, Pudeur et Judaïsme*.

67 See Hansen & Nielsen 2004: index.

68 See e.g. Ar. *Nub.* 996; Demosthenes *In Neairam* passim. For the Hellenistic world there is plenty of evidence (still unexploited) for 'houses of pleasure' in the tangled plots of New Comedy, both Greek and Roman.

69 The web entry in the Bulwer Lytton Essay Prize for 2003 by Rebecca Nagy of Hilliard, Ohio [Harold Goldfinch is the original name].

> [Mogens Hansen] froze, his fierce pride at having placed the last brick on what would now be known as the biggest Lego metropolis ever built by one man melting into terror, as from somewhere in the blue plastic streets below him a tiny voice called out, "Hey buddy, where can a guy get a drink in this four-color town?"

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IN THE NAME OF ZEUS? A BRIEF HISTORICAL ESSAY ON THE ABSENCE OF HOLY WAR IN CLASSICAL GREEK ANTIQUITY[1]

By Thomas Heine Nielsen

Summary: It is well known that the ancient Greeks did not fight 'holy wars' against other Greeks or other peoples, and this is often stated as a simple fact. This essay both provides the evidence needed to show that 'holy wars' are indeed virtually absent from ancient Greek history and discusses *why* this was so.

1. Prolegomenon

Throughout history countless wars have been motivated or exacerbated by religion and in the present era, too, religion is, to varying degrees, a brutalizing ingredient of many violent conflicts.[2] What about the ancient Greeks? Did they wage religiously motivated wars against their neighbours? This is one of the questions examined in the following, and to anticipate, the answer is that that they did not do so. This is perhaps well known – but *why* is it that the Greeks did not wage holy wars? This question is examined less frequently and will, accordingly, also be at centre in this essay.

1 The study I present here in memory of my treasured friend and teacher Mogens is based on a conference paper I gave years ago in The European Network for the Study of Ancient Greek History. Mogens attended the conference, and he encouraged me to, as he said, 'put some footnotes on it' and publish it in English. I never really got around to doing that, though I did publish the piece in various incarnations in Danish (Nielsen 2016 and Nielsen 2021). But here it is in English, in mournful memory of a friend that I shall miss for the rest of my life.

2 On religious violence, see Lincoln 2006 and 2013.

Thomas Heine Nielsen: 'In the Name of Zeus? A Brief Historical Essay on the Absence of Holy War in Classical Greek Antiquity' C&M Supplementum 4 (2026) 371-419.

2. Greek borrowings of foreign cultural innovations

As is well known, the Greeks were perfectly happy to take over inspired inventions from neighbouring peoples. From the Phoenicians they took over the art of writing;[3] from the Lydians coinage;[4] and from the Egyptians monumental stone sculpture[5] – to mention just a few significant examples of borrowing: what the Greeks derived from these borrowings is, in fact, among the chief reasons why we study ancient Greek history.[6] Moreover, as we shall see, Greeks sometimes took over gods from foreign peoples and we may, then, say that peaceful coexistence with their neighbours, also in the context of religion, was not completely unkown to the Greeks. But Greeks were also more than ready to take up arms against their neighbours: Greeks fought wars against, *e.g.*, Celts,[7] Elymians,[8] Etruscans,[9] Iapygians,[10] Lucanians,[11] Messapians,[12] Persians,[13] Phoenicians,[14] Romans,[15] Scythians,[16] Sikels,[17] and Thracians.[18] There were all sorts of reasons for these wars, but only rarely was religious conflict among them. Accordingly, the main conclusion of this essay is the following: peaceful coexistence with the neighbouring world, also in the context of religion, was not unknown to the Greeks, and religious conflicts very rarely provoked war or created other serious conflicts.

3 Jeffery, *LSAG* 1-12; Powell 1991: 5-10; Murray 1993: 93; Osborne 1996: 107-12; Hall 2007: 57.
4 Murray 1993: 238; Howgego 1995: 1-3; Osborne 1996: 250; Schaps 2004: 96.
5 Richter 1970: 2; Boardman 1991: 18-20; Hall 2007: 260; Muskett 2012: 20.
6 Cf. Whitmarsh 2015: 16.
7 Montagu 2000: 115-16.
8 Ray 2009: 115-16.
9 Montagu 2000: 49-50, 58.
10 Ray 2009: 110-11.
11 Montagu 2000: 87; Ray 2009: 143.
12 Ray 2009: 55-56.
13 Montagu 2000: 50-52, 52-56, 57-58, 59, 61, 82, 83-84, 85-86, 89; Ray 2009: 28-46, 60-85, 91-105, 124-28, 129-30, 278-84.
14 Montagu 2000: 56-57, 78, 80, 83, 86, 89, 92, 98, 112-13; Ray 2009: 85-90, 140, 257-72.
15 Montagu 2000: 137-38.
16 Muratov 2015: 592-93.
17 Montagu 2000: 60-61, 67; Ray 2009: 116-17.
18 Ray 2009: 128-29, 273-74.

3. Religious rituals in Greek warfare

This is not to deny that religion in many ways staged the unfolding of Greek military campaigns.[19] Greek *poleis* would often consult an oracle about the prospect of victory before setting out on a campaign;[20] thus, Argos consulted with Delphi prior to the Battle of Sepeia in 494;[21] Athens did so prior to Battle of Salamis in 480;[22] Sparta did so prior to the Peloponnesian War;[23] and the Thebans consulted various oracles prior to the Battle of Leuktra in 371.[24] During actual campaigns, sacrifices were offered at numerous points.[25] Spartan kings appointed to command campaigns sacrificed to Zeus Agetor even before the army began its march out of Lakedaimon,[26] and if this sacrifice produced favorable omens,[27] the army marched on to the border of the region, where sacrifices were offered to Zeus and Athena, the *diabateria* sacrifice 'for crossing'.[28] Such sacrifices are attested only for the Lakedaimonian army,[29] but the forces of other *poleis* must surely have followed their own rituals. During the actual conduct of campaigns, numerous sacrifices were offered to the gods, i.e. before setting out from camp, before crossing a river etc., and before battle.[30] Such sacrifices were offered both for propitiation[31] and for divination.[32] Accordingly, armies were accompanied in the field by

19 Jost 1992: 138-46; Chaniotis 2005: 143-65.
20 Pritchett 1979: 296-321; Jost 1992: 142-43.
21 Hdt. 6.18-19.2, 77.2.
22 Hdt. 7.140-144; Parker 2005: 109-15 assumes that this was the last Athenian consultation of an oracle prior to a campaign. – In Athens, and presumably in many other *poleis*, sacrifices were offered prior to marching out (Xen. *Hell.* 6.5.49).
23 Thuc. 1.118.3, 123.1, 2.54.4.
24 Paus. 4.32.5.
25 On sacrifices during campaigns: Jameson 1991; Parker 2000b.
26 Xen. *Lac. pol.* 13.2.
27 Xen. *Lac. pol.* 13.2: ἢν δὲ ἐνταῦθα καλλιερήσῃ κτλ.
28 Xen. *Lac. pol.* 13.2.
29 Schwartz 2004: 112.
30 Pritchett 1971: 109-15; Jameson 1991: 198; Schwartz 2004: 112-13.
31 Jost 1992: 141.
32 For divination in the field, see Pritchett 1979: 47-90; Flower 2008: 153-87; Trampedach 2020.

priests (*hiereis*) and seers (*manteis*),[33] and an Athenian catalogue of casualties dated to ca. 460 BCE lists a *mantis* among the fallen;[34] whereas a ca. 400 BCE catalogue of battle casualties from Argos lists both a seer and a priest among the victims.[35] When the pre-battle sacrifice (*sphagia*) had produced good omens, the troops marched into battle singing the *paian*, a hymn addressed to various divine powers both before and after battle;[36] as sung before battle, it must have been an apotropaic prayer.[37] Upon defeating the enemy, a Greek army erected a trophy, *tropaion*, on the spot where its phalanx had routed the enemy.[38] The *tropaion* displayed weapons stripped from the defeated foe nailed to a wooden stake and was, accordingly, a triumphant proof of the reality of victory. The erection of the *tropaion* was accompanied by, again, *paian*-singing (this time in jubilation)[39] and a sacrifice,[40] and the trophy was itself in fact a thank-offering to Zeus Tropaios.[41] From the spoils taken from the defeated enemy more thank-offerings could be made and were often made, usually as a

33 See e.g. Hdt. 7.219, 7.33 and Xen. *Hell.* 2.4.18, 7.2.21; cf. Flower 2008: 153-87.

34 *IG* I^3 1147.127: Τελένικος μάντις. On *manteis* accompanying Athenian forces, see Parker 2005: 117-18; such *manteis* were not always Athenian citizens, but the seer Sthorys of Thasos was granted Athenian citizenship in acknowledgement of his services at the naval battle of Knidos in 394 BCE (Parker 2005: 117).

35 *SEG* 29.361 l. 3 (μάντις) and l. 5 (ἰαρεύς).

36 *DNP* 9: 147-49.

37 Pritchett 1971: 105-8; Schwartz 2004: 115.

38 On such *tropaia*, see Pritchett 1974: 246-75; Stroszek 2004; Rabe 2008; Trundle 2013; Kinnee 2018: 1-60; Schröder 2020: 86-91, 186-99, 242-49; Havener 2020: 267-77.

39 *RE* XVIII.1: 2348.

40 Pritchett 1979: 186; Trundle 2013: 126, 135; Havener 2020: 270; Schröder 2020: 191-94.

41 Gorgias fr. 6: μαρτύρια δὲ τούτων τρόπαια ἐστήσαντο τῶν πολεμίων, Διὸς μὲν ἀγάλματα, ἑαυτῶν δὲ ἀναθήματα; see Pritchett 1979: 186; Parker 2005: 400; Dowden 2006: 64; Trundle 2013: 134; Schröder 2020: 91.

dekate,[42] since they had been contracted *ex voto*.[43] Such offerings were either 'raw' or 'converted'.[44] Raw offerings consisted of the actual weaponry stripped from the fallen enemy – helmets, shields, greaves etc. – and were dedicated both in sanctuaries at home[45] and in the great Panhellenic sanctuaries, Olympia in particular, from ca. 750 BCE and well into the fourth century; from the later sixth century, dedicated pieces of weaponry were often inscribed with the names of both the victor and the defeated.[46] Converted offerings were objects, sculptures in particular, or buildings,[47] specially produced to serve as religious dedications and financed by proceeds from the selling of booty. Raw weapon-offerings were made at Olympia by e.g. the city-states of Messana,[48] Syracuse,[49] Hipponion,[50] Rhegion,[51] Taras,[52] Apollonia Adriatica,[53] Orchomenos,[54]

42 *IvO* 254 (ca. 440 BCE), 255 (ca. 440 BCE), 256 (ca. 440 BCE), 259 (ca. 420 BCE); *SEG* 17.243 (ca. 458 BCE), 31.558 (ca. 369 BCE); *I.Delphes* 1.130 (ca. 500-475 BCE), 1.137 (fourth century), 1.289 (ca. 550 BCE), 1.573 (ca. 414 BCE). 4.191 (ca. 500-450 BCE), 4.456 (ca. 450 BCE).

43 *Ex voto*: Baitinger 2011: 3, 27; on these vows: Pritchett 1979: 230-37. Such vows given in prayer hardly feature in the historians, probably because they were completely standard and unremarkable, but in poetry such a vow is sometimes described, as in Aesch. *Septem* 271-77 (Nielsen 2017: 26).

44 On this distinction, see Jim 2014a: 18-19.

45 Weaponry was dedicated in temples at e.g. Thebes (Diod. 12.70.5) and Syracuse (Diod. 16.80.6).

46 On such dedications of spoils, see Pritchett 1979: 285-95; Jackson 1991; Baitinger 2001: 80-92; Baitinger 2011; Larson 2009; Jim 2014a: 176-202; Schröder 2020: 24-53. On methodological problems confronting the study of weapon dedications, see Frielinghaus 2011: 210-32.

47 On treasuries, see Rups 1986.

48 *SEG* 24.313-14 (early fifth century).

49 *SEG* 11.1212a (mid-fifth century).

50 *SEG* 11.1211 (525-500 BCE).

51 *SEG* 24.303-5 (490s BCE).

52 *IvO* 254-56 (ca. 440 BCE).

53 Baitinger 2001: 244 no. 22a (480s BCE).

54 *SEG* 11.1208, 17 205 (mid-fifth century).

Tanagra,[55] Thebes,[56] Sikyon,[57] Psophis,[58] Argos,[59] Kleonai,[60] Athens,[61] and others. Converted thank-offerings in the form of sculptures were likewise dedicated at local sanctuaries[62] and, more prominently, at Panhellenic sanctuaries, in particular at Delphi and Olympia; at Delphi, such dedications were made by e.g. Massalia,[63] Lipara,[64] Taras,[65] Plataiai,[66] Thebes,[67] Megara,[68] Gortys,[69] Kaphyiai,[70] Sparta,[71] Argos,[72] Aigina,[73] Knidos;[74] and at Olympia by e.g. Akragas,[75] Apollonia Adriatica,[76] Naupaktos,[77] Elis itself,[78] Kleitor,[79] Mantinea,[80] Mende,[81] and Byzantion.[82] Con-

55 *SEG* 11.1202 (late sixth century).
56 *SEG* 24.300 (late sixth century).
57 *SEG* 31.369 (mid-fifth century).
58 *SEG* 24.299 (500-475 BCE).
59 *SEG* 11.1203 (ca. 500-480 BCE).
60 *SEG* 24.320 (500-450 BCE).
61 *SEG* 22.346 (first half of the fifth century).
62 On the Athenian acropolis: Hdt. 5.77.4 (on which see Schröder 2020: 74-79); Paus. 4.36.1; on the acropolis of Sparta: Paus. 3.18.8 (on which see Schröder 2020: 237-36).
63 Paus. 10.18.7 (see Shröder 2020: 67 (late sixth century)).
64 Paus. 10.16.7 (see Schröder 2020: 67 (fifth century)).
65 Paus. 10.10.6 (see Schröder 2020: 150-51 (ca. 470 BCE)).
66 Paus. 10.15.1 (Schröder 2020: 148 (ca. 479 BCE)).
67 Paus. 10.13.6 (see Schröder 2020: 261).
68 Paus. 10.15.1 (see Schröder 2020: 152)).
69 *I.Delphes* 4.456 (δεκάταν πολεμίον; see Jacquemin 1999: 335 no. 305 (ca. 450 BCE)).
70 *I.Delphes* 4.191 (ηελόντες τõν [πο]λεμίον; see Jacquemin 1999: 337 no. 317 (500-450 BCE)).
71 Paus. 10.9.7-10 (see Shröder 2020: 257-58 (late fifth century)).
72 Paus. 10.9.12 (see Schröder 2020: 257 (date uncertain but Classical)).
73 Hdt. 8.122 (see Schröder 2020: 148 (ca. 479 BCE)).
74 *I.Delphes* 1.138 (2: ἀπὸ τῶμ πολεμίων δεκάταν; see Jacquemin 1999: 319 no. 114 (fourth century)).
75 Paus. 5.25.5 (mid-fifth century).
76 Paus. 5.22.3 (see Schröder 2020: 152 (mid-fifth century)).
77 *IvO* 259; Paus. 5.26.1 (see Shröder 2020: 252-56 (ca. 420 BCE)).
78 Paus. 5.27.11 (see Schröder 2020: 238-39 (ca. 400 BC)); Paus. 5.24.4 (ca. 363 BCE)).
79 Paus. 5.23.7 (ca. 500 BCE).
80 Paus. 5.26.4 (see Schröder 2020: 255 (mid-fifth century)).
81 Paus. 5.27.12.
82 *Neue IvO* 33a (sixth century).

verted thank-offerings in the form of treasuries were dedicated at Olympia by Syracuse and Megara,[83] and at Delphi by Akanthos, Syracuse and Thebes.[84] Such rituals, then, set the stage for Greek warfare but were not, of course, the reason why Greeks went to war: they served to achieve the goodwill of the gods and to thank them in the traditional and appropriate way by offerings, and nobody went to war in order to force the enemy to offer *sphagia* or make offerings of spoils at sanctuaries.

Thank-offerings were clearly based on the idea that the gods were capable of influencing the outcome of a battle, an idea well-known from *e.g.* the Homeric *Iliad*, which even depicts the gods as taking part in hostilities. The Greek martial divinities proper were Ares and Athena,[85] but in principle all divinities could take an interest in warfare.[86] Thus, the Athenians held that Pan had assisted them at Marathon in 490 BCE,[87] and a remarkable fifth-century inscription from Selinous on Sicily lists the following divinities as bringers of victory: Zeus, Phobos, Herakles, Apollo, Poseidon, the Tyndarids, Athena, Malophoros and Pasikrateia[88] – and even adds: "and the other gods".[89] The Greeks, then, assumed that their gods took an active interest in, and were capable of, influencing the outcome of wars – but they assumed that the gods influenced everything, and war is not privileged in this respect.

Rather than motivating war, the rituals surrounding Greek wars could sometimes put an end to campaigns. Thus, Thucydides thrice relates how the Lakedaimonians discontinued campaigns due to failed *diabateria*;[90]

83 Paus. 6.19.7 (Syracuse) and 6.19.13 (Megara, on which see Shröder 2020: 59-60).

84 Plut. *Lys.* 1.1 (Akanthos); Paus. 10.11.5 (Syracuse, on which see Schröder 2020: 251); Paus. 10.11.5 (Thebes, on which see Scott 2016: 100-11).

85 Burkert 1985: 140 (Athena), 169-70 (Ares); Deacy 2000.

86 Jost 1992: 139-40.

87 Christensen et al. 2009: 150-51.

88 *IG* XIV 2687.1-6.

89 καὶ διὰ τὸς ἄλλος θεός (6). – See Parker 2005: 401-3 for more examples of divine engagement in Athenian campaigns.

90 Thuc. 5.54.2: ὡς δ' αὐτοῖς τὰ διαβατήρια θυομένοις οὐ προυχώρει, αὐτοί τε ἀπῆλθον κτλ; 5.55.3: ἐξεστράτευσαν δὲ καὶ οἱ Λακεδαιμόνιοι ἐς Καρύας, καὶ ὡς οὐδ' ἐνταῦθα τὰ διαβατήρια αὐτοῖς ἐγένετο, ἐπανεχώρησαν; 5.116.1: Τοῦ δ' ἐπιγιγνομένου χειμῶνος Λακεδαιμόνιοι μελλήσαντες ἐς τὴν Ἀργείαν στρατεύειν, ὡς αὐτοῖς τὰ διαβατήρια [ἱερὰ ἐν τοῖς ὁρίοις] οὐκ ἐγίγνετο, ἀνεχώρησαν.

and Xenophon records that King Agis of Sparta in ca. 400 BCE discontinued a campaign – though he had already penetrated deeply into enemy territory – because the area was hit by an earthquake that the king interpreted as a bad omen.[91] Religion could also prevent a *polis* from even taking the field. *Poleis* celebrating major religious festivals often proclaimed an *ekecheiria*, a sacred truce, to protect the festival and its participants. *Poleis* accepting such a truce committed themselves to non-aggression against the *polis* proclaiming it as well against travellers going to the festival,[92] and by and large such truces were respected. A *polis* celebrating a festival with associated *ekecheiria* could itself evade treaty-obligations by referring to its celebration of the festival. Members of the co-called Peloponnesian League of Sparta, the alliance which was one of the main pillars of Spartan military might, were by oath obligated to 'follow the Lakedaimonians whithersoever they may lead'.[93] From this invariable obligation there was, however, an exception: Allies could abstain from campaigns if "something to do with the gods or heroes" prevented them from participating.[94] And the celebration of a religious festival with associated *ekecheiria* could be construed as an obstacle to campaigning,[95] and *poleis* such as Mantinea[96] and Phleious[97] are known to have been absent from league campaigns under the cover of this stipulation. These examples, in fact, show *e contrario* what the purpose of the rites surrounding campaigns was, namely to ensure that a campaign could be conducted, and they did not turn Greek wars into 'holy wars' in the strict modern sense. It was, we may say, on account of practicabilities that religion put a damper on warfare, not on account of any dogmatic content.

91 Xen. *Hell.* 3.2.24: ἄγων δὲ τὸ στράτευμα Ἄγις ἐνέβαλε διὰ τῆς Ἀχαΐας εἰς τὴν Ἠλείαν κατὰ Λάρισον. ἄρτι δὲ τοῦ στρατεύματος ὄντος ἐν τῇ πολεμίᾳ καὶ κοπτομένης τῆς χώρας, σεισμὸς ἐπιγίγνεται· ὁ δ' Ἄγις θεῖον ἡγησάμενος ἐξελθὼν πάλιν ἐκ τῆς χώρας διαφῆκε τὸ στράτευμα.

92 On sacred truces, see Lämmer 2010; Golden 2011; and Theotikou 2013.

93 de Ste. Croix 1972: 106, 339.

94 Thuc. 5.30.1 (τι θεῶν ἢ ἡρώων κώλυμα); see de Ste. Croix 1972: 115, 339.

95 de Ste. Croix 1972: 118-20.

96 Xen. *Hell.* 5.2.2.

97 Xen. *Hell.* 4.2.16.

4. Religion and martial rhetoric

It cannot, however, be denied that religion was exploited as a source of pro-war rhetoric. Thus, at 8.144.2, Herodotos has the Athenians lecture the Spartans on why they are determined not to ally themselves with the Persians: πολλά τε γὰρ καὶ μεγάλα ἐστὶ τὰ διακωλύοντα ταῦτα μὴ ποιέειν μηδ' ἢν ἐθέλωμεν· πρῶτα μὲν καὶ μέγιστα τῶν θεῶν τὰ ἀγάλματα καὶ τὰ οἰκήματα ἐμπεπρησμένα τε καὶ συγκεχωσμένα, τοῖσι ἡμέας ἀναγκαίως ἔχει τιμωρέειν ἐς τὰ μέγιστα μᾶλλον ἤ περ ὁμολογέειν τῷ ταῦτα ἐργασαμένῳ.[98] Religion is here adduced as the prime reason (πρῶτα μὲν καὶ μέγιστα) for carrying on with the war, but the war is not presented as a 'holy war', "in the sense of a war whose purpose is to fight people and states who follow another religion."[99] Rather, it is a question of revenge: vengeance for desecration of local cults,[100] and such revenge was not infrequently adduced as a reason for war,[101] featuring in the rhetoric of Alexander 'the Great' during his Persian campaign.[102] However, one will search in vain in the three great classical historians for fiery speeches pleading for war on a religious basis. Admittedly, the concept of 'sacred war' (ἱερὸς πόλεμος) is found in Greek literature; however, it is extremely rare and is used exclusively to refer propagandistically to two intra-Greek wars fought for the political control of Apollo Pythios' sanctuary

98 "There are many compelling reasons against our doing so, even if we wished: the first and greatest is the burning of the temples and images of our gods – now ashes and rubble. It is our bounden duty to avenge this desecration with all our might – not to clasp the hand that wrought it" (transl. de Sélincourt 2003). – See further Hunt 2010: 140-41 with n. 31; Rung 2016; and Nielsen 1996: 46-48. – Intra-Greek wars could also be described as 'the will of the gods': see Mac Sweeney 2013: 189 on Mimnermos fr. 9 (West), though this hardly refers to wars fought with religious motivations (in Mimnermos the reference is to the Ionian conquest of Smyrna; Allen 1993: 78 suggests that θεῶν βουλῇ refers to "some sort of positive assistance from the gods").

99 Hunt 2010: 84.

100 Polinskaya 2010: 71.

101 van Wees 2004: 20-21; Chaniotis 2005: 157.

102 Kremmydas 2013: 203-4.

at Delphi,[103] and these were not 'holy wars' of dogmatics:[104] the Greeks did not wage 'holy wars' in the names of their gods[105] – though it cannot, of course, be excluded that a genuine desire to end what was perceived as abuse of Delphi played some role in the wars over the sanctuary, in particular perhaps in the Third Sacred War (356-346 BCE) during which the Phokians drew heavily on Apollo's property to finance mercenaries.[106]

5. Polytheism and political fragmentation

The classical Greeks, then, did not fight holy wars. What is the ereason for this, as it must surely seem from a modern perspective, remarkable state of affairs? The explanation is, I suggest, that the Greeks were polytheists to the bone. 'Tolerance' – by which I mean a mental disposition to accept and acknowledge that other peoples have other religions (or gods and cults) – was woven into the genetic structure, as it were, of Greek polytheism, and this to such an extent that the Greeks did not even have a word for 'tolerance' in this sense.[107] It was, it seems, simply taken

103 See Pownall 1998; cf. Hansen 2011: 13; Constantakopoulou 2015: 276; Burliga 2016: 141. Modern scholarship usually counts four 'sacred wars' for control of Delphi, but only two of these are actually referred to as ἱερὸς πόλεμος by ancient evidence (the second, ca. 448 BCE, and the third, 356-346 BCE). – In comic phantasy, a *hieros polemos* against Zeus himself is toyed with at Ar. *Av.* 556 (Dunbar 1998: 259 comments that to an Athenian ear this would recall the second Sacred War of ca. 448 BCE).

104 Cf. Burkert 1986: 82: "«heilig» ist hier mehr Sachbezeichnung als verpflichtender Appell." – Parker 2016: 132: "There was no clash here of religious values."

105 Burkert 1986: 82; cf. Hunt 2010: 84.

106 On the Third Sacred War, see Buckler 1989. – A Boiotian inscription (*IG* VII 2418) dating to the Third Sacred War states (2-4) that the war was fought περ[ὶ τῶ ἰαρῶ τῶ ἐμ Βελφοῖς π]ὸτ τὼς ἀσεβίοντας τὸ ἰαρὸ[ν τῶ Ἀπόλλωνος τῶ Π]ουθίω; the war, then, was 'about' the sanctuary; but in 22-23 the inscriptions states that the war was waged ὑ[πὲρ τῶ ἰ]αρῶ τῶ ἐμ Βελφοῖς, that is 'for the benefit of' the sanctuary (for this meaning of ὑπέρ, see Parker 2005: 40 and Jim 2014b).

107 Garnsey 1984: 6 (cf. 25: "Toleration theory was a byproduct of persecution and came from those in a position of weakness."). – In other words, Greek polytheism

for granted that various peoples had each their own set of gods and that these were all equally divine,[108] or perhaps even the same: In *The Iliad,* Greeks and Trojans have the same gods,[109] and Herodotos[110] seems to be of the opinion that the gods are everywhere[111] really the same, though with varying epichoric names.[112] There was no reason to wage wars over this simple fact, and it also meant that there was hardly any fanaticism in classical Greek polytheism.[113] Moreover, this view of the world also meant that there was no basis for that religious demonization of others which has often been an historical precondition for the outbreak of holy wars:[114] there really wasn't anything holy wars could be *about*.[115]

The political fragmentation of the Greek world into hundreds of *poleis*[116] must, I further suggest, have contributed significantly to the development of this open-minded and unwarlike view of religion. As emphasized by several historians of Greek religion, every single one of the many hundreds of Greek *poleis* had its own distinctly epichoric pantheon which

lacked that intolerance which is a defining characteristic of dogmatic monotheistic religions (Assmann 2010: 14).

108 Garnsey 1984: 2, 6, 24; West 1999: 22; Mikalson 2005: 172; Osborne 2015: 12.

109 Ehnmark 1999: 364-65; Burkert 1986: 82, 1990: 5; Hall 2007: 261; Rutherford 2013: 64-65; Osborne 2015: 11; Parker 2017: 37. – Trojan sacrifices to Zeus: *Il.* 4.48-49; 24.66-70; prayers to Athena: *Il.* 6.297-312; Homeric gods are worshipped also by aithiopians, who are hardly meant to be perceived as Greeks: *Il.* 1.423-424, 23.205 and *Od.* 1.22.

110 Parke 1967: 52; Hall 1989: 183-84; Rudhardt 1992: 224-26; Parker 1996: 159; Parker 2017: 37; Gould 1994: 103-4; Harrison 2000: 209; Kaplan 2006: 135; Malkin 2011: 8, 131; Osborne 2015: 12-13. – Herodotos may have been exceptionally well-traveled and thus perhaps more openminded than the average Greek, but as pointed out by Burkert 1990: 5-8 similar ideas appear in earlier texts (cf. Parker 2017: 37 on Hekataios (*FGrHist* 1) fr. 305). Parker 1996: 193 describes this idea simply as "the Greek perception." See also Whitmarsh 2015: 26 and Larson 2016: 7.

111 This 'translatability' of gods from one culture to another was a fundamental characteristic of ancient Mediterranean polytheism: Assmann 2010: 18-19.

112 This being the case, missionary activities were negligible in Greek religion (cf. Larson 2016: 326).

113 Larson 2016: 195.

114 Furseth & Repstad 2007: 266, 269.

115 Parker 2005: 453.

116 On which see *CPC Inv.* and Hansen 2000 and 2006.

was not identical to that of any other *polis*,[117] though they were recognizably all part of the same overall system.[118] Religious diversity and variation, then, was the norm in the Greek city-state culture. Some major gods, such as Zeus, Apollo and Athena were, of course, worshipped almost everywhere, but other divinities, such as Aphaia on Aigina,[119] Pan in Arkadia[120] or Ennodia in Thessaly[121] were more closely connected with specific localities. Even a major Olympian goddess such as Hera was not worshipped in every pantheon. On Aigina she did not, it seems, have a cult,[122] but at Argos, less than a day's travel from the island, she was the chief divinity honoured with a monumental Doric temple,[123] a chryselephantine cult-statue,[124] and a splendid festival, the *Hekatomboia*, which included famous games.[125]

In religious terms, we may say, the Greek world was truly polycentric and consisted of more than a thousand epichoric universes. In a certain sense, then, the Greek world was just as fragmented religiously as it was politically. There was, of course, a high degree of similarity in the way in which Greek *poleis* worshipped their gods: temples,[126] animal sacrifices,[127]

117 Sourvinou-Inwood 1990: 295; Zaidman & Pantel 1992: 207; Bremmer 2006: 1, 2015: 606; Parker 2011: 70-73; Polinskaya 2013: 9-15; Larson 2016: 9, 24, 128, 194.

118 Lévy 2000; Schachter 2000.

119 On Aphaia: Tomlinson 1976: 104-8; Polinskaya 2013: 177-96; McInerney 2013: 67-73.

120 On Pan: Jost 1985: 456-76; Borgeaud 1988: 3-44; Nielsen 1999: 39-40. Cf. Parker 1996: 164.

121 On Ennodia: Graninger 2006: 182-206; 2009: 109-24; Mili 2015: 147-58.

122 Polinskaya 2013: 122-23.

123 Pfaff 2003.

124 Lapatin 2001: 101-5.

125 On the *Hekatomboia*, see Nilsson 1906: 42-45; Ringwood 1927: 67-69; Kramer 1970: 29; and Amandry 1980; Nielsen 2018: 24, 29-30, 41-43, 55, 65-66, 70, 89, 100, 108, 129, 131, 156, 165, 174-76, 185-86, 200-1, 209, 214. – The Heraion was prior to the 460s BCE a "confederate sanctuary for all the communities of the Argive Plain" and came under the exclusive control of Argos only when this city had destroyed Mykenai in the 460s BCE (Hall 1995: 613).

126 Gruben 1986; Sinn & Leypold 2005; Spawforth 2006.

127 Hermary & Leguilloux 2004; Bremmer 2007; Hitch & Rutherford 2017.

processions[128] and spectacular festivals[129] were standard and ubiquitous phenomena in Greek cults. But a Greek could *not* assume that the neighbouring *polis* worshipped exactly the same divinities as his own *polis* did. This fundamental state of affairs, however, does not seem to have constituted a problem for the Greeks at all.[130]

6. Other polytheistic religions of the ancient Mediterranean

For any Greek *polis*, the most important neighbours must have been the hundreds of other Greek *poleis*, but throughout the far-flung Greek world Greeks came into contacts with numerous foreign peoples: Egyptians, Phoenicians, Etruscans, Romans, and so on. Almost all foreign peoples with whom Greeks came into contact were polytheists like the Greeks themselves:[131] The Egyptians were polytheists,[132] and so were the Etruscans,[133] the Hittites,[134] the Mesopotamians,[135] the Persians,[136] the Phoenicians,[137] the Romans[138] and the Scythians,[139] to mention just a handful of

128 Burkert 1985: 99-101; True et al. 2004.
129 Burkert 1985: 99-109; Chaniotis et al. 2011; see also the relevant chapters of Brandt & Iddeng 2012.
130 Cf. Mikalson 2005: 172.
131 Larson 2016: 6; cf. West 1999: 19: "Among the ancient civilizations polytheism was the norm."
132 Teeter 2013: 14.
133 Simon 2006: 45.
134 Wright 2007; Collins 2013: 97.
135 Pongratz-Leisten 2013: 36.
136 Malandra 2013: 116-17.
137 Clifford 1990: 56-58; Gawlikowski 2012: 310; Dolansky 2013: 56-57.
138 Schultz 2013: 160.
139 Hdt. 4.59.

neighbouring peoples. All these peoples conceived of their gods in anthropomorphic forms,[140] as did the Greeks, and they all performed animal sacrifices in honour of their gods, as did the Greeks.[141] Nowhere did dogmatic texts (scripture) occupy the central position they do in various modern monotheistic religions. In fact, most ancient peoples of the Mediterranean world did not have dogmatic texts at all,[142] and it is, accordingly, anachronistic to think of these ancient polytheistic religions as religious denominations in the modern sense. Ancient polytheists did not *believe* in the gods in the way modern monotheists are expected to do: They simply accepted the existence of gods, and acted accordingly.[143] In other words, most peoples with whom the Greeks came into contact had religions which were more *like* than *unlike* the religion of the Greeks in several crucial respects.[144] Though later ages have seen followers of rather similar religions fight each other mercilessly, in the Greek case the overall similarity of the religion with the religions of the neighbours, in particular as concerns the lack of dogma, does, in fact, seem to have contributed to reducing the risks of serious religious conflicts considerably.

140 Teeter 2013: 15 (Egyptians); Wright 2007, Collins 2013: 95 (Hittites); Bonfante 2006: 20 (Etruscans); Beaulieu 2007: 165, Pongratz-Leisten 2013: 37 (Mesopotamians); Duchesne-Guillemin 2002 (Persians); Dolansky 2013: 59 (Phoenicians); Schultz 2013: 160 (Romans); it should follow from Herodotos' *interpretatio Graeca* of the seven Scythian gods, and in particular from the fact that *agalmata* were a feature of the cult of Ares (4.59), that he thought of them as anthropomorphic. That Xenophanes assumed the Thracians to have anthropomorphic conceptions of divinity should follow from fr. 21 (Graham).

141 Teeter 2013: 19-20 (Egyptians); de Grummond & Simon 2006: *passim* (Etruscans); Collins 2013: 100-1 (Hittites); Pongratz-Leisten 2013: 44 (Mesopotamians); Malandra 2013: 117 (Persians); Markoe 2000: 132, Dolansky 2013: 62 (Phoenicians); Schultz 2013: 163 (Romans); Hdt. 4.60 (Scythians).

142 Teeter 2013: 13, 18 (Egyptians); Schultz 2013: 161, 165 (Romans); Gaifman 2016: 250 and Kindt 2016: 12 (Greeks). See also Robertson Smith 1956: 16-21. – This does not mean, I should emphasize, that there were no religious assumptions or values in Greek religion, see Harrison 2007.

143 Assmann 2010: 15.

144 Cf. Larson 2016: 325.

7. Religious conflicts

Occasionally, however, religion did produce conflict, in particular when Greek polytheists faced monotheists. I give two examples, one minor and one more serious; both, however, are later than the classical period, which is my chief concern in this essay. The first and minor episode occurred while St Paul was at Ephesos in the first century AD, and is narrated in *Acts* 19:23-41. St Paul, it seems, had denied the sacred quality of local artefacts produced, presumably, for dedication in the famous temple of Artemis (19:26: λέγων ὅτι οὐκ εἰσὶν θεοὶ οἱ διὰ χειρῶν γινόμενοι).[145] The Ephesian artisans, apprehensive of their business and of the prestige of the sanctuary of Artemis (19:27: τὸ τῆς μεγάλης θεᾶς Ἀρτέμιδος ἱερὸν εἰς οὐθὲν λογισθῆναι μέλλειν τε καὶ καθαιρεῖσθαι τῆς μεγαλειότητος αὐτῆς ἣν ὅλη ἡ Ἀσία καὶ ἡ οἰκουμένη σέβεται),[146] which perhaps amounted to one and the same thing, broke into a riot against the Christian community, crying "Great is Artemis of Ephesos!" (19:28: Μεγάλη ἡ Ἄρτεμις Ἐφεσίων). The rioting seems to have been put to rest in a single day and without injuries. If *Acts* can be trusted, the anger of the artisans was at least partly provoked by their devotion to Artemis, but the main thrust of the narrative suggests that it was in reality "motivated by commercial, rather than religious, scruples."[147]

The second and much more serious example of violent religious conflict is the war between King Antiochos IV Epiphanes and Judean insurgents based in Jerusalem.[148] This was a regular war which lasted throughout the 160's BCE down to the foundation of a more or less autonomous Judean state in 142 BCE. In the present context, however, it is the events of the 160's BCE which are of interest. In 167 BCE the King decreed a series of stipulations which amounted to a ban on the practice of Judean religion: Circumcision was prohibited,[149] Torah-scrolls were collected

145 "... saying that they be no gods, which are made with hands."

146 "... that the temple of the great goddess Diana should be despised, and her magnificence should be destroyed, whom all Asia and the world worshippeth."

147 Snyder 2013: 180; cf. Parker 2017: 152.

148 On this conflict see the following works on which I base my brief account: Mørkholm 1966; Tcherikover 1972; Momigliano 1975: 97-122; Hyldahl 1990; Habicht 2008.

149 Momigliano 1975: 100.

and put to the fire, and massive executions of disobedient Judeans were carried out, according to Judean sources.[150] The cult in the Jerusalem temple was terminated, and the temple itself was rededicated to Zeus Olympios[151] – and pigs were sacrificed on a newly constructed 'heathen altar'.[152] Moreover, statues of Zeus and King Antiochos were erected in the temple.[153] All this led to a revolt against the King, the famous Maccabean Revolt.[154] From the point of view of the Judean insurgents the fight was for political autonomy, but first of all it was a fight for the right to practice Judean religion again. From the point of view of the King, the prohibition against Judean religion was a legitimate administrative act whose aim was to neutralize an emergent insurrection against his rule.[155] The King, it seems, had been caught up in an internal Judean struggle for power, in which a more traditional faction faced a Philhellenic and Greek-inspired faction which had the support of the King and collected his taxes.[156] It was, it is commonly held, in complete concert with the Philhellenic faction, his own men, as it were, that the King decreed his ban on Judean religion, a ban which, at least as far as I know, is the only prohibition against the religion of a foreign people known from Greek

150 Mørkholm 1966: 146, 148; Tcherikover 1972: 139; Habicht 2008: 349. Polytheistic Greek sources on this conflict are all lost (Momigliano 1975: 102).

151 Mørkholm 1966: 147; Tcherikover 1972: 139; Momigliano 1975: 100; Habicht 2008: 349.

152 Mørkholm 1966: 147; Hyldahl 1990: 199.

153 Mørkholm 1966: 147; Tcherikover 1972: 128. – In itself, the erection of a ruler's statue in the temple of a god was not unprecedented, see Chaniotis 2003: 439: "The Hellenistic kings were often worshipped as 'temple-sharing gods' (*synnaoi*) through the erection of their statue in the temple of other deities (e.g. Attalos I in Aigina and Sikyon, Antiochos III and Apollonis in Teos, Attalos III in Pergamon, Ariarathes V in Athens and Mithradates VI on Delos)." Cf. I. Petrovic 2015: 433.

154 Mørkholm 1966: 149. Such measures were "unheard of in the Greek-speaking world from immemorial times" (Momigliano 1975: 100); prior to this conflict "Greeks had fully respected the uniqueness of the Jewish people and its religion" (Hyldahl 1990: 188).

155 Tcherikover 1972: 141-42; Hyldahl 1990: 199.

156 Tcherikover 1972: 118; Mørkholm 1966: 142; Momigliano 1975: 106.

history. To the King, it was all about *Realpolitik*,[157] not about religious dogmatics, about which he probably had no conception:[158] he spent his formative years as a hostage in Rome[159] and lived for a while at Athens[160] – two major centres of traditional polytheism. The ban on Judean religion was probably based on bad advice,[161] and as soon as he understood that the King cancelled it, and from 164 BCE it was once more possible to practice Judean religion.[162]

This traditional view of the Maccabean Revolt has recently been challenged by Sylvie Honigman in a monumental study, which argues that there was, in reality, no persecution of Judeans and no prohibition against Judean religion,[163] and if that is correct, there is no example of Greeks waging war on a foreign religion to exterminate it.[164] But even if the traditional reconstruction is correct, we should note three things: that the clash was with a monotheistic religion; that the King withdrew his ban; and that such a ban is completely uncharacteristic of the normal way in which Greeks interacted with foreign religions.

8. Greek import of foreign cults

What *is* characteristic of the Greek attitude to the religion(s) of their neighbours is lively interest and even participation, and Greek *poleis* did not hesitate to adopt foreign cults if they responded to their religious needs: Greek *poleis* adopted cults both from other Greek *poleis* and from non-Greek peoples. In the classical period, Athens imported several cults from non-Greek areas: In the fifth century, Bendis was imported from

157 Tcherikover 1972: 123; Mørkholm 1966: 158; Hyldahl 1990: 199.
158 Tcherikover 1972: 136; Mørkholm 1966: 138, 144.
159 Tcherikover 1972: 122; Mørkholm 1966: 35.
160 Mørkholm 1966: 40.
161 Mørkholm 1966: 138.
162 Mørkholm 1966: 153-56; Habicht 2008: 349.
163 Honigman 2014.
164 Judeans outside Judea will have been unaffected by the persecution of Antiochos (Momigliano 1975: 115).

Thrace and became the object of public cult;[165] Sabazios arrived from Phrygia,[166] whence came also Kybele, perhaps already in the late archaic period;[167] and Ammon, whose oracle in Libya Athens consulted several times[168] (as did also Elis, Sparta and Rhodos),[169] was imported as well.[170] Also in the classical period, the Athenian assembly granted metics from Egypt the right to found a sanctuary of Isis, just as metics from Kition on Cyprus were granted the right to found a sanctuary for their epichoric Aphrodite.[171]

This is not, of course, to deny that foreign gods and the ways they were worshipped were occasionally frowned upon, witness Demosthenes' scornful remarks about the cult of Sabazios at 18.259-260,[172] whose aim is to ridicule Aischines. But in general, the attitude to foreign gods and cults may fairly be described as receptive, and, this receptive attitude was not a peculiarly Athenian characteristic: Kybele, *e.g.*, was imported by Greek *poleis* in Asia Minor[173] and is attested as far away as at Lokroi Epizephyrioi in Magna Graecia by an archaic dedication.[174] Bendis

165 On Bendis at Athens, see: Garland 1992: 111-14; Parker 1996: 160-61, 170-75; Arnaoutoglou 2015.

166 On Sabazios in Athens: Parker 1996: 194.

167 Pérez 1994.

168 Plut. *Kim.* 18.7; *Nic.* 13-14; Pritchett 1979: 300-1; Parker 2005: 111.

169 Elis: Paus. 5.15.11 (cf. Parke 1967: 211-12); Sparta: Plut. *Lys.* 25 (cf. Parke 1967: 219-20); Rhodos: Diod. Sic. 20.100.3-4.

170 On Ammon in Athens: Classen 1959: 352-54; Woodward 1962; Parke 1967: 212-13, 215-19; Garland 1984: 106-7; Parker 1996: 195-96

171 *IG* II^2 337. *Strictu senso* the decree grants the Kitians ἔνκτησι[ν] χ[ω]ρίου (40-41), the right to buy a piece of land, but the understanding throughout the text is that a sanctuary of Aphrodite will be founded on this piece of land: περὶ ἱδρύσειως τῆι Ἀφροδίτηι τοῦ ἱεροῦ (10-11); περὶ τῆς ἱδρύσειως τοῦ ἱεροῦ (21-22); χωρίου ἔνκτησιν ἐν ὧι ἱδύσονται ἱερὸν Ἀφροδίτης (36-37); ἔνκτησι[ν] χ[ω]ρίου ἐν ὧι ἱδρύσονται τὸ ἱερὸν τῆς Ἀφροδίτης (40-42). It is also clear that the Egyptians had already founded a sanctuary for Isis: οἱ Αἰγύπτιοι τὸ τῆς Ἴσιδος ἱερὸν ἵδρυνται (43-45).

172 See Wankel 1976: 1133-34; Price 1999: 116. – The plot of Euripides' *Bacchae*, moreover, is based on the idea that the introduction of a foreign god could provoke fierce opposition.

173 *E.g.* Kyzikos: Hdt. 4.76.3; Kolophon: Mac Sweeney 2013: 131; cf. Burkert 1985: 178, 1987: 35; Pérez 1994; Anderson 2015: 317. A cult of Kybele is attested also at late-archaic Olbia: Dubois, *Olbia du Pont* no. 81.

174 *SEG* 35.1820, 49.1357 (cf. Burkert 1987: 35).

may have been adopted also at Abdera.[175] Moreover, as already noted, Elis, Sparta and Rhodos all consulted the oracle of Ammon, and his cult was adopted by several *poleis* other than Athens in the classical period. He is known to have had cults at Thebes in Boiotia,[176] Elis[177] and Sparta[178] in the Peloponnese, Aphytis on the Chalkidike,[179] and he was, not surprisingly, a major god in the Greek *poleis* of Libya (Barke, Euhesperides, Kyrene and Taucheira).[180] Furthermore, he is depicted on coins from Metapontion in Magna Gracia;[181] Melos,[182] Nisyros[183] and Tenos[184] in the Aegean; Aphytis on Chalkidike;[185] Kyzikos[186] and Lampsakos[187] on Propontos; Pitane in Aiolis;[188] Mytilene on Lesbos;[189] Arkades on Crete;[190] and an unidentified mint on Cyprus,[191] and such types may also be indicative of local cults, as is certain in the case of Aphytis. Another non-Greek cult which was widely adopted was that of Egyptian Isis: "By the fourth century BCE, temples dedicated to Isis were established on the islands of Delos, Rhodes, Kos, Samos, Lesbos, and Cyprus as well as in Ephesus on the mainland of Asia Minor;"[192] to which we may add, *e.g.*, Eretria on Euboia.[193] Just as they took over brilliant foreign inventions like coinage and the alphabet, then, Greeks adopted cults from foreign peoples, and the fact that cults to be imported were foreign was apparently not a

175 Oppermann 2012: 346.
176 Paus. 9.16.1 (cf. Classen 1959: 350; Woodward 1962: 5; Parke 1967: 207).
177 Paus. 5.15.11 (cf. Classen 1959: 350; Parke 1967: 211-12).
178 Paus. 3.18.3 (cf. Classen 1959: 351-52; Parke 1967: 210-11, 219-21).
179 *CPC Inv.* 282; Tsigarida 2011.
180 Austin 2008: 213.
181 *CPC Inv.* 282.
182 Head, *HN*[2] 892.
183 Head, *HN*[2] 635.
184 Head, *HN*[2] 493.
185 Head, *HN*[2] 209-10.
186 Head, *HN*[2] 524.
187 Head, *HN*[2] 530.
188 Head, *HN*[2] 537.
189 Head, *HN*[2] 558-59.
190 Willetts 1962: 235.
191 Head, *HN*[2] 745.
192 Teeter 2013: 14. Cf. Dow 1937 and Smith 1977.
193 Ducrey et al. 2004: 256.

problem. When it came to religion, Greeks were fully ready to adopt foreign gods.[194]

9. Mixed *poleis*

One reason for this receptive attitude towards foreign cults is probably the fact that, as already pointed out, the polytheistic religions of the ancient Mediterranean world resembled each other in several crucial respects (above section 6). Another contributory factor may well, I suggest, have been the fact that quite a few Greek *poleis* had mixed citizen populations, that is: citizen populations which did not consist only of ethnic Greeks but of Greeks and citizens of one or more other ethnicities, obvious examples being Halikarnassos, Naukratis and Emporion, all three of them respectable Greek *poleis*.[195] In the *CPC Inv.* such *poleis* are described as 'mixed *poleis*', and some 80 cases are recorded.[196] The number of mixed *poleis* may well have been higher, since judgement on the ethnic composition of a *polis* must be suspended in many cases on account of lack of decisive evidence: Ephesos[197] and Miletos,[198] *e.g.*, should probably be

194 Conversely, the cult of Greek Herakles was widely adopted by non-Greeks: Larson 2016: 336-45.

195 All three are described in *CPC Inv*., Halikarnassos as no. 886 (Karia), Naukratis as no. 1023 (Egypt), and Emporion as no. 2 (Spain).

196 In the order of *CPC Inv.*: *In Spain*: Emporion; *on Sicily*: Abakainon; Aitna; Alaisa; Galeria; Henna; Hippana; Imachara; Longane; Morgantina; Mysistratos; Nakone; Tauromenion; *in South Italy:* Laos; Poseidonia; Temesa; *in the Adriatic:* Adria; Ankon; Brentesion; Lissos; Spina; *in Mygdonia:* Lete; Sindos; Therme; *in Bisaltia:* Traïlos; *in Chalkidike*: Akrothooi; Charadrous; Dion; Kleonai; Olophyxos; Thyssos; *in Thrace*: Berga; Datos; Myrkinos; Sirra; Kypsela; Alexandropolis; Pistiros; *on the Black Sea*: Orgame; Gorgippia; Nymphaion; Pantikapaion; Theodosia; Gyenos; Phasis; *on Propontos:* Artaiou Teichos; Plakia; Skylake; *in Troas:* Antandros; Azeia; Gargara; *in Karia:* Amos; Amynandeis; Amyzon; Bargylia; Chalketor; Chios; Euromos; Halikarnassos; Hyrmisseis; Idrias; Idyma; Kalynda; Karyanda; Kedreai; Kindye; Latmos; Medmasos; Mylasa; Olymos; Pedasa; Telemessos; Termera; Tralleis; *in Lykia:* Xanthos; *in Pamphylia*: Aspendos; Perge; Side; *in Kilikia*: Mallos; *in Syria*: Posideion; *in Egypt*: Naukratis.

197 Buxton 2002: 16 with n. 48.

198 Mac Sweeney 2013: 64-67.

added to the list. In such mixed *poleis*, ethnic Greeks and non-Greeks lived side by side in the same community, generation after generation, and this probably made the Greeks in question rather receptive to the religious traditions of their non-Greek fellow citizens.[199] Thus, the Milesian cult of Apollo at Didyma was clearly influenced by local Anatolian traditions[200] and so was the cult of Artemis at Ephesos;[201] and at Ephesos there was even a tradition, attested in Pindar,[202] to the effect that the famous sanctuary of Artemis had been founded by the non-Greek Amazons.[203] And, importantly, I have found no evidence of serious religious conflicts in these mixed *poleis*. Most, though not all, mixed *poleis* were located on what is usually regarded as the periphery of the Greek world, but given the intense interaction among the communities of this world, the attitudes developed in the mixed *poleis* will probably have influenced attitudes to foreign religions in homeland Greece,[204] so to speak, attitudes which were quite receptive even to begin with. When it came to religion, then, Greeks often associated closely with non-Greeks.

10. Foreigners in Panhellenic sanctuaries

But of course, in the context of religion, as in many other contexts, Greeks associated even more closely with other fellow Greeks, with whom they shared *i.a.* language, mythology and lifestyle in a broad sense. As pointed out above, every Greek *polis* may be said to have constituted a religious community unto itself (above section 5), but, as is well known, there were in the Greek city-state culture also religious institutions that

199 Cf. Larson 2016: 322.

200 Mac Sweeney 2013: 66-67.

201 Mac Sweeney 2013: 147-49.

202 Pind. fr. 174 (Maehler) *apud* Paus. 7.2.7: οὐ μὴν πάντα γε τὰ εἰς τὴν θεὸν ἐπύθετο ἐμοὶ δοκεῖν Πίνδαρος, ὃς Ἀμαζόνας τὸ ἱερὸν ἔφη τοῦτο ἱδρύσασθαι στρατευομένας ἐπὶ Ἀθήνας κτλ. As is clear from τὰ εἰς τὴν θεόν, the reference is to the sanctuary at Ephesos, not to Apollo's sanctuary at Didyma, as assumed by Maehler. On this tradition, see Mac Sweeney 2013: 137-56.

203 On the Amazons as "the complete opposite of what it meant to be Greek," see Mac Sweeney 2013: 152.

204 Cf. Larson 2016: 337.

cut across city-state boundaries and were potentially shared by *all* Greeks, chief among which were the so-called Panhellenic sanctuaries,[205] in particularly those at Olympia and Delphi,[206] though there were others besides these famous examples, *e.g.* the sanctuary of Asklepios at Epidauros and that of Demeter and Kore at Eleusis. In these sanctuaries Greeks from all *poleis* were free to worship, and quite a few actually did so. Accordingly, these sanctuaries created intense interaction which contributed to the maintenance of Greek identity. The most significant Panhellenic sanctuary was probably Delphi, primarily on account of the oracle. Most of the questions which individuals and *poleis* put to the oracle concerned religious affairs,[207] and here, then, was an institution which – by giving religious instructions with some authority – might give at least some direction to a city-state culture that was extremely fragmented in both political *and* religious terms.[208] Delphi, then, was a Panhellenic sanctuary of crucial importance to the cohesion of Greek culture. Even so, the sanctuary was open to non-Greeks and was frequented by, for example, Thracians, Lydians, Romans and Etruscans who consulted the famous oracle[209] and made costly dedications: the kings of Lydia made several monumental dedications at the sanctuary: Gyges (ca. 680-645 BCE) and Kroisos (ca. 560-546 BCE) may have constructed treasuries, though this is uncertain.[210] Suspicion has also been cast upon the dedications of Gyges reported by Herodotos (1.14),[211] but the silver crater

205 On this term, see Nielsen 2014a: 134-36.

206 On Olympia: Nielsen 2007 and 2014; Roy 2013; on Delphi: Nielsen 2008; Scott 2010.

207 Fontenrose 1978: 26, 233; Kearns 2015: 32. See also Bowden 2005: 122-33.

208 Anderson 2015: 311; A. Petrovic 2015: 349.

209 *Thracians*: Hdt. 6.34 (on which see Scott 2005: 165); *Syll.*[3] 195, an honorific decree of the mid-fourth century BCE by the *polis* of Delphi bestowing *promanteia* on the sons of the Thracian king Kersobleptes. *Lydians*: Hdt. 1.13.1, 1.19.2, 1.47.3, 1.53.3, 1.55.2, 1.69.2, 1.85.2, 1.91.4; Lydians enjoyed *promanteia* at Delphi: Hdt. 1.54.2. *Romans*: Liv. 5.16.9-11, 23.11.1-3, 29.10.6, 29.11.6, Phleg. *Mir.* 3.5, Plin. *NH* 34.12.26, Claud. 8.141-144. *Etruscans*: Hdt. 1.167.2. A consultation by the Persian satrap Tiribazos is recorded in Diod. Sic. 15.8.4. The Sicel leader Duketios may also have consulted the oracle (Scott 2005: 165).

210 Strabo 9.3.8 (cf. Jacquemin 1999: 72-73 and cat. nos. 345-46).

211 Kaplan 2006: 130-31.

of Alyattes (ca. 610-590 BCE)[212] and the lavish gifts and sacrifices by Kroisos[213] are certain and famous. *I.Delphes* 3.124 is a (private or communal) fifth-century Etruscan dedication to Apollo;[214] and two Etruscan city-states, Agylla and Spina, even constructed treasuries at Delphi,[215] which must surely count as evidence for extensive use of the sanctuary. Also worth noting is a bronze statue dedicated by the Sardinians;[216] a dedication by the *Ampeliotai*, an *ethnos* in Libya;[217] and the extremely generous donation made by Pharaoh Amasis of Egypt (ca. 570-525 BCE) towards the construction of the Alkmeonid temple.[218] Clearly, there was interaction with non-Greeks even at Panhellenic sanctuaries.

11. Foreigners in other sanctuaries

Just as the Greeks themselves worshipped foreign gods and adopted their cults, foreigners, even powerful foreigners, worshipped at Greek sanctuaries. Moreover, it was not merely Pythian Apollo who was the recipient of such honours. King Alyattes constructed two temples for Athena Assesia at Assesos in the territory of Miletos;[219] King Kroisos made dedications to Apollo at Didyma, also in the territory of Miletos;[220] at Ephesos, in the famous sanctuary of Artemis, Kroisos dedicated "the golden cows and most of the columns";[221] on the Hellenic mainland, he dedicated a great

212 Hdt. 1.25.2 (cf. Jacquemin 1999: cat. no. 342; Kaplan 2006: 131).

213 Hdt. 1.50-52 (cf. Jacquemin 1999: cat. nos. 343-44; Buxton 2002: 7; Kaplan 2006: 132). See also Bacchyl. 3.61-62 with Kaplan 2006: 131-32.

214 Cf. Jacquemin 1999: cat. no. 303.

215 Agylla: Strabo 5.2.3 (Jacquemin 1999: cat. no. 12); Spina: Strabo 5.1.7 (Jacquemin 1999: cat. no. 443); both treasuries were presumably constructed in the fifth century.

216 Paus. 10.17.1 (cf. Jacquemin 1999: cat. no. 428).

217 Anaxandridas of Delphi (*FGrHist* 404) fr. 4 (cf. Jacquemin 1999: cat. no. 16).

218 Hdt. 2.180.2. – On the temple: Gruben 1986: 74-76; Maas 1997: 104-9; Nielsen 2013: 11, 29-31.

219 Hdt. 1.22.4 (cf. Buxton 2002: 55; Mac Sweeney 2013: 67).

220 Hdt. 1.92.2, 5.36.3 (cf. Kaplan 2006: 133; Mac Sweeney 2013: 67).

221 Hdt. 1.92.1: ἐν δὲ Ἐφέσῳ αἵ τε βόες αἱ χρύσεαι καὶ τῶν κιόνων αἱ πολλαί (transl. de Sélincourt): see Buxton 2002: 55-60. Fragments of three columns inscribed with the

golden shield to Athena Pronaia at Delphi;[222] a golden tripod to Apollo Ismenios at Thebes;[223] and to Amphiaraos at Oropos, he dedicated a golden shield and a golden spear:[224] the historicity of the last item has recently been confirmed by the spectacular recovery at Thebes of a late-archaic inscription mentioning the dedication and mentioning Kroisos by name as the dedicator.[225] Finally, Kroisos donated gold to the Lakedaimonians for the adornment of the statue of Apollo at Thornax in Laconia.[226] Egyptian rulers, too, made dedications at Greek sanctuaries other than Delphi. Thus Pharaoh Necho II (609-593 BCE) dedicated his military outfit to Apollo at Didyma;[227] and he very probably also made a dedication to Athena at Ialysos on Rhodos.[228] Pharaoh Amasis (570-525 BCE) was a great giver of gifts: he made dedications to Athena at Kyrene;[229] to Hera on Samos;[230] and to Athena Lindia at Lindos on Rhodos.[231] Persians, too, made dedications at Greek sanctuaries. The commander Datis made a dedication to Apollo at Delos[232] and he also conducted a huge sacrifice on the island.[233] Datis also made a dedication to Athena Lindia at Lindos on Rhodos: even if he is not the [... στ]ραταγὸς τοῦ Περσᾶν βασιλέως listed

formula *Basileus Kroisos anetheke* survive: see Tod, *GHI* I.6 (cf. Buxton 2002: 14-15; Kaplan 2006: 133 n. 17). – Note also that the Lydian Paktyes sought refuge at both Kyme and Chios (Hdt. 1. 157-160): at Chios, Herodotos makes clear, he sought the protection of Athena Poliouchos, and at Kyme he probably also sat as *hiketes* in a sanctuary.

222 Hdt. 1.92.1.

223 Hdt. 1.92.1.

224 Hdt. 1.52.

225 See Papazarkadas 2014: 233-47. The text of the epigram is found on p. 240; verse 4 reads: [ἀσπ]ιδα τὰγ Qροῖσος κα[λϝ]ὸν ἄγαλ[μα θέτο].

226 Hdt. 1.69.4.

227 Hdt. 2.159.3.

228 Skon-Jedele 1994: 2356-57.

229 Hdt. 2.182.

230 Hdt. 2.182.

231 Hdt. 2.192, 3.47.3 (cf. the Lindian Temple Chronicle XXIX.36-55). See also Francis & Vicker 1984.

232 *IG* XI.2 164.A.35; 161.B.96; 199.B.24 (cf. Higbie 2003: 122).

233 Hdt. 6.97.2 (cf. Scott 2005: 345). – Note also that according to Ktesias (*FGrHist* 688) fr. 13.2 Dareios constructed an altar for Zeus Diabaterios in connection with his Scythian campaign in ca. 513 BCE, presumably somewhere near Kalchedon (cf. Tuplin 2010: 282).

in the Lindian Temple Chronicle at XXXII it is clear from D.34-38 that he did make a dedication to the goddess. An individual by the name of Pharnabazos and thus presumably the Persian satrap of Daskyleion (ca. 413-370 BCE)[234] dedicated a robe to Athena at Athens;[235] and the great King Xerxes himself, it may also be noted, sacrificed to Athena Ilias at Ilion[236] and ordered a sacrifice to Athena Polias at Athens after his sack of the Acropolis;[237] and in 411 BCE, the Persian satrap Tissaphernes conducted a sacrifice to Artemis at Ephesos.[238] Also worth noting is the consultations by the Persian commander Mardonios of the oracles of Apollo at Abai in Phokis and Akraiphia, of Trophonios at Lebadeia, and of Apollo at Thebes, all in Boiotia;[239] as well as the prayer by the Persians to Themis and the Nereids recorded by Herodotos (7.191.2).[240] An otherwise unknown Etruscan king, Arimnestos, dedicated a throne to Zeus at Olympia, according to Paus. 5.12.5,[241] and in general, the numerous artefacts of foreign provenance recovered from Greek sanctuaries have been thought to "signify that non-Greeks were allowed to frequent and to patronize Greek holy places" (Buxton 2002: 39).[242] Conversely, Greeks frequented sanctuaries in non-Greek lands. Thus, Sostratos of Aigina made a dedication in a sanctuary at Tarquinia in Etruria in the late sixth century,[243] and a certain Melanthios made a dedication to Amun-Re (*interpretatione Graeca* = Zeus Thebaieus) in Egypt ca. 550-525 BCE, whereas one Pythernos made one to Isis ca. 500, to give a few examples.[244]

234 Harris 1995: 230.

235 *IG* II^2 1412.11, 1421.118, 1424a.303, 1428.143.

236 Hdt. 7.43.2.

237 Hdt. 8.54-55 (cf. Nevin 2017: 27).

238 Thuc. 8.109.1.

239 Hdt. 8.134-135.

240 Cf. Mikalson 2003: 87-88; Kaplan 2006: 136. – On Persians in Greek sanctuaries, see also Mitchell 2007.

241 For a possible fragment at Olympia of an early Etruscan throne, see Strøm 2000.

242 Cf. Kyrieleis 1993: 146 and Scott 2015: 232 on non-Greeks artefacts discovered at the Samian Heraion. – Conversely, Greeks residing in non-Greek communities sometimes 'went native', as did the Greek residents at fifth-century Egyptian Memphis: Larson 2016: 346.

243 *SEG* 26.1137; Polinskaya 2013: 204-5.

244 *SEG* 27.1106, 1115 (cf. Parker 2017: 37). – On Greeks visiting Egyptian sanctuaries, see Chaniotis 2005: 150.

12. Asklepios of Epidauros and Demeter and Kore of Eleusis

Olympia and Delphi were the most significant Panhellenic sanctuaries, but, as already hinted, there were others besides these which functioned in more or less the same way, such as for example the sanctuary of Asklepios at Epidauros in the Peloponnese and that of Demeter and Kore at Eleusis near Athens.[245] At Eleusis, any Greek,[246] in fact, anyone in command of the Greek language,[247] that is: Greek-speakers and not only ethnic Greeks, could be initiated into the great mysteries, which promised a blessed existence in the afterlife. The sanctuary attracted people from most areas of the Greek world and gradually developed into one of the most important Greek religious institutions at all.[248] In the late-classical and Hellenistic periods Asklepios developed into the chief medical god of the Greek world.[249] Originally, it seems, he was a minor figure,[250] but during the fifth century he developed into a major god who was worshipped in much the same way as the traditional Olympian gods.[251] This development seems to have taken off primarily at Epidauros, and his sanctuary there developed into a minor Panhellenic sanctuary to which sick people travelled from afar to be cured by the gentle god. The famous fourth-century 'miracle inscriptions'[252] recovered at the sanctuary document that afflicted individuals from the following areas and cities were treated by the god:[253] Epeiros; Thebes in Boiotia; Pellene in Achaia; Kaphyiai in Arkadia; Messene in Messenia; Sparta in Lakedaimon; Argos,

245 On the Panhellenic aspects of the sanctuary at Eleusis, see Clinton 1994.

246 Cf. Hdt. 8.65.4: ὁ βουλόμενος καὶ τῶν ἄλλων Ἑλλήνων μυεῖται.

247 Theon Smyrnaeus, *De utilitate mathematicae* 14.23 (εἴργεσθαι … τοὺς φωνὴν ἀξύνετον ἔχοντας); Origenes, *Contra Celsum* 3.39 (φωνὴν συνετός); Libanios, *Decl.* 13.1.19 (τὴν φωνὴν Ἕλληνας εἶναι); cf. Burkert 1985: 286; Anson 2009: 22; Bowden 2010: 52.

248 Burkert 1985: 285.

249 Burkert 1985: 267.

250 Garland 1992: 116-17; Zaidman & Pantel 1992: 86, 128-29; Parker 1996: 183, 2000a: 73; Bremmer 2006: 60; Kearns 2015: 34; Whitmarsh 2015: 46.

251 Garland 1992: 117; Zaidman & Pantel 1992: 129; Price 1999: 109.

252 On which see LiDonnici 1995.

253 Asklepios is consistently described as ὁ θεός in these inscriptions.

Halieis, Hermion and Troizen in the Argolid; Aigina; Athens; Pherai in Thessaly; Keos and Thasos in the Aegean; Kyrrhos in Macedonia; Torone on the Chalkidike; Herakleia on the Black Sea; Kios and Lampsakos in the Propontic area; Mytilene on Lesbos; Chios in Ionia; Knidos in Karia; and Crete. A number of such medical sanctuaries developed during the fourth century, for instance at Oropos on the border between Attica and Boiotia. A Judean is known to have consulted this sanctuary in the early Hellenistic period,[254] and such sanctuaries, then, were not the exclusive preserves of Greeks, though they were probably everywhere in the majority.

13. Import of cults from other Greek poleis

There were, in conclusion, religious institutions which cut across city-state boundaries, even important institutions. But to a Greek, the most important religious institutions must undoubtedly have been those of his or her[255] own *polis*. As pointed out above, each *polis* had a pantheon unique to itself and not identical to that of any other *polis* (section 5). This is an essential observation, but it is equally important to note that *polis*-pantheons were not static but rather dynamic entities. As already pointed out, Greek *poleis* often did not refrain from introducing non-Greek cults into their pantheons (section 8): A *polis*-pantheon, then, was not sealed but open-ended. This open-endedness meant, as clarified above, that Greek *poleis* imported cults from non-Greek peoples, but *poleis* also took over cults from other Greek *poleis*. The cult of Asklepios, as it developed at Epidauros during the fifth century, was imported, already in the fifth century, on Aigina,[256] at Athens,[257] at Corinth,[258] at Sikyon[259]

254 *I.Oropos* 329.11 (300-250 BCE): Μόσχος Μοσχίωνος Ἰουδαῖος ἐνύπνιον ἰδὼν προστάξαντος τοῦ θεοῦ κτλ. On this inscription, see Lewis 1957.

255 In the *polis* as a religious community women were *included* as opposed to *excluded* as they were in the *polis* as a political community (Hansen 2008: 9; Nielsen 2015: 30-31).

256 Polinskaya 2013: 263-64.

257 *SEG* 25.226; Garland 1992: 116-35; Wickkiser 2009; Anderson 2015: 313-15.

258 Lang 1977: 4; Garland 1992: 123.

259 Garland 1992: 121.

and at Halieis in the southern Argolid in the fourth century.[260] These are all *poleis* situated rather close to Epidauros, but before the end of Antiquity the cult of Asklepios was to be found *at more than* 320[261] locations throughout the Greek world, and had developed into one of the most popular cults at all. So popular did the cult of Asklepios eventually become that it posed "the most serious challenge to Christianity. It is perhaps for this same reason that the early Christians were so ruthlessly efficient in destroying his sanctuaries."[262] Elements of the Eleusinian cult, too, were exported, though not as widely as the cult of Asklepios, it seems: its influence, however, can be found in at least 25 different locations outside of Attica.[263]

The evidence for the importation of cults from other Greek *poleis* is richest for Athens, which is hardly surprising. In the late-archaic to classical period, Athens imported at least the following divinities from other Greek *poleis*: Aiakos was imported from Aigina;[264] Athena Itonia from Thessaly;[265] Dionysos Eleuthereus from Eleutherai in Boiotia;[266] Maleatas from Epidauros, just like Asklepios;[267] Pan was imported from Arkadia;[268]

260 *IG* IV^2.1 122.69-82; cf. Ducrey et al. 2004: 108 for a late fifth-century cult at Eretria on Euboia and *IG* IV^4 950.77-82 for a fourth-century cult at Sparta.

261 I take this number fra Garland 1992: 122 n. 2. The *CPC Inv.* notes cults of Asklepios in the following 53 *poleis* and they are all rather early, though this cannot be a complete list of early cults, selective as the *CPC Inv.* is on religious matters: *In Spain*: Emporion; *on Sicily*: Akragas; *in the Adriatic*: Epidamnos; *in Akarnania*: Medion; *in Elis*: Kyllene; *in Arkadia*: Alipheira, Gortys, Pheneos, Thelphousa; *in Messenia*: Korone, Messene; *in Lakedaimon*: Etis, Eua, Las, Pellana, Prasiai; *in the Argolid*: Halieis, Troizen; *in the Saronic Gulf*: Kalaureia; *on Euboia*: Eretria, Styra; *in Thessaly with adjacent areas*: Kierion, Krannon, Larisa, Skotoussa, Trikka, Hypata, Herakleia, Melitaia, Azoros, Gonnos, Oloosson; *in the Aegean*: Anaphe, Chalke, Therma, Kos, Astypalaia, Kos Meropis, Melos, Paros, Peparethos; *in Macedonia*: Beroia, Dion, Mieza, Pella; *in Bisaltia*: Amphipolis; *in Thrace*: Ainos; *on Lesbos*: Mytilene; *in Aiolis*: Autokane; *in Ionia*: Erythrai; *on Crete*: Arkades, Lebena, Lisos.

262 Garland 1992: 134.

263 I take this number from Bowden 2007: table 1 on pp. 73-74.

264 Hdt. 5.89.3; Parker 1996: 157.

265 Parker 1996: 157.

266 Connor 1990: 9; Garland 1992: 42; Blok 2000: 20; Raaflaub 2000: 256.

267 Parker 1996: 182.

268 Garland 1992: 47-63; Parker 1996: 163-68; Anderson 2015: 312-13. On Pan in Attica, see also Krasilnikoff 2008 and 2016: 9-11.

Poseidon Kalaureiates from Kalaureia;[269] Zeus Kenaios from Euboia;[270] and Zeus Nemeos was almost certainly imported from Kleonai.[271] But other Greek *poleis* presumably acted in much the same way: Aiginetan Aphaia seems not to have been adopted outside Aigina, but Thessalian Ennodia found her way to Syracuse on Sicily;[272] Sikyon,[273] Argos,[274] Epidauros;[275] and Kleonai[276] in the Peloponnese; Histiaia on Euboia;[277] Opous in Eastern Lokris;[278] Beroia[279] and Pella in Macedonia;[280] Rhodos;[281] and Egypt.[282]

A particularly graphic example is provided by Arkadian Pan.[283] He was not only introduced to Athens but seems to have become widely known throughout the Greek world already in the fifth century. Thus, when discussing the Egyptian divinity Mendes, whom he identifies with Pan, Herodotos states that Egyptian painters and sculptors represent him "just as the Greeks do, with the face and legs of a goat",[284] and thus clearly presupposes knowledge of the god's peculiar appearance among his intended audience, hardly Arkadians all of them.[285] Knowledge of the god's physiognomy and appearance is also presupposed by his reasonably frequent depictions on coins of various city-states in the fifth and fourth centuries. In the fifth century, Pan appears on coins from Messana on

269 Parker 1996: 28; Anderson 2015: 311.
270 *IG* I^{3} 383.131; Parker 1996: 157; Anderson 2015: 311, 316.
271 *SEG* 52.48 face A fr. 2.10; Lambert 2002: 373.
272 Mili 2015: 147 n. 287.
273 Paus. 2.10.7, 23.5; cf. Graninger 2009: 116; Mili 2015: 147 n. 287.
274 Paus. 2.23.5; cf. Graninger 2009: 116; Mili 2015: 147 n. 287.
275 *IG* IV^{2}.1 273; cf. Mili 2015: 147 n. 287.
276 Mili 2015: 147 n. 287.
277 *IG* XII.9 1193.
278 *IG* IX.1 281.
279 *EKM* 1. *Beroia* 23.
280 *SEG* 30.579.
281 *IG* XII.1 914.
282 *OGIS* 53.
283 On Pan as a distinctive Arkadian god, see Nielsen 1999: 39-40.
284 Translation by de Sélincourt; cf. Hdt. 2.46.2: γράφουσί τε δὴ καὶ γλύφουσι οἱ ζωγράφοι καὶ οἱ ἀγαλματοποιοὶ τοῦ Πανὸς τῶγαλμα κατά περ Ἕλληνες αἰγοπρόσωπον καὶ τραγοσκελέα.
285 For Pan in classical art, see Brommer 1949-1950 and Boardman, *Pan*.

Sicily;[286] Abdera[287] and Ainos in Thrace;[288] Phokaia in Ionia;[289] and Idyma in Karia;[290] in the fourth century, he appears on coins from Syracuse on Sicily;[291] Medma,[292] Metapontion[293] and Pandosia in South Italy;[294] Anaktorion in Akarnania;[295] Pantikapaion (if this is really Pan[296]) on the Black Sea;[297] Phokaia in Ionia;[298] and Nagidos in Kilikia.[299] In some cases, such as Pandosia, the choice of Pan may simply be a pun on the name of the city, but even this presupposes awareness of his characteristics. In other cases, his appearance on coins may be a reflection of a local cult, though this cannot always be verified by other evidence. But classical cults outside Arkadia and Athens are attested at *e.g.* Gela on Sicily;[300] Anthedon[301] and Thebes in Boiotia;[302] at Megara;[303] Elis;[304] Pharai in Messenia;[305] at Sparta;[306] Epidauros;[307] Chalkis on Euboia;[308] Pharsalos[309] and Skotoussa

286 *RE* Suppl. VIII: 966; Boardman, *Pan* no. 269.
287 *RE* Suppl. VIII: 967; Boardman, *Pan* IX.A (cf. no. 53).
288 *RE* Suppl. VIII: 966; Boardman, *Pan* no. 270.
289 *RE* Suppl. VIII: 967; Boardman, *Pan* IX.A.
290 *RE* Suppl. VIII: 967; *CPC Inv.* no. 893; Boardman, *Pan* IX.A.
291 *RE* Suppl. VIII: 978; Boardman, *Pan* IX.B.
292 *CPC Inv*. no. 60; Rutter, *HN Italy* no. 2426.
293 *RE* Suppl. VIII: 978; Boardman, *Pan* IX.B.
294 *RE* Suppl. VIII: 977-8; *CPC Inv.* no. 64; Rutter, *HN Italy* nos. 2450-52; Boardman, *Pan* IX.B and no. 271.
295 *RE* Suppl. VIII: 978; Boardman, *Pan* IX.B.
296 See Boardman, *Pan* no. 272.
297 *CPC Inv.* no. 705; Boardman, *Pan* no. 272.
298 *RE* Suppl. VIII: 978; Boardman, *Pan* IX.B.
299 *CPC Inv.* no. 1010.
300 *RE* Suppl. VIII: 998.
301 Schachter 1986: 194.
302 Schachter 1986: 91; *CPC Inv.* no. 221.
303 *RE* Suppl. VIII: 955; Borgeaud 1988: 232 n. 46.
304 *SEG* 11.1236.
305 *CPC Inv.* no. 320.
306 *RE* Suppl. VIII: 995.
307 *SEG* 55.429; *SEG* 58.338.
308 *RE* Suppl. VIII: 996.
309 *SEG* 46.655; *CPC Inv.* no. 413.

in Thessaly;[310] on the islands of Andros[311] and Thasos;[312] at Beroia,[313] Pella[314] and Pydna in Macedonia;[315] at Ainos in Thrace;[316] at Kyzikos on the Propontis;[317] at Ephesos[318] and Miletos in Ionia;[319] at Knidos in Karia;[320] and at Hyrtakina on Crete.[321] Pan's cult, then, is a paradigmatic example of the ease with which Greek *poleis* took over cults from other *poleis*, and Greek *poleis* had clearly no problems with adopting cults from other Greeks.

14. Foreigners at polis-festivals

This receptive attitude towards other Greeks is visible in other interesting ways as well. Thus, Greek *poleis* regularly allowed citizens of other *poleis* to be present at and participate in their religious festivals, as is evident at the great festivals of Panhellenic stature. It is, admittedly, correct that Greek *poleis* sometimes excluded specific groups from participation in their cults. Thus, according to Herodotos (8.134.2), Thebans were excluded from the oracle of Amphiaraos at Oropos.[322] Occasionally, foreigners as such were excluded from certain rituals and cults, but as pointed out by Funke (2006: 4), this is in fact quite rare and not at all the

310 *CPC Inv.* no. 415.
311 *RE* Suppl. VIII: 997.
312 *CPC Inv.* no. 526.
313 *CPC Inv.* no. 533.
314 *CPC Inv.* no. 543.
315 *SEG* 50.622.
316 *RE* Suppl. VIII: 997; *CPC Inv.* no. 641.
317 *RE* Suppl. VIII: 999; *CPC Inv.* no. 747.
318 *RE* Suppl. VIII: 999.
319 *RE* Suppl. VIII: 999.
320 *RE* Suppl. VIII: 999.
321 *CPC Inv.* no. 963.
322 Cf. Funke 2006: 2.

general rule.[323] It may be correct that 'full participation' in cult and rituals was generally restricted to citizens,[324] but this cannot possibly have meant that foreigners could not be present at, *e.g.*, festivals and, in particular, the associated *agones*: this would have made *e.g.* the frequent granting of *proedria* to foreigners an absurd gesture. Such grants must be interpreted as an indication that the issuing *poleis* regularly expected foreign attendants at their festivals: *proedria* was an honorary front seat at public spectacles and the expectation must have been that the honorand would make use of this privilege, *i.e.* that he would actually attend the festivals into which the spectacles were incorporated. Grants of *proedria* were not at all unusual, and I give merely a few examples: Epi-dauros in the Argolid is known to have granted προεδρία ἐν τοῖς ἀγῶσι τοῖς δαμο[σ]ίοις to a citizen of Lampsakos;[325] Eretria on Euboia is known to have granted προεδρίη ἐς τὸς ἀγῶνας to a citizen of Taras;[326] Olbia on the Black Sea is known to have granted προ[ε]δρία to a citizen of Istros[327] and to all citizens of Miletos;[328] Erythrai in Ionia is known to have granted *proedria* to a citizen of Athens[329] and προεδρίη ἐν τοῖς ἀγῶσιν (*SEG* 31.969 (351-344 BCE)) to a citizen of Mylasa; and Iasos in Karia is known to have granted a citizen of Knidos[330] and a citizen of Chalketor[331] *proedria* already in the fifth century; in the fourth century Iasos granted *proedria en tois*

323 See also Parker 2011: 240 and Nevin 2017: 10-11.

324 Rutherford 2013: 201; Funke 2006: 4-5. Thus, it was presumably only citizens of the host-*polis* who were entitled to a portion of the sacrificial meat at festivals (Shear 2021: 19, 86-87, 92-93); from *Syll.*[3] 286 (350-315 BCE) it appears that citizens of Miletos by decree at Olbia had obtained the right to "sacrifice at the same altars and participate in the same public rituals on the same conditions as citizens of Olbia" (2-6, my translation: the redundancy is original); presumably such activities were not open to foreigners *without permission* but such permission could, in fact, be granted.

325 *IG* IV[2].1 51 (fourth century).

326 Meiggs & Lewis, *GHI* no. 82 (411 BCE).

327 Dubois, *Olbia du Pont* no. 19 (fourth century).

328 *Syll.*[3] 286 (350-315 BCE).

329 *Syll.*[3] 126 (early-fourth century).

330 *SEG* 6.982C (500-450 BCE).

331 *SEG* 36.982A (fifth century).

agosin to a Macedonian[332] and to a citizen of Meliboia.[333] The presence of foreigners at festivals may have been subject to other *rules* than those governing the participation of citizens,[334] but their presence was clearly anticipated.

Moreover, foreigners demonstrably participated in the various *agones* which were a standard feature of Greek religious festivals: Most festivals comprised competitions of various kinds, in the recitation of epic poetry, in the performance of drama, or, most common of all, in competitive sports.[335] Athletic competitions were staged at both Eleusis and Epidauros, and at both sanctuaries foreign athletes are well-attested: Athletes from Corinth,[336] Thebes[337] and Opous in Eastern Lokris[338] entered the *Eleusinia*;[339] and athletes from Corinth,[340] Argos,[341] Aigina[342] and Ialysos on Rhodos[343] entered the *Asklapieia*.[344] This festival also comprised rhapsodic competitions, and Ion of Ephesos was victorious at one point.[345] The tragic competitions at the Athenian *Dionysia* were entered by poets from Tegea in Arkadia, Sikyon and Phleious in the northern Peloponnese, Eretria on Euboia and Chios in Ionia.[346] Obviously, non-citizens could enter the *agones* at the religious festivals of Greek *poleis*.

Moreover, Greek *poleis* did not simply expect and accept the presence and participation of foreigners at their festivals, they actively *encouraged*

332 *I.Iasos* 60 (late fourth century).
333 *I.Iasos* 54 (late fourth century).
334 Funke 2006: 5; Nevin 2017: 11.
335 Chaniotis 2011: 21-22; Nielsen 2018: 11-167.
336 Pind. *Ol.* 13.110.
337 Pind. *Isthm.* 1.57.
338 Pind. *Ol.* 9.99.
339 On the *Eleusinia*, see Deubner 1956: 91-92; Kyle 1993: 47; Parker 2005: 468-69; Simms 1975; Clinton 1979.
340 *Anth. Pal.* 13.19.9.
341 *SEG* 35.267 (fourth century).
342 Pind. *Nem.* 5.50-52.
343 *Syll.*[3] 82 (420s BCE).
344 On the *Asklapieia*, see Ringwood 1927: 70-71; Sève 1993; Miller 2004: 129-32. – On foreign entrants at athletic festivals, see Nielsen 2014b.
345 Pl. *Io* 530ab.
346 See Cropp 2005.

and *invited* foreigners to participate. They did so for instance by awarding valuable prizes for victories in *agones*[347] and, more importantly, they did so by sending out sacred embassies, styled *theoroi* or *spondophoroi*,[348] who travelled the Greek world and invited both individuals and public delegations to participate in their festivals.[349] Organizers of major festivals such as Corinth[350] and Elis[351] developed such epangelic systems, and so did Athens and Epidauros. Athens announced both the Eleusinian Mysteries,[352] the *Eleusinia*[353] and the *Panathenaia*[354] throughout the Greek world, and Epidauros announced the *Asklapieia* in the same way.[355] Even tiny *poleis* developed epangelic networks to announce their festivals. Thus, at Arkadian Lousoi was celebrated a festival in honour of Artemis Hemera, and at Hermion in the Argolid one for Demeter Chthonia. In an intra-Greek context these were probably rather insignificant festivals, but to Lousoi and Hermion they were important enough to prompt the development of epangelic systems[356] in emulation of the systems operated by such major *poleis* as Elis and Athens: Lousoi and Hermion, too, attempted to attract foreigners to their festivals. Intra-Greek religious interaction, in conclusion, was characterized not by violent conflicts but by lively interest and peaceful coexistence.

15. Summing up

To sum up: Each of the more than 1,000 *poleis* which existed already in the classical period had a pantheon, a system of cults, of its own, and though all these pantheons resembled each other, no two were identical,

347 Miller 2004: 133-37; Kyle 2014: 31-32; Larson 2016: 143.
348 Perlman 2000: 15 n. 11.
349 Rutherford 2013: 71-92; Nielsen 2023: 76-77.
350 Thuc. 8.10.1.
351 Perlman 2000: 63-66; Nielsen 2007: 38-39, 62-68.
352 *IG* I^3 6.B, 17-27, 36-47; Rhodes & Osborne, *GHI* no. 35; cf. Price 1999: 26, 103; Perlman 2000: 34; Parker 2005: 201; Rutherford 2013: 42.
353 Parker 2005: 201.
354 Parker 2005: 88, 201
355 Perlman 2000: 67-97; Nielsen 2007: 63-68.
356 Lousoi: Perlman 2000: 158-60; Hermion: Perlman 2000: 161-66.

and it may reasonably be said that religious fragmentation and diversity was a basic characteristic of Greek polytheistic religion. To any Greek *polis*, the most important part of the neighbouring world was all the other Greek *poleis*, but in the wider Mediterranean, Greeks came into contact with a large number of foreign peoples such as the Egyptians, Phoenicians, Lydians, Persians, Etruscans and Romans. None of these peoples had a religion completely identical to that of the Greeks, but they all had one which resembled Greek religion in a number of crucial respects: They were all polytheists, they all had anthropomorphic conceptions of divinity and they all celebrated great festivals[357] with animal sacrifice as a central ritual. From the point of view of a Greek *polis*, accordingly, there were only minor differences between its own religion and the religions of the neighbours, be they Greek or non-Greek: they were all polytheists partying on sacrificial meat at enjoyable festivals.

What characterized Greek religious relations with their neighbours was not conflict, but rather receptiveness, interest and interaction. Greek *poleis* imported cults from each other, but they also imported cults from non-Greek peoples and some of these cults rose to become quite popular. Greek *poleis* shared a number of sanctuaries which cut across city-state boundaries, Delphi being the most prominent example, but these were also frequented by non-Greeks such as Lydians, Etruscans, Romans and Judeans. And Greeks frequented sanctuaries abroad, in Etruria, for instance, but perhaps predictably, the most lively religious interaction was with other Greeks. The religious festivals of the Greek *poleis* commonly allowed citizens of other *poleis* to take part in the celebrations, and *poleis* actively encouraged and invited other Greeks to participate. As for religion, the normal relations of a Greek *polis* with the neighbouring world consisted in, to put it in admittedly modern and anachronistic terms, tolerant and peaceful co-existence, receptiveness, interest and interaction. We know of only few serious conflicts triggered by religious clashes, and in those few that we do know polytheistic Greeks faced monotheists, creatures from another planet, as they must have seemed. Competition and conflict were among the chief social principles of Greek culture, to the extent that war, not peace, was the normal state of affairs for

357 See Burkert 2013.

most *poleis* most of the time.[358] But conflicts and wars were hardly ever triggered by *religious* differences: as Whitmarsh (2015: 26) says, "no one ever fought a war in the name of Zeus."

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358 See Schwartz 2009: 11-12.

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HOW THE *ASPIS* LOCKED CITIZEN-SOLDIERS IN AND OTHERS OUT. AN ESSAY[1]

By Bjørn Paarmann

Summary: This essay builds on two papers by Mogens Herman Hansen (2008; 2010), which both used mechanisms of exclusion, particularly regarding women and foreigners, to illuminate the nature of civic belonging in the *polis*. Expanding this approach, the essay asks why the Greeks, and especially, it seems, the Athenians, developed unusually formalised practices of inclusion and exclusion. The author's interest arises from a comparison between modern Denmark and Switzerland, where women obtained enfranchisement fifty years apart. For the author, this gap shows that the ideal of the citizen-soldier tends to exclude the political participation of other groups.[2] Hansen himself used the Swiss *Landsgemeinden* as the only historical parallel to Athenian democracy,[3] but he did not address their exclusionary nature. I will examine how solidarity and citizenship were constructed through boundary-making, analysing the symbolic, material, and institutional mechanisms by which Athenian civic identity was created and maintained.

1 I was fortunate to receive teaching and professional guidance from Hansen from the moment I began to study at the then *Institut for Græsk og Latin* (later *Saxo-Instituttet*) in September 1992 until June 2018. For me, as for so many others, he was far more than an inspiring teacher and distinguished scholar: his combination of intellectual rigour, generosity, and humour has remained a constant guide until today. This article is offered as a modest token of gratitude for a presence that endures beyond his passing. I am grateful to the editors of this volume in Mogens' honour and to the reviewers for their numerous suggestions and improvements.

2 Women's suffrage was introduced in Denmark in 1908 for municipal and in 1915 for parliamentary elections. In Switzerland, female federal suffrage came only in 1971, and the last *Landsgemeinde* canton to allow women to enter the open-air assembly, Appenzell Innerrhoden, did so as late as 1991, and only because the Swiss Federal Supreme Court had ruled that denying them the vote was unconstitutional.

3 Hansen 1991: 10.

Bjørn Paarmann: 'How the *Aspis* Locked Citizen-Soldiers in and Others Out. An Essay' C&M Supplementum 4 (2026) 421-450.

Introduction

Mogens Herman Hansen was one of the foremost scholars of Athenian institutions and Greek constitutions. Although his primary interest lay in political rather than social history, he approached questions of civic identity with the same encyclopaedic command and Aristotelian concern for definition that characterised his work on institutions. In 2008, he gave a paper entitled 'The Position of Women in the *Polis*, with Particular Reference to Classical Athens' at an interdisciplinary symposium organised by Phrontisterium, the Classical students' association at the Saxo Institute, and published it shortly thereafter in *AIGIS*.[4] The article is important for Hansen's use of the issue of women to probe a more fundamental problem: what it meant, in institutional and conceptual terms, to belong to the *polis.* His paper closed with a paradoxical question of broader theoretical scope, to which he ventured only a tentative and preliminary answer:

> 'Already the ancient Greeks' had a negative and patronizing view of women and their place in the state – a view that has dominated our culture right up to the present day. As a whole, women were disenfranchised and excluded from politics until the beginning of the 20th century. But there is one curious exception: queens. At the same time as it was claimed that women lacked understanding of the state and society and could not be trusted with power and influence, powerful queens were accepted as rulers across Europe: Margaret I of Denmark; Isabella of Aragon; Catherine de' Medici; Elizabeth I of England; Christina of Sweden; Maria Theresa of Austria and Catherine II of Russia, to name but a few. There has never been any doubt that all these queens were skilled and highly competent rulers. I have always been struck by the jarring contradiction between the belief that politics cannot be entrusted to women, and the respect accorded to these queens and their political acumen. We also encounter such queens in antiquity – but not in archaic or classical Greece. I can mention Olympias of Epirus, mother of Alexander the Great; Artemisia of Halicarnassus, who ruled Karia after the death of Mausolos and Kleopatra of Egypt. All of

4 Hansen 2008. All translations are my own unless otherwise stated.

> these queens belong to the periphery and to the Hellenistic period, not to classical Greece. Why not? Perhaps because the *poleis* were republics, not monarchies – with the exception of Sparta. Without kingdoms, no queens.

Hansen thus highlighted a paradox: in archaic and classical Greece, women were excluded from politics and from political office on the assumption that they lacked full rational deliberative capacity. Yet history, both ancient and modern, offers numerous examples of respected and competent female rulers. Hansen's explanation was simple: republics without kings had no thrones for queens to occupy. In a footnote, he remarked that, so far as he knew, this question had never been properly addressed, and that it would make an excellent topic for a PhD thesis.[5] Eighteen years later, the paradox remains largely unexamined. While I do not attempt to provide a full answer here, some progress may be made through an analysis of the exclusion of women together with that of metics and non-Greeks. This comparative perspective guides the discussion that follows, adopting a structural approach that focuses on oppositional logics: noble/commoner, male/female, citizen/metic, Greek/barbarian, through which the Greeks articulated political belonging.[6]

Hansen himself approached a closely related problem in a separate paper, 'Greeks and Barbarians', likewise first presented at a Phrontisterium symposium.[7] The essay dovetails with 'The Position of Women in the *Polis*' in treating exclusion as constitutive of Greek identity. Hansen argued that the opposition between Greek and non-Greek was gradually sharpened over time: Homer never uses the word *barbaroi*, which seems to appear only when the Greeks began to define themselves more sharply in opposition to the Persians. The decisive ethnic criterion was linguistic: speaking Greek meant being a Hellene, while speaking any other language marked one as *barbaros*, a speaker of sounds unintelligible to Greek

5 Hansen 2008: 10 n. 10.

6 Weiberg 2024: 31 *et passim* cautions against the uncritical use of binary classifications as sociological models. In the present discussion, however, I employ such categories only as heuristic devices, and only inasmuch as they reflect the logic of Greek civic language and institutional practice, which frequently articulate themselves through sharply drawn oppositions; cf. e.g. Cartledge 1998: 57 and 2009: 4-5.

7 Hansen 2010.

ears. The Persian Wars of 490 and 480-479 BC intensified this division, crystallising the literary *topos* of 'the barbarian', which was ideological rather than descriptive. This sharp contrast found its most systematic expression a century and a half later in Aristotle's political anthropology, where the opposition between Greeks and barbarians is no longer merely cultural or historical but embedded in a normative theory of political capacity and natural hierarchy.[8]

Hansen's two papers point toward a broader analytical possibility which he himself did not fully pursue: if exclusion structured Greek identity externally, in the opposition between Greek and barbarian, it may also have structured civic identity internally, within the *polis*, in the differentiation between male and female, citizen and non-citizen. Rather than treating women as a special case, this essay therefore considers women, metics, and non-Greeks together as analytically parallel forms of exclusion. The question is not whether these groups participated in social, economic or religious life, the first two of them demonstrably did, but how the *polis* drew and enforced the line that separated full political subjects from those who remained structurally outside. Exclusion seems to emerge as a constitutive mechanism through which civic solidarity and political identity were produced and maintained.

Needless to say, Hansen was not the first to notice the marginalisation of women, non-citizens, and non-Greeks, both in social practice and in civic representation. From the mid-1970s onwards, Greek women became the subject of systematic analysis. Sarah B. Pomeroy's *Goddesses, Whores, Wives, and Slaves* (1975) marked a decisive turning point, after which feminist and gender-historical scholarship examined the position of Greek women in general, and Athenian women – and later men – in particular. Around the same time, the position of the foreigners emerged as a distinct field of enquiry. In *The Ideology of the Athenian Metic* (1977), David Whitehead demonstrated that, although the Athenians depended heavily on their resident foreigners for labour, trade, and military service, they nonetheless excluded them from civic membership through special taxes, legal disabilities, and ritual restrictions. Thus, metic status was a structurally indispensable yet politically marginal condition within the democratic *polis*.

8 Hansen 2010: 7-9 with n. 19, with reference to Arist. *Pol.* 1327b16-28a16.

Parallel developments occurred in the study of Greek representations of non-Greeks. In *Orientalism* (1978) Edward W. Said traced modern Western constructions of the 'Orient' back to classical antiquity, arguing that cultural representation operates as a form of power by generating stylised and hierarchical images of the 'other'. Greek depictions of Persians were later disseminated through canonical school texts in the educational traditions of modern imperial Europe and North America, becoming part of the Western self-definition. Translating this theoretical model devised outside the field of Classics, Edith Hall in *Inventing the Barbarian* (1989) showed that the literary and iconographic figure of the barbarian in ancient Greece was indeed not an objective depiction of the Persians, but rather a rhetorical construct of Greek identity. This line of enquiry was further developed by Jonathan M. Hall in *Hellenicity: Between Ethnicity and Culture* (2002), which shifted the emphasis from the exclusion of the 'other' to the contingent processes of Greek self-image, demonstrating how language, descent, and cult served as fluid criteria for belonging, sharpened in the crucible years after the Persian Wars.

These topics did not emerge in a vacuum but became thinkable as research problems only once analogous issues had become socially and politically salient in the present. As the Italian intellectual and politician Benedetto Croce (1866-1952) famously observed, "ogni vera storia è storia contemporanea."[9] Scholarly inquiry inevitably reflects the preoccupations of its own age and cannot meaningfully anticipate debates that don't exist in the wider society. An illustration of this dynamic is the fact that Athenian democracy itself only emerged as a major research field, owing in no small part to the work of Hansen, in the context of the student and worker mobilisations of May 1968 in Paris, which challenged inherited hierarchies of authority, knowledge, and legitimacy within European universities and societies.

Since around 1990, studies of Attic oratory, Greek inscriptions, curse tablets and legal papyri have increasingly shown women appearing as independent actors and decision-makers in economic and household

9 Croce 1920: 4 for the citation in Italian. By this he meant that, ideally, history is not about the past itself, but about the past as it is understood and made meaningful in the present.

contexts, both within the *oikos*, at the market and even in the courts.[10] Moreover, women played central and publicly visible roles in religious life, participating in festivals, rituals, and cult offices integral to the civic calendar.[11] The traditional image of the secluded Athenian women, strongly promoted in Greek philosophical writing and normative elite discourse, is now widely recognised as an idealised marker of status and respectability rather than a description of social reality across all levels of society.

A comparable revision has taken place in the study of metics. Recent scholarship has qualified the earlier picture of marginalisation by drawing attention to the social and religious contexts in which metics could and actually did participate in civic life, even while remaining excluded from citizenship. Sara Wijma, for example, has examined the involvement of metics in state cults and public rituals, highlighting forms of integration that have hitherto largely been overlooked.[12] Overall, the evidence points to a persistent tension between social participation and formal political exclusion. Women and metics were deeply embedded in economic, religious, and neighbourhood life, yet remained institutionally excluded from the political community. This disjunction was structural rather than accidental; it was rooted in the way the *polis* defined political membership. The key issue, therefore, concerns the mechanisms through which a community maintained sharp symbolic and institutional distinctions amid the dense social integration of daily life. To approach this problem, we must shift attention from social practice to civic self-definition: from what people did to the classificatory and normative frameworks, above all legislation and literature, through which political belonging was constructed and enforced.

10 See, e.g. Foxhall 1989 and 1996, both masterful reviews of select examples from Classical Greek literature illustrating Athenian women's active roles within household *and* society, despite their relative invisibility in formal legal and political documentation. *Politides*, the feminine form of *politai* (citizens), possessed legal status (1996: 139), could appear in court (1996: 140), could legally own land (1996: 141), and often triggered disputes that ultimately reached the courts (1996: 141). They were not entirely excluded from the world of law but engaged with it continuously, acting knowingly and effectively through male intermediaries (1996: 154).

11 See, e.g. Cartledge 2016: 137.

12 Wijma 2014.

Civic Classification and the Logic of Exclusion in Classical Athens

One way to approach this logic is through normative statements that show particularly clearly how Athenians conceptualised gender, household and political reproduction. A notably clear formulation appears in Apollodoros' speech *Against Neaira* (Ps.-Dem. 59.122), where the ordinary meaning of 'living with a woman' is explained in strictly civic terms:

> τὸ γὰρ συνοικεῖν τοῦτ' ἔστιν, ὃς ἂν παιδοποιῆται καὶ εἰσάγῃ εἴς τε τοὺς φράτερας καὶ δημότας τοὺς υἱεῖς, καὶ τὰς θυγατέρας ἐκδιδῷ ὡς αὑτοῦ οὔσας τοῖς ἀνδράσιν. τὰς μὲν γὰρ ἑταίρας ἡδονῆς ἕνεκ' ἔχομεν, τὰς δὲ παλλακὰς τῆς καθ' ἡμέραν θεραπείας τοῦ σώματος, τὰς δὲ γυναῖκας τοῦ παιδοποιεῖσθαι γνησίως καὶ τῶν ἔνδον φύλακα πιστὴν ἔχειν.
>
> 'Living with a woman' means, after all, that a man has children with her and introduces his sons to the members of his phratry and deme, and he gives his daughters away to be married, presenting them as his own. We have courtesans for the sake of pleasure, concubines for meeting our bodily needs day-by-day, but wives for having legitimate children and to be trustworthy guardians of our household.
>
> Translation (slightly modified) by V. Bers (2003)

This frequently quoted passage is instructive in several respects. It portrays the Athenian citizen father as the sole intermediary between biological and civic reproduction, emphasising that he alone has the power to transform his offspring into political members through acts of registration and recognition. It also assigns different civic trajectories to his sons and daughters, thereby embedding gender hierarchy directly in the mechanisms of political continuity. Furthermore, it categorises women as belonging to three functional groups, each defined solely by the services they provide to male citizens.[13] The passage reveals a classification

13 The passage also reveals, almost inadvertently, the extent of the agency and responsibility attributed to citizen women. As 'trustworthy guardians of the household', wives appear not merely as bearers of legitimate children but as active stewards of the *oikos* on which the *polis* depended. Their management of household resources,

scheme through which the civic order itself appears to have been conceived and stabilised, at least ideally, rather than merely expressing misogynistic attitudes. A further question is why this logic of differentiation seems to have been so central to Greek civic self-definition. In other words, why were the Greeks – and especially the Athenians – so invested in maintaining clear distinctions between political insiders and outsiders? To address this, we must move beyond individual cases and consider broader structural patterns, briefly venturing into the realm of Greek political symbolism.

Zeus' Daughter and Mythologies of Exclusion

If exclusion lay at the heart of Greek civic identity, the myth of Athena's birth offers a revealing illustration. Although Hesiod is conventionally dated to around 700-650 BC, his works were probably first committed to writing under the Peisistratids (546-510 BC).[14] The form in which the myth survives therefore reflects a long process of oral transmission and continual reworking. Hesiod's version of Athena's birth is as follows: (*Theog.* 886-900):

> Zeus as king of the gods made Metis his first wife,
> the wisest among gods and mortal men.
> But when she was about to give birth to the pale-eyed goddess
> Athena, he tricked her deceitfully with cunning words
> deceived her mind and put her away in his belly
> on the advice of Earth and starry Heaven.
> They advised him in this way so that no other of the gods,
> the eternal fathers, should have the royal station instead of Zeus.
> For from Metis it was destined that clever children should be born:
> First a pale-eyed daughter, Tritogeneia,
> with courage and sound counsel equal to her father's,
> and then a son she was to bear, king of

protection of its integrity, and role in ensuring the orderly transmission of status formed an indispensable, if often unacknowledged, component of civic life.

14 Skafte Jensen 2011: 295.

gods and men, one proud of heart.
But Zeus put her away in his belly first,
so that the goddess could advise him of what was good or bad
Translation M.L. West (1988)

The scene depicted is familiar from literary and visual traditions, above all vase-paintings showing Athena springing fully armed from Zeus' head. Yet our familiarity with the topic risks obscuring its strangeness: a goddess conceived in her mother's womb, developing within her father and emerging fully grown from his skull (*Theog.* 924). This represents a cultural construction that calls for explanation. We must therefore ask what social logic could generate such a story, and what function it served in the form in which it has come down to us. Why, in Hesiod's version, is the swallowing of Metis made so central?

In the *Iliad* (5.875), Zeus is simply said to have 'born' Athena. During the first half of the sixth century, Stesichoros (*PMG* fr. 233) is reported to have introduced Hephaistos' intervention at Athena's birth, while in the early fifth, Pindar (*Ol.* 7.35-37) provides the earliest preserved literary mention of Hephaistos splitting Zeus' head open with a bronze axe.[15] In some accounts, Eileithyia, the goddess of childbirth, is present to assist Zeus. These scattered elements – the swallowing of Metis, Hephaistos' blow, the presence of divine midwives, the armed epiphany, only gradually coalesced into the canonical narrative handed down to us by later mythographers, such as Apollodoros (1.3.2).

Athena's Birth: Comparative, Structuralist and Gendered Readings.

Over the past half-century, the myth of Athena's birth has been analysed through comparative and gender-political lenses. Walter Burkert traced its Near-East parallels, especially in the Hittite *Kumarbi* cycle, while emphasising the distinctly Greek transformation of this material, i.e. the

15 *Schol. ad Apollon. Rhod.* 4.1310 (Wendel) attributes the intervention of Hephaistos to Stesichoros, perhaps simply because Stesichoros was the earliest source to mention this motif that the scholiast knew.

bond between Zeus and Athena and the erasure of Metis as Athena's mother.[16] Marcel Detienne and Jean-Pierre Vernant interpreted Metis as a form of feminine power appropriated and contained by Zeus.[17] Nicole Loraux then read Athena's birth as a symbolic charter for the exclusion of women from the civic community of the *polis*,[18] a claim later reinforced by Jean-Bertrand Bonnard's notion of the 'Zeus complex', in which male paternity asserts an exclusive claim to creativity.[19]

If we follow Loraux and Bonnard, the myth of Athena's birth acquires a political dimension, in which female generativity was seen as underwriting male civic authority. Athena emerges as a paradoxical figure, female in form and nature, but structurally detached from womanhood and maternity, and more aligned with paternal authority. Aristophanes is already attuned to this cultural tension. In *The Birds*, he mocks the idea of a 'well-ordered city' governed by an armed goddess while a man sits at the loom (826-31),[20] playfully inverting the alignment between martial authority and male identity. Athena's unnatural birth made her available as a potent political symbol: female in form, yet one in which maternity is effectively excluded in favour of patrilineal continuity.[21] For classical Athenians, this myth may have legitimised their community imagined as self-generated and grounded in patrilineal continuity.

16 Burkert 1985: 142-43. Rutherford 2018: 12-13 notes striking parallels between Hesiod's *Theogony* and 'The Song of Coming Forth' from Hittite mythology.

17 Detienne & Vernant 1974: 29, 169-77.

18 Loraux 1981: 25-47.

19 Bonnard 2004: 25-64.

20 Aristophanes' *Birds* (826-31): "And just how can the *polis* remain well disciplined, where a god born a woman stands there wearing a full armour, while Kleisthenes plies a spindle?" Transl. Henderson 1999. See Hurwit 1999: 239, for a commentary.

21 For the special relationship between the Athenians and Athena, see Hurwit 1999: 10-11.

The Iconographic Evidence

a. Pithos with relief, 700-675 BC. Archaeological Museum of Tenos. *LIMC* "Athena" no. 360. Sources: *LIMC* (text); *Wikimedia*, *s.v.* "Tenos" (photograph). © Wikimedia Commons.

b. Shield band, 630-600 BC. Museum of Olympia. Inv. B1911. *LIMC* "Athena" no. 361. Source: *LIMC* (text and drawing). © Cornelsen Verlag. Reproduction authorized by the publisher.

c. Shield band, 600-550 BC. Museum of Olympia. Inv. B1975. *LIMC* 362. Source: *LIMC* (text and drawing). © Cornelsen Verlag. Reproduction authorized by the publisher.

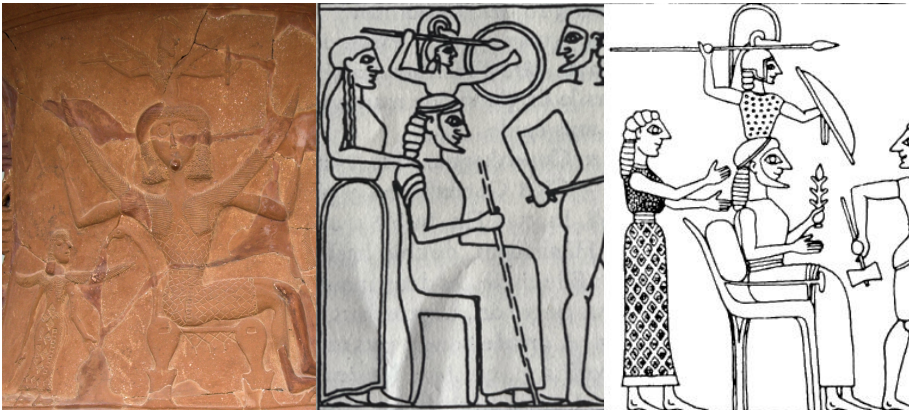


Fig. 1

The earliest representation of Athena's birth appears on the Tenos pithos (Fig. 1a), ca. 700-675 BC: Zeus seated, flanked by figures perhaps identifiable as Hephaistos and Eileithyia, with a winged Athena emerging from his head. The Tenos pithos offers both the earliest 'birth from the head' motif in Greece and the only known instance in which a newborn winged Athena is depicted.[22] This feature may reflect Oriental influence, since

22 A winged Athena figures on the west frieze of the Treasury of the Siphnians in Delphi, ca. 530 BC; cf. Pedley 2012: 163, and as Athena Nike on gold staters coined by Agathocles of Syracuse (317-289 BC); cf. de Lisle 2017: 11 and 19.

wings are a common attribute in the iconography of Near Eastern divinities. Without proving Near Eastern origin for the myth, it aligns well with the Eastern comparanda.

After a gap of several decades, the motif reappears in iconography around 630-600 BC (figs. 1b-1c), now unmistakably Greek and martial.[23] Athena is armed, wingless and integrated into hoplite visual culture: helmet, spear, aegis and shield. Roughly half of all early depictions (fifteen of some thirty) are from bronze reliefs on shield bands dedicated to Zeus at Olympia.[24] The concentration of shield-band suggests a Peloponnesian origin for the armed-birth motif, even though it later becomes quintessentially Athenian.[25] By the late sixth and early fifth centuries, Athenian workshops and civic projects (e.g. coins, Acropolis dedications) anchor Athena's birth firmly within Athenian political iconography.[26]

23 Cf. Gdańsk Decorated Armour Database (dad.ug.edu.pl/database/) nos. SB24 and SB17. *DAD* does not provide bibliographical references, but see Biers 1990: 185 and Johnson 2004: 197 for short commentaries on B1975.

24 *LIMC* inventories twenty representations of Athena's birth (*LIMC* 343-62), the majority deriving from Attic vases, except notably a Corinthian *pinax* from 550-500 BC and a fresco from Elis (6th cent.). None of these post-date 460 BC. The strong preponderance of Attic material should be treated with caution, since both production and survival of Greek vases are skewed towards Athenian examples. Numerical over-representation is therefore not decisive, even if the overall concentration remains suggestive when considered alongside the broader visual and civic context. *LIMC* no. 359 is a lost, undated and unlocated fresco. *DAD* (cf. n. 22) inventories fifteen 'birth of Athena' on shield bands alone, distributing them chronologically as follows: 636-600 BC (4), 600-575 BC (3), 575-550 BC (3), 550-525 BC (3), 525-550 BC (2).

25 Kunze 1950: 77-82; Brommer 1961: 66.

26 Hurwit 1999: 29-34, 112-13, 177-79. Johnson 2004: 249-56, on the Athenian appropriation and civic monumentalisation of the myth.



a. Tetradrachm of the "owl" type c. 510-500 BC.
Obverse: Head of Athena right wearing Attic helmet with raised crest, beaded necklace and earring
Reverse (not shown): Incuse field: owl standing right, head facing. Legend AΘE. Upper left: olive spray.
Wikimedia commons.



b. "Mourning Athena." Relief from the Acropolis. Parian marble, c. 470 BC. H.: 0.48 m
Acropolis Museum, Athens. Inv. no. 695.
Plaster cast. Private collection. © Bjørn Paarmann.

Fig. 2

Athena had long been Athens' patron goddess, but her political visibility increased sharply in the decades around the turn of the sixth century. Under the Peisistratids, civic coinage favoured aristocratic and agonistic imagery in form of horses, chariots and wheels. Around 510-500 BC, however, with the establishment of democracy (508/7),[27] Athenian silver coinage adopted the head of Athena and the owl as civic types (Fig. 2a), marking the first sustained effort to present the goddess as the visual emblem of the citizen body. This is indicated by the legend of the tetradrachm (fig. 2a): (νόμισμα τῶν) Ἀθη(ναίων), i.e. "coin of the Athenians."

27 As Cartledge 2009: 62, rightly stresses, Kleisthenes' reforms did not amount to a fully-fledged democracy; even so, they constituted a significant advance toward the development of democratic institutions. For evidence of collective decision-making in the early period, see Cartledge 2009: 61-62; cf. also Cartledge 2016: 74.

A generation later, this new focus found monumental expression. Around 470 BC, after the Persian destruction of the Acropolis, the uninscribed relief known as the *Mourning Athena* (Fig. 2b) was erected.[28] The goddess, identifiable by helmet and spear, leans toward a stele to the right.[29] Whether mourning or reflective – *la Athéna pensive/die sinnende Athena* – the figure distils civic identity into a female divine body, a *polias* par excellence.[30] The relief thus exemplifies the Athenians' progressive anchoring of political self-definition in the figure of their patron goddess. At the same time, it exposes a deeper ideological tension: a female deity embodies a civic order from which mortal women were institutionally excluded, and in which reproductive and marital functions associated with femininity were symbolically detached from the sphere of political representation.

Bonnard's observation that motherless divinities occupy an ambivalent sexual register is especially apt here. Athena's gendered ambiguity made it possible to imagine the Athenian *polis* as self-generated and symbolically closed, while retaining a female divine figure at its centre.[31] The convergence between this mythic configuration and the emerging visual language of hoplite citizenship – both grounded in disciplined, male solidarity – offers a productive bridge from symbolic exclusion to the institutional and military structures that formalised it.

28 Pedley 2012 for discussion p. 238 and photo p. 239, fig. 7.46.

29 The rectangle has been interpreted as a monument bearing the names of the war dead; *pace* Bloedow 1999: 30. Casualty lists begin to appear around 500 BC, so such an interpretation is chronologically possible. However, the stele cannot have carried a decree, since profane inscriptions are unattested before the late 430s.

30 Hurwit 2004: 150.

31 Bonnard 2004: 67 n. 218.

The Hoplite Phalanx: A Technical and Social Transformation of the Archaic Society

A decisive military innovation in Archaic Greece was the double-gripped *aspis*, first attested c. 700 BC.[32] By transferring most of the weight to the forearm through a bronze band (*porpax*) and stabilising the shield with a handgrip near the rim (*antilabe*), the new design enabled warriors to carry and hold steady a substantially larger shield than before. By approximately 675 BC, this shield had spread across the Greek world together with helmet, cuirass, greaves, spear and sword. Greeks now fought in close order: each man's *aspis* protected the exposed right flank of his comrade to the left, locking the men into an interdependent formation. The shield's dimensions and weight, together with the discipline required to maintain position, suppressed individual display in favour of the steadiness of the whole phalanx.

It is often argued that the hoplite phalanx operated within largely unspoken conventions and was not ideally suited to Greece's varied terrain. Awareness of these limitations is already attested in Herodotos (7.9), who has the Persian commander Mardonios criticise the Greeks for choosing open and level ground agreed upon in advance, rather than exploiting stratagem or terrain. In this portrayal, likely reflecting ideas familiar to Herodotos' contemporaries, hoplite warfare does indeed appear formalised. Some scholars have therefore interpreted the rise and diffusion of the phalanx as driven more by ideology than by efficiency.[33] Yet despite its apparent limitations, the phalanx was the most effective infantry system available, and its conventions no more restrictive than those governing early modern line infantry. Moreover, Greek battle descriptions mention numerous instances of surprise attack, deception, tactical op-

32 Cartledge 2013: 77. For a description of the *aspis*, its development and advantages, cf. Schwartz 2009: 32-38. For the idea that the shield constituted the centre piece of hoplite warfare, see Schwartz 2009: 13.

33 Cartledge 2013: 78-79 with n. 19 argues that civic ideology, rather than efficiency alone, may have contributed to the large-scale adoption of the hoplite phalanx. *Pace* Schwartz 2009: 156 and 230, who emphasises the phalanx's operational efficiency, pointing to the remarkable duration of its use, in his view 750-338 BC.

portunism, and skilful use of terrain – facts that challenge the romanticised model of ritualised set-piece duel.[34] Within its operative limits, the phalanx proved highly effective, and its diffusion is best explained by military performance rather than by civic ideology. However, once the phalanx became embedded in the political culture of the *poleis*, it proved resistant to change. Citizen-soldiers, bound by ritual expectations and an ethos of continuity, seem to have been reluctant to reconsider inherited forms of fighting. Thus, while civic ideology did not cause the emergence and diffusion of the phalanx, it probably contributed to the ossification of the system once established. Major tactical reforms – lengthening the spear into the *sarissa*, reducing shield size, integrating cavalry and light troops, and instituting year-round drill – arose instead under Philip II and Alexander, whose combined-arms innovations far surpassed the Classical hoplite model.

The widespread adoption of hoplite warfare acted as a catalyst for broader social and political reorganisation. Earlier scholarship conceptualised this development as a 'hoplite revolution', though modern critics have complicated this picture.[35] Even so, the emergence of a sizeable body of men capable of equipping themselves, training together, and maintaining disciplined close-order combat constituted a functional 'middling stratum', distinguished both from poorer citizens whose participation in the hoplite phalanx was possible but intermittent and from elites who still defined themselves through mounted warfare. To be clear, Greek society was already governed by men before the phalanx; the formation did not create male dominance. It intensified and formalised it by grounding civic identity in a disciplined, exclusively male formation whose effectiveness depended on mutual bodily interdependence. Although women had always remained outside the political sphere, the consolidation of hoplite warfare sharpened their marginalisation by linking political capacity directly to embodied military function. The

34 Schwartz 2009: 178, 181, 201.

35 Pritchard 2007: 337-38 rightly rejects the older determinist claim that hoplite warfare inevitably produced democracy, arguing that the link between military practice and political change was far more complex. Hall 2014, in the sub-chapter 'A hoplite revolution?' (165-73), outlines the historiographical debate and discusses arguments for and against it.

phalanx thus operated not merely as a tactical system but as a gendered institution: it structured collective identity through the physical solidarity of armed men and reinforced the exclusion of those unable to participate in its discipline. Yet while scholarship has long examined the military and political implications of the phalanx, it has paid comparatively little attention to the exclusionary mechanisms that this homosocial organisation introduced. The *polis* became, in effect, a men's club: solidaristic internally but sharply demarcated externally.[36] This dynamic of solidarity-through-exclusion forms the core of the analysis that follows.

Aristocratic Openness vs Hoplite Exclusion

Hesiod gives voice to this exclusionary logic in the form of myth. In both *Theogony* and *Works and Days* women appear as secondary and dangerous. The Golden Age had been woman-free; then came Pandora, crafted by Hephaistos and sent by Zeus as a "beautiful evil" (*Op.* 80-81). Wives are likened to drones, consuming men's labour while producing nothing (*Op.* 702-705). The female principle is presented chiefly as an unavoidable conduit of reproduction, with little place in creation or civic order. In this light, the swallowing of Metis and the motherless birth of Athena are not simply mythic curiosities but reveal a cultural logic that restricts women's participation in emerging civic structures. Rather than reflecting an aristocratic warrior ethos, the Hesiodic corpus articulates a social imaginary closer to that of the hoplite farmers: disciplined labour, self-sufficiency and sharply drawn boundaries. Those excluded from the col-

36 On the gendered and ideological dominance of hoplite norms in democratic Athens, see Cartledge 1998: 61-63. Cartledge demonstrates the persistence of hoplite masculinity across drama, oratory and visual culture even after the rise of the importance of naval power, and Athenian rowers, following the battle of Salamis (61-63). For a discussion of the status and ideology of women in democratic Athens, see e.g. Pritchard 2011 (2015), who offers a synthetic social-historical survey of women's roles within the *polis*. My concern here, however, is less with ideological *representation*, whether of hoplite values or of gender, than with the ways in which hoplite-defined criteria for political participation structured collective identity through mechanisms of exclusion.

lective practices that structured male solidarity naturally appear marginal and suspect, lacking the embodied *habitus* through which civic belonging was constituted. This produces an ideological landscape in which exclusion appears not as a political act but as a moral and cosmological necessity.

Homer's epics seem to preserve a different register. Penelope's wisdom (*Od.* 16.409), Andromache's grief (*Il.* 24.723-29), and Helen's bitter clarity (*Il.* 24.761-75) reveal forms of female intelligence integrated into the narrative world. Homer knows of Zeus giving birth to Athena (*Il.* 5.875-80; 8.32) but omits the swallowing of Metis, and the epics, composed for aristocratic audiences, retain an openness that allows for limited but meaningful female agency. Hesiod's farmer-poetry, by contrast, presents women merely as burdens or threats. The contrast between Homer and Hesiod therefore concerns not only gender but the broader imagination of social boundaries. Homer's aristocratic world is permeable and translocal, at least for aristocrats, while Hesiod's world is defensive, labour-bound and normatively closed**.** Greek literature itself recognised that identity was defined at its margins. The encounter between Diomedes and Glaukos (Hom. *Il.* 6.155-70), where hereditary guest-friendship overrides battle-hostility, exemplifies how aristocratic ties could blur the line between insider and outsider. Herodotos preserves similar moments: Kleisthenes' Panhellenic marriage contest for Agariste (6.125-26) and Kroisos' reception of Solon (1.30-70) reveal a 'transnational' aristocratic orientation that contrasts with the Hesiodic vision.[37] Aristocratic identity operates through recognition, mobility and reputation rather than through fixed boundaries of descent or locality.

This logic seems universal. The sociologist Georg Simmel observed in the book chapter 'Exkurs über den Adel' that aristocrats recognise one

37 The Spartan king Demaratos, deposed ca. 491 BC, took refuge at the Persian court and advised Xerxes during the invasion of Greece (Hdt. 6.67). Themistocles, ostracised in 471, entered Persian service under Artaxerxes I as dynast of Magnesia (Thuc. 1.137-38). Alcibiades moved to Sparta and ended as a guest the Persian satrap Tissaphernes after his condemnation in 415 (Thuc. 8.82). By contrast, the mass audience addressed by Old Comedy presupposes a more ethnocentric horizon. Aristophanes exploits foreignness as comic stigma, caricaturing barbarians through accent, gesture and physical difference (e.g. *Acharnians, Birds, Thesmophoriazusae*). This suggests that popular civic culture consolidated identity more through symbolic exclusion.

another across ethnic and geographic boundaries because status is portable, embodied, and reinforced through shared practices of education, etiquette, and marriage.[38] Such cosmopolitanism is accompanied by another form of exclusivity: aristocrats recognise only their peers and relegate commoners to a separate category.[39] An Alcmeonid from Athens may well have felt closer to a Bacchiad horse-breeder from Corinth than to a farmer of his own deme. What emerges is not the absence of boundaries, but that the location of the boundary depends on one's social position. Ordinary Athenians probably encountered foreigners more often as permanent metics than as aristocratic guests at symposia. Simmel's concept of the *stranger* captures this structural position: both near and far, embedded in the community but marked by categorical difference.[40] The metic occupies precisely such an ambivalent role: indispensable to the economy and even to defence, but excluded from citizenship. A comparable logic applies to women. Intimate within the household yet absent from the assembly, they were 'internal strangers': the closest of insiders who were nevertheless excluded from the civic core. The rise of the hoplite phalanx reinforced this position by tying political belonging to embodied military competence, an attribute inaccessible to women by definition.

Modern anthropology and sociology refine what the Greeks had already intuited. The Norwegian social anthropologist Fredrik Barth argued that collective identity rests not on shared cultural content but on the maintenance of boundaries between 'us' and 'them'.[41] Pierre Bourdieu, by contrast, located civic identity in 'habitus', i.e. the embodied dispositions through which solidarity and tacit recognition take shape.[42]

38 1908a. Simmel anticipates what Bourdieu would 60 years later theorise as *habitus*: embodied dispositions and cultural codes that make recognition within an elite almost instantaneous.

39 Simmel 1908a: 547-48.

40 Simmel 1908b: 509 and 512.

41 Barth 1969: 15.

42 Bourdieu 1977: 72. Cf. also Bourdieu 1990: 52. Harari 2008 (in the chapter 'Flesh-witnessing: Those who weren't there cannot understand', 231-40) notes that soldiers repeatedly claim that only those who have endured war's bodily and sensory hardships can truly understand it, implicitly forming a community defined by shared experience.

Rather than choosing between the two concepts, both are needed: Barth clarifies boundary-making, while Bourdieu explains why boundaries endure. The hoplite phalanx offers a concrete illustration. Interlocked shields, drilled bodies, each man's safety linked to that of the next. Solidarity becomes a physical fact. To stand one's ground in the phalanx was to enact citizenship.

Neither Barth nor Bourdieu addressed gender, yet Greek women – and, in a different way, metics – occupied the position of *internal strangers*: situated within the *polis* but denied full participation. The rise of the phalanx estranged not only non-citizens and non-Greeks, but also women, central to reproduction and cult yet increasingly sidelined in political life. If the *Iliad* and *Odyssey* can be read as contributions to an aristocratic debate over authority – whether power should rest with a king or be negotiated among elite peers – then *Works and Days* intervenes in a parallel and contemporary debate over the proper ordering of the emerging community, including the place of women within it. In this sense, Hesiod's poem can be read as a normative programme for a hoplite-inflected society, defining labour, hierarchy and gender.

From Draco to Aristotle: The Institutionalisation of Exclusion in Athens

The solidarity forged in the hoplite phalanx appears to have been progressively stabilised through law and institutions. When democracy was introduced at Athens in 508/7 BC, Kleisthenes's reform placed the demes at the centre of the new political order. The deme served both as a unit of local identity and as the administrative hinge of the new democracy. Access to the assembly, the courts, the magistracies and military service depended on deme enrolment, for it was through the demes that the Athenian youth entered the citizen body, as noted above ([Dem.] 59.122).[43] Military success reinforced this institutional consolidation. The political weight of the hoplite class was confirmed by Marathon in 490 BC, while the decisive naval victory at Salamis in 480 BC strength-

43 Cartledge 2009: 61.

ened the leverage of the thetes and enabled further democratic radicalisation associated with the reforms of Ephialtes in 462/1. Political participation thus expanded within the male citizen body, both socially and numerically. This expansion, however, never extended to women or metics, who remained structurally within the *polis* yet excluded from political life. This was not a loss of rights they had once possessed: neither group had ever been politically included. But once exclusion was embedded in democratic institutions, later extension of political rights became effectively impossible. The very architecture of the Athenian democracy deepened equality among citizen men while simultaneously hardening the exclusion of those outside it. From Draco's homicide legislation (c. 620) to Perikles' citizenship law (451/50), Athenian reforms increasingly defined citizenship by descent and tightened the exclusion of women and metics, even as democratic equality intensified within the citizen body.[44]

Perikles' citizen law, which required that both parents be Athenian, made citizenship a strictly hereditary status. For metics, it eliminated remaining avenues of integration and confirmed their position as a permanent non-citizen population. For women, the effects were different but equally significant: they acquired a sharper symbolic role as guarantors of legitimate descent, while their marriages and reproductive lives came under tighter public scrutiny. The law heightened their civic significance without granting them civic power. By tying a child's citizenship to that of the mother, the law intensified concerns over legitimacy and purity of descent and reinforced expectations of female seclusion and male guardianship, narrowing the social space to citizen women. Athenian women thus became indispensable to the reproduction of the citizen body while remaining excluded from its political definition.

Crucially, descent alone did not activate citizenship: the institutions that made civic status operative – introduction into the phratry and, above all, enrolment in the deme – were reserved for men. As Apollodoros notes ([Dem.] 59.122), fathers presented their sons to these bodies, while placing their daughters under the guardianship of their future

44 It has already been noticed that in democratic societies such as Athens, where male citizens had the greatest political rights, women were completely excluded from political participation; see, e.g., Jameson 2004: 281-82.

husbands. Excluded from deme enrolment, women lacked the civic standing from which political rights emerged, making political participation institutionally impossible.

The paradox identified by Hansen is therefore structural. The institutional rationalisation that expanded democratic participation also hardened the mechanisms of exclusion: as political rights stabilised within the male citizen body, the criteria of belonging became increasingly rigid. Once citizenship rested on descent and male-controlled civic activation, women could no longer appear as potential political subjects. The very success of Athenian democracy among men sharpened the line excluding women.

Aristotle then converts this institutional reality into political theory. In the *Politics*, women's exclusion from deliberative authority becomes an aspect of natural order: the male is attributed full deliberative capacity, while the female is assigned a subordinate, non-authoritative share in reason. What democratic institutions had fixed in practice – the alignment of political agency with male citizenship activated through deme membership – Aristotle presents as anthropological and teleological necessity. Structural exclusion thus becomes cognitive necessity, and the administrative closure of the citizen body is retrospectively legitimated as the natural form of the *polis*.

Since the nineteenth century, scholarship has often equated the Athenian *polis* with its male citizen body and democratic institutions. This emphasis, grounded in the *polis*'s own legal and philosophical self-description, tended to marginalise women, slaves, children, and metics as functional or symbolic actors rather than political subjects. The *polis* thus appears primarily as the domain of the *polites*. This is not merely a modern distortion but a consequence of Athenian institutions successfully defining political reality on their own terms. The question is therefore not whether women belonged to the *polis*, but in what sense and according to whose criteria.

Were Athenian Women Citizens?

Hansen formulated the problem succinctly: Athenian women lived in the *polis* but were not full members of it. Following Aristotle, he distinguished between the *polis* as a community of households (*oikiai*), where women were indispensable (*Pol.* 1), and the *polis* as a political community of *politai*, from which they were excluded (*Pol.* 3). Women were *astai* but not *politides*: they could neither deliberate nor hold office, they were necessary for the reproduction of the civic body yet absent from its formal definition of citizenship. More recently Josine Blok has nuanced this picture by showing that citizenship language was not confined to political participation. In everyday usage *polites* could apply to women as well as men, and inscriptions attest women acting publicly as priestesses, dedicants, and guarantors of descent.[45] Women were also embedded in economic production, property transmission and ritual exchange.[46] Cult was not peripheral, but constitutive of civic identity. In this wider political-religious sense, women could function as civic actors, even while remaining excluded from formal political power. The Panathenaia makes this visible: women wove and presented the new peplos to Athena Polias at the very festival where the city staged its collective identity. This ritual underscored that the city's bond with its goddess depended on female labour, even as political authority remained strictly male.[47]

Yet philosophical codification moved decisively in the opposite direction. Aristotle defined the *polites* as one who shares in magistracies and judgments (*Pol.* 1275b18-20) and denied women full deliberative capacity. This was not a neutral description, but rather a normative contraction of the civic category that erased women from political theory altogether. Its influence proved long-lasting: transmitted through cathedral schools, universities, and later mass education, Aristotle's definition helped naturalise women's exclusion from political and intellectual authority.

45 Blok 2017: 148-53.

46 Cartledge 2009: 41-42; 2016: 133-39.

47 Blok 2017: 183-84.

A cautious structural contrast may nevertheless be suggested. Hesiod and Aristotle, each in their own register, codify exclusion: Hesiod mythically, through Pandora and the effacement of Metis; Aristotle philosophically, through the definition of citizenship and deliberative capacity. Homer and Plato, by contrast, leave conceptual space – however narrow – for female intelligence and agency at the periphery of male political life. Western tradition, however, overwhelmingly canonised the exclusionary strand.

At this point – precisely where cultural representation becomes a structuring device – we may observe a parallel development inside the *polis* itself. Just as the Persians were stereotyped as luxurious or effeminate in Greek literature, so too did the figure of the irrational, secluded, or threatening woman seem to have become a recurrent civic *topos*. These symbolic types helped stabilise boundaries both outwardly (Greek/barbarian) and inwardly (male/female), reinforcing political exclusion through culturally encoded images rather than description. The power of these *topoi* endured well beyond antiquity: once Aristotle's reduction of women's deliberative capacity entered the philosophical canon, it was reproduced through medieval, early-modern and modern educational systems across Europe and the Americas. As public schooling expanded from the eighteenth century onward, Aristotle's civic anthropology became a normative template for associating rational authority with men. This institutionalised bias contributed directly to the modern 'Matilda Effect', i.e. the systematic downplaying or misattribution of women's intellectual labour, and to the persistent reluctance of awarding bodies, including the Nobel committees, to recognise women's scientific achievements on equal terms.

Sparta

Although the Spartans embodied the phalanx more conspicuously than any other Greek community, they did not follow the trajectory attested in other *poleis* by which hoplite warfare weakened aristocratic prerogatives and broadened civic participation. Instead, Sparta retained an archaic monarchical framework. Kingship took the form of a hereditary

dual kingship embedded within a rigid oligarchic order. This constitution, retrospectively attributed to Lykourgos, seems to have been stabilised earlier than in other Greek *poleis*.[48] The ideal equality of the *homoioi* was therefore not the egalitarianism of middling farmers, but a disciplined inward-facing aristocratic solidarity grounded in lineage, austerity and collective military identity.[49]

Within this order, women acquired a – for the Greek world – striking economic prominence, particularly in landholding and property transmission. This was a structural consequence of a militarised society in which adult male citizens were persistently absent for training or campaigning. Following the conquest of Messenia (seventh century BC), the Spartan men were unable to supervise the helot-worked estates that sustained their military specialisation. Female rights of inheritance, bequest and ownership therefore ensured the continuity and functioning of these estates across generations. By the fourth century BC, women are reported to have controlled forty percent of Spartan land, a reflection of the material logic of this order rather than evidence of political inclusion.[50]

Aristotle's critique of Spartan women (*Pol.* 1269b-1270a) therefore misreads the system. Spartan women's economic centrality compensated for the structural absence of their husbands, while political authority remained firmly monopolised by the *homoioi*. It was not female agency but the rigidities of an archaic militarised oligarchy that weakened Sparta: the concentration of land in ever fewer hands, the demographic contraction of the citizen body (*oliganthropia*), the chronic reliance on helot labour and the inflexibility of the *gerousia*. The Spartan case thus confirms rather than qualifies the general argument: even where hoplite organisation did not generate democracy, the political community remained structured around male military capacity. Spartan women's economic agency arose only as a secondary effect of disrupted male property control, not as a pathway to political participation. Sparta thereby makes visible the distinction – later more fully institutionalised at Athens – between economic participation and political inclusion.

48 Cartledge 2009: 43.

49 Tridimas 2025.

50 Fleck & Hanssen 2005: 221.

Sparta marks one end of a broader structural spectrum. At the opposite end stands Athens, where hoplite and naval service underpinned an increasingly participatory democracy. Yet both systems rested on the same foundational principle: political belonging was defined through the capacity to bear arms. Switzerland offers a modern analogue closer to the Athenian end of the spectrum. Like Athens, some Swiss rural republics developed participatory institutions, *Landsgemeinden*, civic deliberation, extensive local autonomy, and, like Athens, they coupled these democratic practices with a remarkably persistent exclusion of women. This juxtaposition illustrates a for modern people counter-intuitive, but structural logic: the more democratic the militia polity, the sharper the boundary it draws around the politically active, armed male body. In other words, wider participation among men does not soften exclusion; it intensifies it. Where political equality rests on military capacity, the expansion of male political rights seems to correlate with the entrenchment of female political exclusion.

A structurally comparable configuration therefore reappears, under very different historical conditions, in the smallholder republics of early-modern and modern Switzerland. Here, too, political equality was organised within a community of armed male citizens, while women—despite longstanding traditions of local autonomy, communal decision-making, and sophisticated forms of popular self-government—were excluded from enfranchisement well into the late twentieth century. The parallel between Swiss city-states and Greek *poleis* stems from structural similarities. In both contexts, militia citizenship generated strong internal solidarity among those who bore arms, while simultaneously hardening the boundary of political belonging against those who did not. The contrast with dynastic or aristocratic regimes is instructive. Monarchies and noble lineages could transmit authority through women precisely because political legitimacy there was genealogical and did not depend on collective military performance. By contrast, the *poleis* and the *Landsgemeinde* cantons grounded civic identity in embodied capacity to defend the community. Their political subject was the armed male citizen, and the cohesion of the community was inseparable from that figure. The result is the same structural pattern visible in Athens: the more a political system

embraced participatory self-government among men, the more its exclusion of women was entrenched.

Conclusion

This essay has argued that Greek political equality rested not on the expansion of inclusion but on actively producing boundaries. The hoplite phalanx formed more than a tactical formation: it generated a social *habitus*, in Bourdieu's sense, characterised by embodied solidarity among those capable of bearing arms. The *aspis* locked men into a common front and, in the same movement, pressed women, metics and non-Greeks outward. Athens radicalised this structure by embedding it into civic institutions – deme enrolment, descent rules, and male-controlled mechanisms of civic activation – thereby deepening equality within the male citizen body while simultaneously hardening the exclusion of those outside it. Exclusion became a structural effect of the *polis*'s mode of reproduction.

The comparative cases of Sparta and the Swiss *Landsgemeinde* cantons confirm the underlying pattern. In both, political community centred on the armed male citizen: equality among those who bore arms coexisted with the permanent exclusion of those who did not. Despite their differences—Spartan oligarchic discipline on one side, Swiss smallholder republicanism on the other—both systems reveal how militia-based citizenship generates internal solidarity by sharpening the boundary of political belonging. The Swiss case, in particular, underscores the dynamic already visible in Athens: the more democratic the polity among armed men, the more persistent the exclusion of women became. The recurrence of this configuration across such divergent contexts demonstrates that the Greek case was not an isolated cultural peculiarity but an instance of a broader institutional logic linking military capacity, male civic equality and the structural exclusion of the unarmed.

Hansen may not have endorsed every step of this argument, but he would have recognised its method: the close analysis of institutions, the comparative reach beyond the *polis*, and the insistence that political categories must be understood in their operational context. In this sense,

the title of this essay is meant both literally and metaphorically. The hoplite shields locked citizens in – and, in the same act, locked others out. Recognising this double motion clarifies both the paradox of the ancient *polis* and the surprising durability of boundary-making logics within modern republican ideals.

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COLLECTIVE GUILT AND COLLECTIVE PUNISHMENT, INDIVIDUAL RESPONSIBILITY, AND OBEDIENCE TO THE LAWS[1]

By Lene Rubinstein

Summary: In his treatise *Political Obligation in Ancient Greece and in the Modern World*, Hansen addressed the question how far a citizen in a Greek *polis* had a non-negotiable duty to obey the laws of his community. He argued that several *poleis* obliged their citizens actively to break the law if their constitution had been overturned or was at threat. The aim of the present paper is to take this discussion further with particular attention to the moral dilemmas that were sometimes faced by citizens whose communities were dependent on external hegemonic powers. The choices confronting such citizens would be particularly difficult if they were living under an imposed constitution, but a choice between obedience and civic obligation might arise even in *poleis* that had been pressurised into adapting or repealing only specific laws. The discussion will focus on Mytilene, Thebes and the *poleis* in Keos, as well as on Athens between 405 and 401/0 and in the years after Chaironeia.

I. Introduction.

After the completion of the *Polis* Project in 2004, the late honorand resumed his interest in constitutional history as his main area of research.

1 I should like to thank Dr. A. Hatzistavrou for inviting me to a workshop on law and philosophy where I presented an early version of this paper, and Anders Dahl Sørensen for his response on that occasion. At subsequent stages of gestation, Drs. J. Filonik, R. Miśkiewicz, A. Eckert and Prof. P.A. Cartledge have generously offered comments and encouragement. I should also like to express my profound gratitude to Dr. T.H. Nielsen for his tremendous help and support, especially at the final and crucial stage. All errors that remain are my own. The greatest debt of all I owe to Mogens Herman Hansen as teacher, colleague, and friend for nearly forty years. Our many conversations on oligarchies, autocracies, democracies ancient and modern have provided the main source of inspiration for the present discussion.

Lene Rubinstein: 'Collective Guilt and Collective Punishment, Individual Responsibility, and Obedience to The Laws' C&M Supplementum 4 (2026) 451-486.

Although there is significant continuity between his research published in the 1970s, 1980s and 1990s, there was a change in emphasis, especially in the articles and monographs that he chose to write and publish in Danish, and which were addressed to a wider Danish readership. Throughout his career, he insisted that every historian must possess a Janus head,[2] with one of its faces looking to the past, and the other gazing at the present that contributes to shaping the questions with which each generation approaches the past.

His engagement with the present, and especially with modern representative democracy in Denmark and the rest of the western world, deepened from 2005 onwards.[3] It resulted in a series of Danish publications on direct and representative democracy, the challenges presented by populism at both ends of the political spectrum, and the growing threats posed to modern democracies and their institutions by globalisation and rising inequality, accompanied by a sense of despair and perceived lack of agency on the part of ordinary voters. Already in 2005, he concluded that "every day we hear about endangered species of wildlife. I fear that democracy is on its way to becoming an endangered way of life" (2005: 188, my translation).

Subsequent political developments across Europe and North America further increased his apprehension, especially from 2016 onwards. Both his monographs published in 2017 commented on the fragility of modern democratic institutions and on contemporary manifestations of democratic backsliding;[4] and he pointed to the steady decline in political engagement by ordinary citizens as a serious problem in Denmark and elsewhere.[5] While he refrained from further discussion of that decline in 2017, he had treated it seven years earlier in the context of a broader discussion of civic obligation and civic passivity,[6] which he attributed in part, with de Tocqueville, to "excessive individualism" (2010: 53).

2 See e.g. Hansen 2005b: 7.

3 Hansen 2005a, 2005b, 2010, 2017a, 2017b.

4 Hansen 2017a: 146-49, 2017b: 86-89.

5 Hansen 2017a: 80-82.

6 Hansen 2010: 52: "From the outside, it looks as though the march of liberal democracy is one of victory, but internally we see growing problems. We demand rights,

On the question of civic obligation and civic duty, his late Danish publications intersected with his Anglophone production, most importantly with his treatise *Political Obligation in Ancient Greece and in the Modern World* (2015). Taking Plato's dialogue *Kriton* as his point of departure, he offered his views on the fundamental question why citizens, ancient and modern, were, and still are, expected to obey their laws and be loyal to their constitution. As far as the Greeks were concerned, he emphasised the importance of civic oaths (2015: 32-53). He also noted that the Greeks operated with an equivalent of the modern "right to rebellion", but which went further by defining rebellion as a civic duty in some circumstances (2015: 54). Especially in democratic *poleis*, the sworn commitment to obeying the laws was often accompanied by a command to break the law "if the constitution was changed or if there was a serious risk that it might be changed" (2015: 61). This paper will build on Hansen's treatise, and it is my hope that it may succeed in posing some complementary questions that may stimulate further debate. There are two issues in particular that merit further discussion, partly in light of contemporary political and constitutional developments in several European nations and across the Atlantic.

One is the question at what point a citizen's decision to defy the laws and official authorities of his community becomes a moral imperative and, in a Greek context, an obligation that a citizen will have to meet, if he wishes to stay true to his oath. Equally important is the question at what point failure to resist implies consent, with passive compliance turning citizens into *de facto* enablers of a repressive regime. The question is particularly thorny in those cases where a sizeable part of the citizen population has little or no political agency.

> but what of the duties that complement those rights? We live increasingly as isolated individuals, but what of our fellowship ('fællesskab')? Democracy is supposedly value-neutral, but are all fundamental attitudes to life equally good? Are politically active citizens not supposed to engage in a political fight for the values and ideals in which they believe? What happens to patriotism, when the democratic state is but a procedure, a frame into which every citizen can mount each their own picture? We are too busy with our own activities to be citizens. We leave politics to elected politicians, yet democracy rests on the ideal of popular sovereignty: that power ultimately belongs, even if only indirectly, to the whole people. A democracy cannot exist without democratic citizens" (my translation, as are all throughout the article).

When regime change is brought about by open violence or the threat of violence, it may be fairly straightforward to identify a defining moment, a tipping point, when a citizen's duty to obey his *polis*' (or country's) laws turns into a duty actively to defy them. Another defining moment may be the annulment of entire bodies of legislation that prescribe the composition and remit of a community's decision-making institutions, especially when this is accompanied by highly visible, physical removal of the legislation itself from public spaces.

Such defining moments are less obvious when the process of regime change is gradual, taking the form of successive small and apparently innocuous adjustments to, for example, definitions of eligibility to certain important offices, expansion of the remit or penal authority of such officials, or the tightening of probouleumatic procedures. This type of insidious undermining of institutions and the laws that underpinned them is discussed by Aristotle (*Pol.* 1307b1-19), who comments that all types of constitutions are potentially vulnerable. As an example he refers to Thourioi, where by popular consent it was decided to repeal a law that limited the consecutive terms of office that their generals were allowed to serve. This provided the basis for further gradual changes to the constitution. Once the *symbouloi*, the council or board that was supposed to work as a constitutional guardrail, realised the cumulative effect of the changes, the time for reversing them by peaceful, procedural means had passed.

The risk of 'boiling frog syndrome' is serious in both ancient and modern constitutional contexts, not least when institutional and procedural guardrails fail. At what stage must individual citizens decide that their duty to protect the constitution trumps their duty not to break the laws – not least if the recent laws have been made according to legislative procedures that were *formally* unimpeachable?

The other and more important issue is how far a citizen's obligation to obey the laws applies when the laws in question have been passed as a result of external pressure. Aristotle mentions in passing that constitutional changes sometimes happen as a result of hegemonic *fiat* (*Pol.* 1307b20-24), which, then as now, almost inevitably gives rise to questions of legitimacy on the part of some or all of the citizens who are com-

pelled to live under an imposed constitution. In many such cases, the citizen's moral choice may have been a relatively easy one between patriotic duty and compliance with laws, institutions, and officials that were backed up by external military might, often in the form of a garrison.

In other cases, however, the choice may not have been quite as clear-cut. Those who lived in a community whose legitimate political institutions had decided on a policy of collaboration, and whose enactments were sometimes (but far from always) framed in order to accommodate the desires of an external power, were in an altogether more serious bind. As long as they were allowed to keep their constitutional framework, and as long as it was their own officials and institutions that were responsible for law enforcement, it would be far more difficult for each citizen to decide at what point breaking the law would be condonable, and at what point active resistance would turn into a moral imperative.

Such was the situation which prevailed in Denmark from 9 April 1940, the year when Mogens Hansen was born. Denmark capitulated on the day of the German invasion. Until August 1943 the country, though under German military occupation, retained its democratically elected parliament, its own police force, and its own courts. Throughout this period, and especially from 20 July 1940, the government encouraged active engagement with the occupier (and even permitted officers to join auxiliary military service),[7] and it actively discouraged resistance, especially sabotage. In a broadcast on 2 September 1942, the Danish prime minister even went as far as to encourage the population to denounce acts of sabotage to the Danish police. The Danish Supreme Court likewise enforced legislation that had been passed by the Danish parliament in response to pressure from Berlin, sometimes increasing the severity of sentences on appeal from the High Court.[8]

7 Holbraad 2017: 46.

8 Tamm 2021: 84-87. Among the decisions discussed by Tamm were that of a youth who had attempted to sail to Sweden in a stolen fishing vessel, the conviction of an historian who had delivered lectures entitled 'Our Neutrality' and 'The History of Our Crusade' and of a journalist who had addressed a private gathering with a speech 'The Freedom of Denmark'. Among the most serious cases was that of a ship owner and his assistant who received prison sentences of, respectively, six and three years for having helped a prominent politician, Christmas Møller, escape to Sweden from where he travelled to exile in London.

The stated intention of the Danish government was to protect the population and the nation's democratic institutions as far as possible by accommodating the demands from Berlin and, where necessary, to legislate accordingly. Until 1943, active resistance on the part of the Danish population was very limited indeed. The vast majority of the population chose to comply, and a substantial number went further, engaging in activities that, as Holbraad puts it (2017: 48), fell "within a grey area between supposedly patriotic behaviour and decidedly unpatriotic behaviour." On 29 August 1943 the government stood down, and although a level of political cooperation continued informally and covertly, the country descended into violence and lawlessness especially from 1944 onwards.

The policy of cooperation remains bitterly divisive and politically controversial even to this day. Acts of resistance against the Danish government and against the German occupier (and even the resistance movement's assassination of Danish informers) were for a long time *almost* unanimously defined as patriotic acts in retrospect. In the summer of 1945, after the end of the occupation, it gave rise to the question how far it is justifiable retroactively to hold individual citizens criminally responsible for acts that were not defined as illegal when they were committed, let alone for acts that were prescribed by legislation or encouraged by a government that had been almost universally regarded as legitimate at the time when the now discredited laws and policies were devised.

Complex situations similar to that which prevailed in Denmark during the first three years of occupation are likely to have been replicated in numerous Greek *poleis* that were bound by treaty obligations to external hegemonic powers. The discussion that follows will focus on the moral dilemmas, conflicting obligations, and legal complications faced by citizens in *poleis* that found themselves in asymmetrical relationships with external hegemonic powers, *i.e.* 'dependent *poleis*'. It will be urged that the current debate on Greek attitudes to law and the administration of justice should take into consideration the differences between communities that were freely creating their own legislation – and often foisted legislation on others – and those communities that were obliged to adapt

their legislation to meet various demands made by external hegemonic powers.

II. Repression, obedience, and individual responsibility: the case of Mytilene

Thucydides' representation of two opposing speeches concerning the fate of the *polis* of Mytilene in 427 BCE is among the most famous surviving historiographical dramatisations of democratic decision-making in the Athenian assembly. The question that had given rise to the debate was what penalty should be imposed on the community, after the Mytilenaians had attempted to break free of their alliance with Athens and to join Athens' opponents instead. After a lengthy siege by Athenian forces, the Mytilenaians surrendered on terms that permitted the Athenians to deal with the city as they wished (Thuc. 3.28.1). Approximately one thousand adult male Mytilenaians, deemed by the Athenian general Paches to have been those chiefly responsible (ὡς αἰτιωτάτους ὄντας) for the decision to side with Athens' enemies, were arrested and subsequently sent as captives to Athens.

Once they had arrived, along with a number of Mytilenaian diplomatic representatives, the Athenians convened an assembly meeting. A majority of those attending decided that the Mytilenaians should be subjected to collective punishment for their community's betrayal of their obligations. All adult male citizens past the age of puberty, without exception, were to be executed, while all women and children were to be enslaved and sold.[9]

If we can believe Thucydides, the severity of this collective punishment was due to the assembly meeting having been conducted in a general mood of anger. On the following day, the public mood had changed, and a further assembly meeting was convened with the same question

9 Thuc. 3.36.2: περὶ δὲ τῶν ἀνδρῶν γνώμας ἐποιοῦντο, καὶ ὑπὸ ὀργῆς ἔδοξεν αὐτοῖς οὐ τοὺς παρόντας μόνον ἀποκτεῖναι, ἀλλὰ καὶ τοὺς ἅπαντας Μυτιληναίους ὅσοι ἡβῶσι, παῖδας δὲ καὶ γυναῖκας ἀνδραποδίσαι, ἐπικαλοῦντες τήν τε ἄλλην ἀπόστασιν ὅτι οὐκ ἀρχόμενοι ὥσπερ οἱ ἄλλοι ἐποιήσαντο, καὶ προσξυνελάβοντο οὐκ ἐλάχιστον τῆς ὁρμῆς αἱ Πελοποννησίων νῆες ἐς Ἰωνίαν ἐκείνοις βοηθοὶ τολμήσασαι παρακινδυνεῦσαι.

on the agenda for reconsideration. According to Thucydides, the reason for this change of mood was a general feeling that it was "a savage and excessive decision to destroy an entire *polis* rather than just those responsible."[10]

After his thumbnail sketch of the process that led to the reconvening of the assembly,[11] Thucydides reports that several different opinions were voiced by different people. This is followed by two speeches represented in *oratio recta*. The first, in favour of upholding the decision, is put in the mouth of Kleon son of Kleainetos, who had made the original proposal the day before;[12] the opposing speech is given to a certain Diodotos son of Eukrates, for whom we (currently) have no other evidence.[13] It was Diodotos' speech that prevailed, but only in so far as it reversed the previous decision to impose collective punishment on the Mytilenaian citizen population. Instead, the Athenians limited the sanction to the ca. thousand Mytilenaian men identified by Paches as "chiefly responsible", who were already present in Athens as captives. A death sentence was imposed on all of them on the basis of a motion subsequently proposed and carried by Kleon in the assembly.[14]

As noted by Hornblower (1991: 440), the mass execution of more than a thousand men might strike the reader as "savage" enough in itself, although it pales in comparison with the original proposal to eradicate an entire Greek community by killing and enslaving its inhabitants (*andrapodismos*).[15] The latter is comparable to what a modern observer

10 3.36.4: καὶ τῇ ὑστεραίᾳ μετάνοιά τις εὐθὺς ἦν αὐτοῖς καὶ ἀναλογισμὸς ὡμὸν τὸ βούλευμα καὶ μέγα ἐγνῶσθαι, πόλιν ὅλην διαφθεῖραι μᾶλλον ἢ οὐ τοὺς αἰτίους.

11 See Hornblower 1991: 418-19 and 2009: 252-53 on the process that most likely was initiated by the Council of 500, followed by Rhodes 1994: 203.

12 3.36.6: καταστάσης δ' εὐθὺς ἐκκλησίας ἄλλαι τε γνῶμαι ἀφ' ἑκάστων ἐλέγοντο καὶ Κλέων ὁ Κλεαινέτου, ὅσπερ καὶ τὴν προτέραν ἐνενικήκει ὥστε ἀποκτεῖναι, ὢν καὶ ἐς τὰ ἄλλα βιαιότατος τῶν πολιτῶν τῷ τε δήμῳ παρὰ πολὺ ἐν τῷ τότε πιθανώτατος, παρελθὼν αὖθις ἔλεγε τοιάδε.

13 See, however, the 'Perikles Cup' referenced in Cartledge 2023a: 264-65.

14 3.50.1: Τοὺς δ' ἄλλους ἄνδρας οὓς ὁ Πάχης ἀπέπεμψεν ὡς αἰτιωτάτους ὄντας τῆς ἀποστάσεως **Κλέωνος γνώμῃ διέφθειραν οἱ Ἀθηναῖοι** (ἦσαν δὲ ὀλίγῳ πλείους χιλίων) κτλ.

15 See Cartledge 2023b.

might classify as an act of genocide or at the very least as 'ethnic cleansing'.

However, the Athenian change of heart does not necessarily reflect a widespread perception that *andrapodismos* in response to a betrayal, in war time, by an allied state would be morally wrong *in itself*. Thucydides' account includes earlier examples of *andrapodismos* inflicted by the Athenians on other Greek communities,[16] but he mentions them in passing without making it clear whether this measure was morally or ethically questionable *per se*, let alone whether the issue had given rise to disagreement among the Athenians on each of these past occasions. It is likewise striking that in Xenophon's *Memorabilia*, Xenophon's Sokrates makes his interlocutor Euthydemos concede that *andrapodismos*, like deception, theft, and plunder, is an act of justice, provided that it is imposed on an unjust (*adikos*) and hostile *polis*.[17]

What does appear to have divided Athenian opinion is the question whether collective punishment of the Mytilenaian citizen body as a whole would be proportionate and just.[18] The question was complicated because of the particular circumstances of the revolt itself and the context of the Mytilenaians' decision to capitulate in order to end the siege. Prior to his dramatisation of the Athenian assembly debate, Thucydides has provided three pieces of crucial information in his narrative of the siege and the Mytilenaian capitulation.

Firstly, the reader is told (3.27.3) that the Mytilenaian *demos* were only lightly armed, until they were equipped with heavy armour at the initiative of the Spartan commander Salaithos in anticipation of an Athenian attack. It was only after food had started to run out in the besieged city, and after hoplite equipment had been distributed to ordinary Mytilenaians that the latter challenged those in power, refusing to comply with orders from Mytilene's officials. They eventually issued an ultimatum,

16 1.98.1 (Eion) and 1.113.1 (Chaironeia).

17 Xen. *Mem.* 4.2.14: Πρὸς δὲ τῇ δικαιοσύνῃ οὐδὲν ἡμῖν τούτων κείσεται, ὦ Εὐθύδημε; Δεινὸν γὰρ ἂν εἴη, ἔφη. Τί δ'; ἐάν τις στρατηγὸς αἱρεθεὶς **ἄδικόν τε καὶ ἐχθρὰν πόλιν ἐξανδραποδίσηται, φήσομεν τοῦτον ἀδικεῖν**; Οὐ δῆτα, ἔφη. **Δίκαια δὲ ποιεῖν οὐ φήσομεν**; **Καὶ μάλα**. Contrast Plato *Resp.* 469B, where the practice is unequivocally condemned if carried out by Greeks against Greeks.

18 See recently Lanni 2017: 21-22.

demanding that the remaining food supplies should be distributed fairly to all. Otherwise, they would themselves negotiate the surrender of Mytilene with the Athenians.[19] Faced with such open civil disobedience, those in power saw no alternative to joining negotiations on the terms of capitulation.

Secondly, Thucydides makes it clear (3.27.2-3.28.1) that Mytilene was governed by a type of constitution which excluded a significant proportion of the citizen body from taking part in important deliberation and decision making. His report that ordinary Mytilenaians "were gathering together in groups" (3.27.3)[20] when stating their demand strongly suggests that the Mytilenaians operated with a census requirement for assembly attendance that excluded the vast majority of the citizen body, or alternatively that the assembly offered its participants no real political agency in the form of meaningful debate, let alone the capacity to submit proposals.[21]

Thirdly, according to Thucydides, several of those who had most actively worked to forge an alliance with Athens' enemies had in effect identified themselves as chief instigators by seeking sanctuary at the city's altars (3.28.2). They were subsequently transferred to Tenedos and

19 ὁ Σάλαιθος καὶ αὐτὸς οὐ προσδεχόμενος ἔτι τὰς ναῦς ὁπλίζει τὸν δῆμον πρότερον ψιλὸν ὄντα ὡς ἐπεξιὼν τοῖς Ἀθηναίοις· οἱ δὲ ἐπειδὴ ἔλαβον ὅπλα, οὔτε ἠκροῶντο ἔτι τῶν ἀρχόντων, κατὰ ξυλλόγους τε γιγνόμενοι ἢ τὸν σῖτον ἐκέλευον τοὺς δυνατοὺς φέρειν ἐς τὸ φανερὸν καὶ διανέμειν ἅπασιν, ἢ αὐτοὶ ξυγχωρήσαντες πρὸς Ἀθηναίους ἔφασαν παραδώσειν τὴν πόλιν.

20 κατὰ ξυλλόγους τε γιγνόμενοι, which Hornblower 1991: 410 translates "they held meetings of their own."

21 See e.g. Gehrke 1985: 119 who argues that the supporters of the oligarchic government were too few to take on the *demos* once the latter had been armed. See also Simonton 2017: 49-50, who notes that some scholars have regarded the figure of 1,000 men deemed responsible for the revolt as rather high, as a proportion (20%) of a total body of adult male citizens estimated at ca. 5,000. However, the Mytilenaian oligarchy would belong among the less inclusive types of oligarchies on a constitutional spectrum, if the figure of 1,000 included not just "members of the oligarchic faction" (Hansen et al. 2004: 1027) but comprised all adult Mytilenaians who met a census criterion for assembly participation, while the remaining ca. 80% were deprived of any formal political agency whatsoever.

from there to Athens, along with other men whom the Athenian commander Paches had identified as sharing responsibility for Mytilene's secession.

Modern discussions of Thucydides' Mytilene debate have tended to focus on the choice that the Athenians confronted. One option, advanced by Kleon, was indiscriminately to impose the most severe collective punishment possible, for maximum deterrent effect. The other, advanced by Diodotos (3.48.1-2), was to confine the decision on guilt and punishment to those whom Paches had identified as guilty of taking their *polis* down this disastrous path,[22] while letting the rest of the Mytilenaians continue to live in their city. Both speakers assert that their proposal will benefit the long-term interests of the Athenians themselves, but the emphasis in Kleon's speech is on justice and retribution, while Diodotos prioritises expediency, that is the adverse effects of the collective punishment of the Mytilenaians, were other allied states to secede from the Athenian alliance in the future.[23]

22 οὓς μὲν Πάχης ἀπέπεμψεν ὡς ἀδικοῦντας κρῖναι καθ' ἡσυχίαν. κρῖναι here is ambiguous: it may imply a legal process decided by a court or it may refer to a decision by the Athenian assembly on one or more decree proposals. See e.g. Xen. *Hell.* 1.7.34 where the verb (ἔκριναν) refers to the outcome of voting by show of hands on two competing proposals. As mentioned earlier, the fate of the Mytilenaians was apparently decided in a decree proposed and carried by Kleon (3.50.1).

23 It has been asserted by Harris 2013: 106-7 that Kleon's appeal to rectificatory justice (combined with his assertion that this will be in the Athenian interest), is misplaced in the context of the Athenian assembly. For a more nuanced stand, see Barbato 2024 who emphasises the importance of arguments on corrective justice especially in the context of deliberations on relations with other states. The *Rhetoric to Alexander* lends further support to the latter position: a protreptic speech must demonstrate that the proposal is just (*dikaios*), in line with custom (*nomima*), advantageous (*sympheron*), morally good (*kalos*), pleasant (*hedys*), and easily accomplished (1421b). Moreover, the author's advice on relevant arguments in symbouleutic debates emphasises the theme of justice and injustice, towards the speaker's own community as well as against another state, as important arguments in discussions of treaties (1424b34-1425a1-6), debates on peace agreements (1425b11-14), and as justification for war (1425a10-16). The vocabulary of punishment is applied in the context of symbouleutic oratory concerning interstate relations in 1422a39-42 (τιμωρεῖσθαι) and 1422b39-44 (κολάζειν). For κολάζειν in symbouleutic *oratio recta*, see also Xen. *Hell.* 5.3.7, 5.4.1, 6.3.10-11.

As for the Mytilenaians themselves, the civil disobedience and ultimatum issued by the majority of ordinary Mytilenaians have formed an important part of the on-going modern debate on how far Athenian hegemony enjoyed popular support in communities subjected to Athenian dominance or which, like Mytilene, were bound by treaty obligations as allied states.[24] Rather less attention has been paid to the dilemma that each individual Mytilenaian citizen had to confront from the earliest stages of the revolt to the city's final capitulation: whether to obey instructions issued by their city's officials, or whether to honour the sworn obligations of a treaty that their city had voluntarily entered into with the Athenians.

A major bone of contention between Thucydides' Kleon and Diodotos was to what extent the majority of Mytilenaian citizens, politically marginalised and only lightly armed, could and should be held liable for the decision to revolt that was made in the name of their community collectively.[25] A closely related question was how far the compliance by ordinary Mytilenaians with orders issued by the city's officials should be considered as tantamount to complicity. Kleon is made to address both questions in the course of his speech (3.39.6):

> And let them now be punished in a way that fits their crime, and don't pin the blame on the Few, while acquitting the *demos*. **For they all attacked us in the same way**, including those for whom it was possible, by turning to us, to be restored to their city (literally "to be back in their city"). Yet they joined in the secession, because they deemed it more secure to run the risk together with the Few.[26]

24 See recently e.g. Canevaro & Lewis 2024: 185-86.

25 Hornblower 1991: 429 comments that while Kleon distinguishes between the hypothetical group of allied *states* who have been forced to revolt by an external power and those who revolted voluntarily, Diodotos advocates for that distinction being applied to individuals *inside* a rebel state.

26 κολασθέντων δὲ καὶ νῦν ἀξίως τῆς ἀδικίας, καὶ μὴ τοῖς μὲν ὀλίγοις ἡ αἰτία προστεθῇ, τὸν δὲ δῆμον ἀπολύσητε. **πάντες γὰρ ἡμῖν γε ὁμοίως ἐπέθεντο**, οἷς γ' ἐξῆν ὡς ἡμᾶς τραπομένοις νῦν πάλιν ἐν τῇ πόλει εἶναι· ἀλλὰ τὸν μετὰ τῶν ὀλίγων κίνδυνον ἡγησάμενοι βεβαιότερον ξυναπέστησαν.

This assertion is flatly contradicted in the speech that Thucydides gives to Kleon's opponent, Diodotos (3.47.3):

> If you destroy the *demos* of the Mytilenaians, **who did not take part in the secession**, and who voluntarily handed over their city when they had got possession of heavy arms, then, firstly, you will be committing a crime by killing your benefactors, and, secondly, you will create a situation which is exactly what the men in power want most of all. For when making their *poleis* secede, they will have the *demos* as their allies, **because you have demonstrated that the same penalty is prescribed both for those who are criminals and for those who are not**.[27]

Thus, the disagreement between Kleon and Diodotos turns partly on a question of fact, namely whether or not the *demos* of Mytilene had played an active part in Mytilene's betrayal of Athens. A further point of contention is what had *motivated* ordinary Mytilenaians when they eventually decided openly to defy their city's authorities.

According to Diodotos, there was no doubt that ordinary Mytilenaians had no choice but to obey, until they had been adequately armed. As for their motivation for civil disobedience, he interprets this as driven by loyalty to Athens, rather than as an act of self-preservation in the face of starvation.

To Kleon, by contrast, the resistance of the Mytilenaian *demos* was of no importance, and it certainly should not be considered as a mitigating factor. Like their wealthy fellow-citizens, ordinary Mytilenaians had taken an active part in the secession from the beginning. They had been

27 εἰ δὲ διαφθερεῖτε τὸν δῆμον τὸν Μυτιληναίων, **ὃς οὔτε μετέσχε τῆς ἀποστάσεως**, ἐπειδή τε ὅπλων ἐκράτησεν, ἑκὼν παρέδωκε τὴν πόλιν, πρῶτον μὲν ἀδικήσετε τοὺς εὐεργέτας κτείνοντες, ἔπειτα καταστήσετε τοῖς δυνατοῖς τῶν ἀνθρώπων ὃ βούλονται μάλιστα· ἀφιστάντες γὰρ τὰς πόλεις τὸν δῆμον εὐθὺς ξύμμαχον ἕξουσι, **προδειξάντων ὑμῶν τὴν αὐτὴν ζημίαν τοῖς τε ἀδικοῦσιν ὁμοίως κεῖσθαι καὶ τοῖς μή**. For a similar line of argument, voiced by a defendant addressing an Athenian court, see e.g. Lys. 25.18–20.

motivated by self-interest all along, both when acquiescing in the policies decided by those who ruled them,[28] and later when they turned against their own rulers, after the siege had become too hard for them to bear.

Thucydides does let his Kleon-figure concede that it would have been dangerous for ordinary Mytilenaian citizens actively to resist their own government. This is clear when he says that they believed it to be *more secure* to join in the secession. However, he also makes clear his view that they had had an alternative, already before they had been furnished with heavy arms. If they had been truly committed to the alliance, the honourable course of action would have been to desert their city and hand themselves over to the Athenians, with a view to returning to their *polis* once it had capitulated (οἷς γ' ἐξῆν ὡς ἡμᾶς τραπομένοις νῦν πάλιν ἐν τῇ πόλει εἶναι).

What Kleon is suggesting as an honourable alternative for ordinary Mytilenaians is not unreasonable in an ancient Greek context. Our evidence is teeming with examples of individuals and groups who made the choice to withdraw into exile, rather than to stay and to comply with the policies ratified by their community's established decision-making institutions and its laws. Moreover, as highlighted by Hansen (2015: 16-18) in his discussion of Plato's dialogue *Kriton*, the Laws tell Sokrates that they explicitly permit an adult Athenian citizen to emigrate with all his possessions, if he is not satisfied with the laws and political processes of his city (51D).[29] The corollary is that the citizen who chooses to stay has by doing so (ἔργῳ) committed himself to doing what the laws command (51E). The decision to stay thus implies consent.

Plato's dialogue leaves it open if there would be any alternatives to emigration or voluntary exile, such as civil disobedience, if the laws were to command a citizen to perform an act of injustice, and the issue has

28 This would have included participating in the preparations for war (3.2-4), and, later, in the attack on the Athenian forces in the island (3.5.2, καὶ ἔξοδον μέν τινα **πανδημεὶ** ἐποιήσαντο οἱ Μυτιληναῖοι ἐπὶ τὸ τῶν Ἀθηναίων στρατόπεδον).

29 This permission does not seem to be restricted only to citizens who have just come of age, since Sokrates might have chosen the penalty of exile even at the point of his trial (*Cri.* 52C). However, it cannot be ruled out that Plato's personified *nomoi* might take a rather dimmer view if a citizen decided to leave his community in wartime.

given rise to considerable controversy.[30] Precisely that question was very real in the case of the Mytilenaians. The violation of the terms of a treaty, as an agreement freely entered into by the contracting parties, was an unjust act, unless a valid case could be made that the other side had breached it first.

Remarkably, the speech that Thucydides gives to the Mytilenaian envoys addressing the Spartans at Olympia does not contain any concrete allegations of injustice or provocation committed by the Athenians specifically against Mytilene, let alone of a severity that would release the Mytilenaians from their treaty obligations. Quite the contrary, these envoys even go as far as to concede that their decision to walk away from their treaty obligations is preemptive (3.12.2-3),[31] although they otherwise go out of their way to persuade the Spartans that their secession was justified.

On Kleon's argument, then, and on that of the *Nomoi* in Plato's *Kriton*, the Mytilenaians who chose to stay and obey were complicit in an act of injustice against an ally. As a result, from an Athenian point of view it would be not only morally but also legally right for Mytilene's citizens to refuse to obey decisions made by their city's institutions and orders issued by their officials and military commanders, and, if necessary, to withdraw into exile and even actively to support the party who had suffered injustice (i.e. the Athenians). That course of action might be further justified, if those who decided to abandon their besieged city had had little or no influence on the shaping of the original decision to break their treaty obligations.

From a Mytilenaian perspective, however, to leave one's city while it was under siege and to throw oneself on the mercy of the besieger would be an act of treason, or at the very least an act of desertion. Even a citizen who chose to remain, but who engaged in passive resistance by refusing to comply with orders from his city's authorities would most likely be acting illegally and be liable to severe sanctions.

30 See e.g. Lane 1998: 324-26.

31 3.12.2-3: ὥστε εἴ τῳ δοκοῦμεν ἀδικεῖν **προαποστάντες** διὰ τὴν ἐκείνων **μέλλησιν** τῶν ἐς ἡμᾶς δεινῶν, αὐτοὶ οὐκ ἀνταναμείναντες σαφῶς εἰδέναι εἴ τι αὐτῶν ἔσται, οὐκ ὀρθῶς σκοπεῖ.

Every Mytilenaian was trapped in this dilemma. Each individual citizen would have to make a choice whether to stay true to his *polis*' treaty obligations and to the oaths and divine sanctions that underpinned them, or to obey his *polis*' laws, decrees, and officials. Morally, the choice may have been less difficult for those citizens who had had no meaningful influence on the original decision to secede and therefore did not 'own' it, but it was also those very citizens, lightly armed as they were, who were most exposed to the personal risks arising from acts of active or passive resistance.

Yet, those thousand Mytilenaians who had been involved at some level in the decision-making process had faced that dilemma, too, as individuals. One example are the Mytilenaians who were *proxenoi* of Athens, who were 'dissenters' (κατὰ στάσιν), and who revealed the secession plans to the Athenians (3.2.3). There may have been many different reasons for their dissent, including their objections to an unjustified breach of the treaty, which might eventually jeopardise the very survival of their *polis*,[32] as well as more petty personal grudges.[33]

Whatever their individual motivations, their positions as *proxenoi* strongly suggest that they belonged to the more affluent strata of the Mytilenaian citizen population, rather than among those with little or no political agency. That was certainly the case of one among them who later changed his mind (3.4.4), lent his active support to the secession, and was even entrusted with a diplomatic mission to Athens to provide false reassurance. Why did he flip? Thucydides does not tell us. Fear for his personal safety (or the safety of his loved ones if he were to be caught and convicted as a traitor), religious indignation at the Athenian assault on his city during the festival of Apollon Maloeis,[34] or patriotic sentiment after the Athenians had initiated acts of open war – any and all of these are possible reasons for his changing sides.

Those Mytilenaians who enjoyed a degree of political agency (and who disposed of heavy armour) would have had an opportunity politically to oppose the secession in its early stages, that is *before* the conflict

32 For this suggestion, see Mack 2015: 141.

33 For the latter, see Arist. *Pol.* 1304a5-10. See further Gehrke 1985: 118 and Hornblower 1991: 383-84.

34 For a discussion of Thucydides' 'religious silences', see Hornblower 2011: 25-53.

with Athens had descended into actual warfare,[35] and *before* the Athenians had set up a military camp in Mytilene's territory. At that early stage, the moral choice between loyalty to the treaty and loyalty to the *polis*, its laws, and its institutions was not yet as stark as it would become, once Athens and Mytilene were at war. That was the tipping point when the two obligations turned incompatible.

Groupthink, peer pressure, and intimidation of the type discussed by Simonton (2017: 247-73) were often powerful disincentives for individuals openly to stick their neck out and call for a reversal of a political course of action that had already been decided, and all the more so in a relatively small community with an even smaller *numerus clausus*.[36] Nevertheless, the initial lack of resistance by the majority of the politically-entitled Mytilenaians could with some justification be taken to imply individual consent, and thus ultimately an individual share in the collective culpability for the violation of the treaty.[37]

III. Disobedience and totalitarianism: Thebans and the Thirty

Diodotos' proposition that ordinary Mytilenaians should not be held accountable, let alone punished, for their compliance with policies decided by their rulers is neatly paralleled in the speech given to the Thebans later in Thucydides' Book 3. Castigated for their *polis*' decision to Medize

35 Note the expression in 3.4.1-2 Καὶ οἱ Ἀθηναῖοι (...) οὐκ ἐσακουόντων δὲ τῶν Μυτιληναίων ἐς πόλεμον καθίσταντο.

36 For comparison: Diodotos' going head-to-head with a rhetorically formidable and intimidating Kleon in the Athenian assembly was undoubtedly courageous (see Balot 2014: 120-23), but he had reason to feel less personally exposed because a majority of the *prytaneis*, and perhaps even of the *boule* in its entirety, felt so uneasy about the original decision that they had reopened the debate in the first place. He knew that he was not alone.

37 In Thuc. 3.50.1, we are told only that the decision to execute all of them was based on a decree proposed by Kleon, but not how this was implemented procedurally. One possibility is the 'Arginousai model', with a single collective defence; another is the 'Plataia model' where each Mytilenaian was asked if he had done anything to support the Athenians during their confrontation with his city. See further Rubinstein 2011: 338-39.

during the Persian Wars, the Thebans counter that at the time their *polis* was governed by a tiny ruling élite (*dynasteia*), rather than by an oligarchy based on *isonomia*, let alone by a democratic constitution (Thuc. 3.62.2-5).

This government, so the Theban argument goes, was almost the polar opposite of lawful and moderate governance. In the hope that an alliance with Persia might consolidate their power, the rulers thrust this alliance upon their *polis*, keeping control of their fellow citizens by force (κατέχοντες ἰσχύι τὸ πλῆθος ἐπηγάγοντο αὐτόν). Because the *polis* as a collectivity was not in control of its own destiny when it joined the Persian side, it would not be fair to blame it for wrongdoing that it had committed while in a state of lawlessness (καὶ ἡ ξύμπασα πόλις οὐκ αὐτοκράτωρ οὖσα ἑαυτῆς τοῦτ' ἔπραξεν, οὐδ' ἄξιον αὐτῇ ὀνειδίσαι ὧν μὴ μετὰ νόμων ἥμαρτεν).

Thucydides' Thebans do not abdicate responsibility on the grounds that the decision to Medize had been made more than half a century ago. In 427 only those Thebans who had reached the ripe age of 70 would have been old enough to have fought alongside the Persians in 479; yet the Thebans do not argue that those who had complied with that decision were first and foremost their fathers and grandfathers. Rather, their defence is that the majority of citizens had acted under compulsion, exercised by a handful of men who were themselves not constrained by law. The implication is almost certainly that, being above the law, those in power had unlimited means of terrorising their fellow citizens into toeing the line. This should emphatically not be dismissed off-hand as an invalid line of defence.[38] It is important to bear in mind the discipline and compliance that have been achieved by more recent autocratic regimes in the 20th and 21st centuries through the open use of deadly violence

38 Contrast the argument given by Xenophon (*Hell.* 3.5.8) to a Theban speaker addressing the Athenians in 395, in which he attempts to hold a single Theban representative responsible for the proposal to eradicate Athens at a meeting of Peloponnesian allies after Aigos Potamoi. If this supposedly rogue envoy had seriously misrepresented the collective Theban position, a disciplinary procedure on his return would be the normal response, and it is significant that Xenophon's Theban does not bring this up. For the Theban proposal as a persistent poisonous memory in Athenian public discourse, see Steinbock 2013: esp. 280-318 and 326-36.

against protesters, along with torture and detention of political dissidents in prisons and concentration camps.

The Theban line of defence comes strikingly close to the argument advanced by Diodotos in his defence of Mytilenaian *demos*. And just as Kleon queried the ordinary Mytilenaians' motivation for defying their government only in the eleventh hour, so the Theban defence might be challenged by asking why they had stood by their rulers. Surely, the right thing to do would be either to oppose them directly or to go into exile and join their fellow Greeks in their fight against the Persians? After all, the Mytilenaian *demos* had been up against a relatively broad-based, well-armed oligarchy. By contrast, on the Thebans' own admission, their oligarchy had been so narrow that it must have excluded even wealthier and more resourceful citizens, including many of those with military experience as hoplites or in the Theban cavalry.

What is more, if the Thebans were right that their rulers had not exercised their power on the basis of law, but with physical force alone, then their subjects would have faced no *moral* dilemma if they had decided to rebel, even if they had more to fear in terms of possible *physical* reprisals. Unlike the Mytilenaians, they would not have had to choose between acting according to their conscience and obeying their laws and authorities. And unlike the Mytilenaian *demos*, they were not confronting a choice between collaboration with a foreign power and loyalty to their own *polis* and its institutions. Quite the contrary: toppling a small government of pro-Persian Quislings would arguably count as an act of true patriotism.

Despite the differences between the positions of the Mytilenaian *demos* and the Theban *plethos*, the same fundamental questions are raised by both. How far is it justified to hold all members of a citizen population responsible, if the majority has had little or no meaningful say in the decisions shaping the community's legislation, as well as its political decisions on internal and on foreign policy? Under what circumstances would it be reasonable to expect the politically marginalised majority to engage in active resistance? And at what point does such resistance turn from being condonable into being a moral imperative?

It is possible that the threshold may have been higher, if the city's institutions, political and legal processes, and the persons appointed to

man them, rested on a bedrock of legislation that provided clear limitations on their authority and power, and which was consistently and fairly enforced. Yet, the Theban example suggests that this issue was not always straightforward, when considered from the point of view of the individual citizen. If the authorities operated with only few or no legal constraints on the methods with which they could clamp down on dissidents, the risks associated with open disobedience would have been correspondingly higher. And the higher the risks, the less justifiable it would be to blame individual citizens for their failure to resist by passive, let alone active, disobedience.[39]

In Aristotle's *Nikomachean Ethics* (1109b30-10a33), the discussion of voluntary and involuntary agents regards actions carried out under external compulsion as condonable. The same applies to acts committed by an agent who is presented with an impossible choice between two evils. Aristotle's example is that of a man who is forced to do wrong by a dictator, who holds his parents or his children as hostages, and who has threatened to kill them if he refuses to comply with the dictator's order. That said, Aristotle goes on to suggest that there are some orders so horrific that even the most painful death is a preferable alternative to carrying them out.

What Aristotle does not make clear is whether death as the only honourable alternative to obedience would apply in relation to all such horrific orders at all times. It is possible that he has in mind only circumstances where the command has emanated from a person whose exercise of power is *not* clearly based on the *polis*' legislation. At any rate, elsewhere in the *Nikomachean Ethics* (1129b11-25) he suggests that obedience to the established laws – and to the authorities appointed to enforce them – would be required, even if the legislation itself was of an inferior quality.

A similar view is expressed also in *Politics* (1294a3-8), where Aristotle distinguishes between two meanings of *eunomia*. One is when people obey the laws, even though the legislation itself might be bad. The other is when people not only obey the laws, but the legislation that people

39 For a discussion of implied and tacit consent in the context of Plato's *Kriton*, and in the context of totalitarian regimes, see Hansen 2015: 21-22.

obey is itself good.[40] From this we may infer that, to Aristotle, both active and passive disobedience to orders and prohibitions backed by established law should be an absolutely last resort. Yet, it remains a question for his reader where the boundary might be between, on the one hand, *nomoi* that must be obeyed and, on the other, enactments drawn up and issued by governments so illegitimate that their commands and prohibitions would have no claim to be considered as 'laws' that were binding on the citizens, whether individually or collectively.

Indeed, this problem of definition surfaces several times in both Plato's and Xenophon's Sokratic dialogues. The most famous illustration provided by both authors is that of Sokrates' conduct under the oligarchic regime of the Thirty. In Plato's *Apology* (39C-D) Sokrates relates how he had refused to obey the Thirty's instruction to arrest his fellow citizen, Leon of Salamis, so that the latter could be executed. Sokrates further states that this type of command was part of a deliberate strategy devised by the Thirty. By compelling individual citizens to carry out such acts they sought to make as many citizens as possible liable to accusations. This episode is also mentioned in Xenophon's *Memorabilia*, and it has attracted much attention in modern discussions of the trial of Sokrates.[41]

The general modern consensus is that there is no conflict between Sokrates' disobedience here and his insistence, in the dialogue *Kriton*, that obeying the laws is his absolute duty, and that the laws require him to submit to the verdict passed in his trial for *asebeia*. The laws and the court decision featuring in the *Kriton* were legitimate, whereas the Thirty's instruction to arrest Leon was not.[42]

40 οὐκ ἔστι δὲ εὐνομία τὸ εὖ κεῖσθαι τοὺς νόμους, μὴ πείθεσθαι δέ. διὸ μίαν μὲν εὐνομίαν ὑποληπτέον εἶναι τὸ πείθεσθαι τοῖς κειμένοις νόμοις, ἑτέραν δὲ τὸ καλῶς κεῖσθαι τοὺς νόμους οἷς ἐμμένουσιν (ἔστι γὰρ πείθεσθαι καὶ κακῶς κειμένοις); cf. *Eth. Nic.* 1103b: οἱ γὰρ νομοθέται τοὺς πολίτας ἐθίζοντες ποιοῦσιν ἀγαθούς, καὶ τὸ μὲν βούλημα παντὸς νομοθέτου τοῦτ' ἐστίν, ὅσοι δὲ μὴ εὖ αὐτὸ ποιοῦσιν ἁμαρτάνουσιν, καὶ διαφέρει τούτῳ πολιτεία πολιτείας ἀγαθὴ φαύλης.

41 See recently Gerbasi 2025 with references to previous literature.

42 See e.g. Ober 2011: 168, who argues that if Sokrates did not regard the laws passed by the Thirty as having superseded the laws of the democratic city, there was no conflict between his act of disobedience and his stance as represented in Plato's *Kriton*.

There is, however, a subtle difference between Plato's and Xenophon's accounts. In Plato's *Apology* Sokrates' refusal to obey the instruction is that arresting Leon is unjust (ἄδικον) and unholy (ἀνόσιον).[43] In Xenophon's *Memorabilia* (4.4.2-3), it is asserted that Sokrates refused to comply with the Thirty's instructions, including their order to arrest an unnamed man on a capital charge, on the grounds that they had been issued *against the laws* (παρὰ τοὺς νόμους).[44] This difference is hardly accidental, nor that Sokrates' resistance, highlighted and elaborated in Plato's *Apology*, is entirely passive. As is often noted, he chooses simply to go home, rather than to take *active* steps to prevent the arrest – for example by warning Leon.

The difference in terminology and emphasis between Xenophon's and Plato's accounts reflects the ambiguity which later surrounded the legislation that had been passed after the Thirty had been installed in power.[45] In formal terms, the Thirty's instruction was based on a statute that in several respects meets the criteria that would have been associated with a genuine *nomos*.

For a different interpretation of Sokrates' stance in Plato's *Apology*, see Gerbasi 2025: 52-53, for whom Sokrates' decision not to resort to the plea of *respondeat superior* "implies that it was possible to act otherwise than on fear—that the Athenians could have acted otherwise than on fear."

43 32C-D: ἐπειδὴ δὲ ὀλιγαρχία ἐγένετο, οἱ τριάκοντα αὖ μεταπεμψάμενοί με πέμπτον αὐτὸν εἰς τὴν θόλον προσέταξαν ἀγαγεῖν ἐκ Σαλαμῖνος Λέοντα τὸν Σαλαμίνιον ἵνα ἀποθάνοι, οἷα δὴ καὶ ἄλλοις ἐκεῖνοι πολλοῖς πολλὰ προσέταττον, βουλόμενοι ὡς πλείστους ἀναπλῆσαι αἰτιῶν. τότε μέντοι ἐγὼ οὐ λόγῳ ἀλλ' ἔργῳ αὖ ἐνεδειξάμην ὅτι ἐμοὶ θανάτου μὲν μέλει, εἰ μὴ ἀγροικότερον ἦν εἰπεῖν, οὐδ' ὁτιοῦν, τοῦ δὲ **μηδὲν ἄδικον μηδ' ἀνόσιον ἐργάζεσθαι**, τούτου δὲ τὸ πᾶν μέλει. ἐμὲ γὰρ ἐκείνη ἡ ἀρχὴ οὐκ ἐξέπληξεν, οὕτως ἰσχυρὰ οὖσα, ὥστε **ἄδικόν** τι ἐργάσασθαι, ἀλλ' ἐπειδὴ ἐκ τῆς θόλου ἐξήλθομεν, οἱ μὲν τέτταρες ᾤχοντο εἰς Σαλαμῖνα καὶ ἤγαγον Λέοντα, ἐγὼ δὲ ᾠχόμην ἀπιὼν οἴκαδε. καὶ ἴσως ἂν διὰ ταῦτα ἀπέθανον, εἰ μὴ ἡ ἀρχὴ διὰ ταχέων κατελύθη. καὶ τούτων ὑμῖν ἔσονται πολλοὶ μάρτυρες.

44 καὶ ὅτε οἱ τριάκοντα προσέταττον αὐτῷ **παρὰ τοὺς νόμους τι**, οὐκ ἐπείθετο· τοῖς τε γὰρ νέοις ἀπαγορευόντων αὐτῶν μὴ διαλέγεσθαι καὶ προσταξάντων ἐκείνῳ τε καὶ ἄλλοις τισὶ τῶν πολιτῶν ἀγαγεῖν τινα ἐπὶ θανάτῳ, μόνος οὐκ ἐπείσθη, **διὰ τὸ παρὰ τοὺς νόμους** αὐτῷ προστάττεσθαι.

45 The inconsistency in the designation of the year 404/3 as, respectively, the year of Pythodoros and *anarchia* suggests that the delegitimisation of the regimes of the Thirty and the Ten was the result of an evolving process. See Laffon 2025: 147-54 and n. 49 below.

First, the Thirty themselves cannot simply be dismissed as usurpers. They had been appointed by a majority vote in the Athenian assembly while Athens was still democratically governed (Lys. 12.71-75). To be sure, they owed their appointment in part to the pressure exercised by the Spartan commander Lysander, but in *formal* terms they had been appointed by a democratic process. Second, the assembly had defined their remit as that of drawing up legislation by which Athens was to be governed. Admittedly, there is a discrepancy in our sources as to their precise designation as either *syngrapheis* or *nomothetai*.[46] Yet, in the present context, their precise designation is of limited importance. The main point is that they had received authorisation to publicise *nomoi* that would be binding on the community. To a modern Anglophone observer, the regime of the Thirty and their oligarchic successors might fit the definition of rule *by* law as set out by Tushnet, rather than rule *of* law.[47]

Finally, it is striking that the Athenians themselves referred to the Thirty as having ruled "with unjust laws" (*adikoi thesmoi*) in an epigram honouring men who had spearheaded the democratic resistance from Phyle (*SEG* 28.45). The poem was monumentalised on a stele set up in 401/0, partly restored on the basis of Aischines' recital of it in a lawsuit 70 years later (3.190).[48] The application of the term *thesmoi* to the legislation of the Thirty in the wake of the fall of Eleusis signals a degree of concession to those citizens who had chosen to comply with the laws under the oligarchy, while its juxtaposition with the adjective *adikoi* legitimises the decision of those who chose to defy them.

We have only very scant information about the Thirty's specific activities as legislators, but one regulation is referred to explicitly as a "new law" (*kainos nomos*) by Xenophon's Kritias figure in his dramatisation of

46 Xen. *Mem.* 1.2.31 refers to Kritias and Charikles as *nomothetai* (and so probably also the source of Dion Chrysostomos 21.3); Xen. *Hell.* 2.3.2 and 2.3.11 employs the verb συγγράφειν, while the *Ath. Pol.* does not dignify the Thirty as legislators with any designation at all. On the evidence for Kritias' activities as legislator, see also Bultrighini 1999: 113-17.

47 Tushnet 2014: 80. Tushnet's definition also works for other attested oligarchies, especially those at the further (but not extreme) end of the constitutional spectrum.

48 For the date of the inscription, see Malouchou 2015: 94.

Theramenes' trial and conviction (*Hell.* 2.3.51).[49] This law provided that no-one registered among the three thousand citizens with a share in the new constitution could be executed without a trial, and that the case must be decided by the council of 500. It *also* provided that the Thirty were authorised (*kyrioi*) summarily to execute anyone who was not registered as one of the three thousand citizens. It is safe to assume that Leon of Salamis was not one of their number.

On this interpretation, the instruction issued by the Thirty to Sokrates was technically *not* unlawful, despite its being both unjust and unholy. And thus, when Sokrates chose not to obey, he was on this interpretation defying established law, on which the Thirty's command was based. When compelled to choose between law and justice, Plato's Sokrates chose justice.

IV. Illegitimate government, unjust laws, and the problem of Athenocentrism.

For the Athenians, it was a rare experience to live under a government whose leadership they had been pressurised by a foreign power to elect in an assembly process that was anything but 'free and fair', let alone to be living in the shadow of a foreign garrison that the Athenians themselves were required to finance. Not until their defeat in the Lamian War did they again have to endure a foreign-backed government which com-

49 Xen. *Hell.* 2.3.11 asserts that the Thirty kept delaying the framing and publication of the legislation under which the Athenians were to be governed. *Ath. Pol.* 35.2 suggests that their legislative project may have been more extensive and, in terms of publication, also further advanced than Xenophon lets on: the Thirty allegedly changed the wording not only of Solon's law on bequest, but also the rest of Solon's laws (ὁμοίως δὲ τοῦτ᾽ ἔδρων **καὶ ἐπὶ τῶν ἄλλων**). On these passages see Krentz 1995: 123-24 and Rhodes 2017: 315-17; for the suggestion that the changes to Athens' legislation were extensive see Wolpert 2002: 20-23, Osborne 2003: 262-64, and Carawan 2013: 284 n.8. For the view that the Thirty reneged on their duty as legislators, see Lanni 2010: 555-56. The scholarly disagreement is a result of the ambiguity of our fourth-century evidence, which almost certainly reflects an unease among contemporary and later generations of Athenians to acknowledge any legitimacy of the Thirty especially in the early phases of their rule, when they still enjoyed broad support.

pletely abolished large parts of Athenian legislation (and even the Makedonian-backed oligarchies that ruled in 322/1-318 and 317-307 may have refrained from tampering with Athens' Solonian legislation, at least to the extent that the Thirty had done).[50]

Once the dust had settled in the years following the defeat of Eleusis in 401/0, and once a general consensus had been reached on the legitimacy of Athens' democratic institutions, the Athenians enjoyed a level of legal stability, consistency, and predictability that is often, in a modern context, associated with 'rule of law'. More importantly still, after the final phase of the reconciliation in 401/0, the Athenians themselves *owned* their laws, in the sense that they had not been compelled by external hegemonic pressure to adapt their legislation, at least not until after their defeat at Chaironeia in 339/8. This meant that the Athenians were spared the difficult choice between, on the one hand, obedience to legislation that they had been forced to pass or adapt and, on the other, obedience to the law (or laws) that the new enactment(s) had superseded, and which they regarded as *theirs*, as an established part of their legal heritage – in other words as a *patrios nomos*.

Countless other Greek states were far less fortunate. It is a commonplace that *stasis* was endemic in archaic and classical *poleis*, and one of the many achievements of Hansen & Nielsen 2004 (124-129 and 1361-1362) is to provide the basis for further quantification and a large number of discussions of the phenomenon.[51] Even in cases where internal discord stopped short of open factional violence, and even in cases where internal polarisation did not ultimately result in regime change, it regularly led to the legitimacy of the community's legislative institutions or the integrity of its procedures of law enforcement being called into question, and sometimes to a combination of both.[52]

It has often been asserted that in Greek political thought, the legitimacy of any given constitution, *politeia*, depended on the extent to which

50 On the oligarchy of 322/1-318, see Simonton 2017: 129-30 with references to previous literature; on the very limited evidence for legal reform under Athens' Makedonian-imposed constitution, see the discussion in Canevaro 2011: 59-63.

51 See e.g. Arcenas 2026, a statistical approach.

52 Gehrke 1985: 203-16 remains fundamental.

the latter was perceived to be based on the 'rule of law'.[53] The topic continues to be divisive, and I do not propose to enter the general discussion here, except to emphasise that there was also another side to the equation. Aristotle alludes to it in *Politics* 1282b6-13: the legitimacy of the laws of any given *politeia* was derived to a considerable extent from the perceived legitimacy of the institutions that had been involved in framing, ratifying and enforcing them.[54] It is significant that Aristotle refers explicitly to 'unjust laws' (*adikoi nomoi*) as a characteristic of 'deviant' constitutions. In other words, the difference between a law that must be obeyed without question and an unjust or illegitimate enactment that may – and sometimes must – be ignored is often in the eye of the beholder. Precisely this question of legitimacy has particularly serious implications for citizens whose *polis* was in a subordinate relationship to an external hegemonic power that had exercised heavy influence on their institutions and legislation.

In recent years, the modern debate on the phenomenon of 'imposed constitutions' and their legitimacy has intensified. As Albert et al. have put it (2019: 2):

> "Imposed constitutions raise something of a paradox: how can a set of basic social and political rules meant to govern a people ever legitimately be forced upon that people by another?"

With the decreasing authority and resources of international organisations, and as modern hegemonic powers face ever fewer constraints in their dealings with their allies and opponents, that question of legitimacy is likely to remain a hotly contested issue, not only in the Global South but increasingly also in Europe. The question of the legitimacy of

53 See e.g. Canevaro 2017 and, for a summary of the various positions on the question of 'rule of law', see Forsdyke 2021.

54 ὁποίους μέντοι τινὰς εἶναι δεῖ τοὺς ὀρθῶς κειμένους νόμους, οὐδέν πω δῆλον, ἀλλ' ἔτι μένει τὸ πάλαι διαπορηθέν. ἅμα γὰρ καὶ ὁμοίως ταῖς πολιτείαις ἀνάγκη καὶ τοὺς νόμους φαύλους ἢ σπουδαίους εἶναι, καὶ δικαίους ἢ **ἀδίκους**. πλὴν τοῦτό γε φανερόν, ὅτι δεῖ πρὸς τὴν πολιτείαν κεῖσθαι τοὺς νόμους. ἀλλὰ μὴν εἰ τοῦτο, δῆλον ὅτι τοὺς μὲν κατὰ τὰς ὀρθὰς πολιτείας ἀναγκαῖον εἶναι δικαίους τοὺς δὲ κατὰ τὰς παρεκβεβηκυίας **οὐ δικαίους.** For another interpretation of this passage, see Canevaro 2025: 189-90.

imposed constitutions deserves to receive more consideration in the current debate on legislative institutions, courts, and laws in the Greek *poleis* more generally. Because the Greeks shared important features of legal and administrative culture, not least as practised in the administration of regional and transregional sanctuaries,[55] imposed constitutions may not have led to the same level of controversy and instability as they often do when modern hegemonic powers impose constitutions on communities with very different cultural, religious, and legal traditions.[56] The issue is nevertheless of relevance to the modern discussion of how far 'the Greeks' operated with ideals comparable to those underpinning the modern Anglo-American concept of 'rule of law' and its various European equivalents, and more importantly how far they succeeded in applying them in practice.

In many cases, the answer to both may depend not so much on where the constitution under consideration was placed on the spectrum between democracy and oligarchy, as on how far it had been imposed as a result of external hegemonic demands. As observed by Gehrke (1985: 268), in 72% of his 283 case studies external factors played a part as catalysts in *staseis*, often through the agency of states that occupied a superior position in an asymmetrical power relation (1985: 272-74). Where overt external pressure had resulted in extensive constitutional changes, this might not only compromise the perceived legitimacy of the *polis*' decision-making institutions, along with legislation promulgated and enforced by them, but also constitute an important tipping point where active defiance turned from being condonable into a moral obligation.

Even in those cases where a dependent *polis* was able to keep its own political and legal institutions largely intact, the hegemon might still demand changes to specific items of legislation or procedures. One example is an enactment, dating from the mid-fourth century, that was formally passed by the political institutions of Karthaia, Koressos, and Ioulis in Keos under heavy and overt Athenian pressure. The enactment criminalised the export of ochre to any destination other than Athens (*RO* 40), apparently reaffirming a previous law that appears to have been abolished, amended, or fallen out of use (*RO* 40.16). It is suggestive that the

55 See Rubinstein 2026 with reference to previous literature.

56 See e.g. Abat i Ninet 2019.

Athenians insist on any appeals being heard by their own courts, in case the hearing in the community of Koressos were to result in an acquittal of the person denounced (*RO* 40.21). The Athenians probably suspected that the Koressians manning their *dikasterion* in Keos might be inclined to side with their own citizens.

The Kean case thus offers an example of rapid change to legislation which might contribute to a level of legal uncertainty. It also provides an illustration of a situation where a specific law might be perceived by some or all members of the community to conflict with other parts of the *poleis*' legislation. It is unlikely that the citizens in the Kean *poleis* would zealously set about repealing any of their ancestral laws that might conceivably conflict with an enactment whose main objective was to put the Athenians first (to coin a phrase).

While we have eloquent evidence for persistent tensions between the Athenians and the citizens in the *poleis* on Keos (*RO* 39), we lack information on how enactments such as this may have been litigated in the courts in the affected communities. Nor do we know how far citizens in the Kean *poleis* might be impelled *not* to denounce a fellow citizen who breached the export restrictions, because they feared reprisals from members of their own community. Some may have struggled with their consciences, torn between loyalty to their own *polis* and obedience to an enactment that, in formal terms, had been passed by their own councils and assemblies, but which served the interests of a foreign hegemon, rather than their own.[57]

Indeed, the Kean example may help to explain two hotly contested passages in, respectively, the *Rhetoric to Alexander* (36.22-23) and Aristotle's *Rhetoric* (1375a27-1375b15). Both passages offer advice on how to

57 The Kean situation (and that of countless other Greek communities under hegemonic domination) in many ways resembles that which prevailed in occupied Denmark between 9 April 1940 and 29 August 1943, when the position of Denmark's democratically elected government finally became untenable. Among the most egregious examples of legislation passed by the Danish parliament under German pressure was the unconstitutional anti-communist law of 22 August 1941, which nevertheless was indistinguishable from other Danish legislation in terms of its preamble and framing. The law was passed in response to an ultimatum from Berlin, and it retroactively legalised the arrests and detentions that had been carried out by Danish police with (later infamous) zeal since 22 June 1941.

construct persuasive argumentation on specific legislation, including how to handle a written law that is unfavourable to the speaker's case. The *Rhetoric to Alexander* (36.22-23) suggests that the speaker may deny the validity of the statute, on the grounds that it fails to meet the defining criterion of a *nomos*: that it should be of benefit to the community. The speaker should follow this up by reassuring the judges that they will not act against the laws (οὐ παρανομήσουσιν) if they vote contrary to enactments (*dogmata*) that are wicked (*ponera*) and unlawful (*paranoma*). Quite the contrary: by invalidating bad laws (*phauloi nomoi*), they will be acting as the benefactors of their *polis* – an act which no law seeks to prevent.[58]

Aristotle's advice in his *Rhetoric* includes suggestions that the speaker might resort to contrasting fairness and justice (*to dikaion*) favourably with a written *nomos* if the latter does not support his case. Among the specific recommendations is the argument that fairness is a constant, whereas *nomoi* are often changed, or that the law in question does not conform to the definition of what is *dikaion* – resonant of the *adikoi nomoi* and *adikoi thesmoi* discussed earlier. A further strategy is to draw attention to statutes that clearly conflict with each other. In the context of the present paper, it is particularly striking that he refers to Sophokles' *Antigone*'s defence as an example of a *nomos* that clashes with a higher norm, which Antigone chose to follow.[59]

58 ἂν δ' ἡμῖν συμβαίνῃ [τὸ] παρὰ μοχθηροῖς δοκοῦσιν εἶναι νόμοις τὸ πρᾶγμα πεπρᾶχθαι, ῥητέον, ὡς οὐ νόμος, ἀλλ' ἀνομία τὸ τοιοῦτόν ἐστιν· ὁ μὲν γὰρ νόμος ἐπὶ τῷ ὠφελεῖν τίθεται, οὗτος δὲ βλάπτει τὴν πόλιν. ῥητέον δὲ καὶ ὡς οὐ παρανομήσουσιν, ἂν τούτῳ τῷ νόμῳ ἐναντίαν ψῆφον θῶνται, ἀλλὰ νομοθετήσουσιν, ὥστε μὴ χρῆσθαι δόγμασι πονηροῖς καὶ παρανόμοις. δεῖ δὲ καὶ τοῦτο συμβιβάζειν, ὡς οὐδεὶς νόμος κωλύει τὸ κοινὸν εὖ ποιεῖν, τοὺς δὲ φαύλους νόμους ἀκύρους ποιεῖν εὐεργετεῖν τὴν πόλιν ἐστί. I follow Chiron's emendation of the text (2002).

59 φανερὸν γὰρ ὅτι, ἐὰν μὲν ἐναντίος ᾖ ὁ γεγραμμένος τῷ πράγματι, τῷ κοινῷ χρηστέον καὶ τοῖς ἐπιεικεστέροις καὶ δικαιοτέροις. καὶ ὅτι τὸ "γνώμῃ τῇ ἀρίστῃ" τοῦτ' ἐστίν, τὸ μὴ παντελῶς χρῆσθαι τοῖς γεγραμμένοις. καὶ ὅτι τὸ μὲν ἐπιεικὲς ἀεὶ μένει καὶ οὐδέποτε μεταβάλλει, οὐδ' ὁ κοινός (κατὰ φύσιν γάρ ἐστιν), οἱ δὲ γεγραμμένοι πολλάκις, ὅθεν εἴρηται τὰ ἐν τῇ Σοφοκλέους Ἀντιγόνῃ· ἀπολογεῖται γὰρ ὅτι ἔθαψε παρὰ τὸν τοῦ Κρέοντος νόμον, ἀλλ' οὐ παρὰ τὸν ἄγραφον (...) καὶ ὅτι τὸ δίκαιόν ἐστιν ἀληθές τε καὶ συμφέρον, ἀλλ' οὐ τὸ δοκοῦν, ὥστ' οὐ νόμος ὁ γεγραμμένος· οὐ γὰρ

Thirty years ago, Carey 1996 observed that our corpus of surviving oratory does not provide a single clear example of a litigant who resorted to that line of argument. His observation on the discrepancy between the two rhetorical theorists and Attic oratorical practice has met with near-universal assent in subsequent scholarship on Athenian litigation and forensic oratory, although Chiron (2002: 111 n. 667) has suggested that the strategy outlined in the *Rhetoric to Alexander* might fit a situation of legal uncertainty following the abolition of oligarchy at Athens in 403/2.

However, as argued by Piepenbrink 2021, there is nothing in the contents of the *Rhetoric to Alexander* to suggest that its author had an Athenian audience in mind, or even a readership based in communities whose governance resembled that of the Athenians. Piepenbrink identifies several aspects of the treatise that would fit contexts of both moderate oligarchies and democracies with oligarchic or aristocratic features, as well as features that deviate markedly from the practices attested in surviving Attic oratory (2021: 448-55). And while she has noted a stronger link between Athenian institutions and oratorical practice in Aristotle's *Rhetoric*, she identifies features also in this text that differ from attested Athenian practice, including in the discussion of laws as *atechnoi pisteis* and the type of dicastic audience envisaged in this part of his work (2020: 68-77).

Specifically on the Aristotelian advice on how to question the authority and validity of specific statutes, she suggests (2020: 74) that Aristotle may have drawn on sophistic material, and even that the treatment in his *Rhetoric* and the *Rhetoric to Alexander* may have been derived from the same source, because their advice is "unusual." However, if both texts are read through a less Athenocentric lens, these argumentative strategies very likely reflect the moral dilemmas and legal uncertainties that citizens faced in the large number of Greek communities that were subjected to hegemonic domination. Those strategies make especially good sense when applied to communities which had been compelled to make changes to their existing legislation in violation of their *autonomia* in the literal sense.

> ποιεῖ τὸ ἔργον τὸ τοῦ νόμου. καὶ ὅτι ὥσπερ ἀργυρογνώμων ὁ κριτής ἐστιν, ὅπως διακρίνῃ τὸ κίβδηλον δίκαιον καὶ τὸ ἀληθές. καὶ ὅτι βελτίονος ἀνδρὸς τὸ τοῖς ἀγράφοις ἢ τοῖς γεγραμμένοις χρῆσθαι καὶ ἐμμένειν.

As mentioned earlier, the Athenians were largely spared this kind of external pressure for most of the fourth century after the reconstruction of their democracy. Yet, what has survived of Lysias 34 indicates that some Athenians advocated anticipatory obedience in the form of the reintroduction of a census requirement in response to hegemonic pressure from the Lakedaimonians (34.6-10). If we believe the speaker of [Dem.] 17, the Athenians were to face increasing hegemonic pressure on their legislation and their courts in the years after their defeat at Chaironeia, to which some Athenians allegedly responded with similar anticipatory obedience:

> But they have reached such a pitch of *hybris* that, being protected by the garrisons of the tyrant [Alexander] they order you to abide by sworn obligations that have now been broken, as if he is even in complete control of perjury, while they force you to abolish your own laws by letting those who have been convicted in the courts off the hook and by forcing you in countless other ways to break the law.[60]

Even if the speaker is exaggerating the situation, his argument here suggests that the Athenians increasingly had to confront moral choices and legal dilemmas similar to those faced by other *poleis* that had to adapt some of their laws or even accept imposed constitutions. Under such circumstances, the question how far it was the citizen's non-negotiable duty to obey specific laws that had been enacted under external pressure must have been considerably more difficult to answer. Even more difficult was the question at what point refusal to comply with such laws and their enforcement turned from being condonable into a moral imperative, and ultimately a patriotic obligation.

60 [Dem.] 17.12: ἀλλ' εἰς τοῦθ' ὕβρεως ἥκουσιν ὥστε δορυφορούμενοι τοῖς τοῦ τυράννου στρατοπέδοις ἐν μὲν τοῖς παραβεβασμένοις ὅρκοις ἐμμένειν ὑμῖν διακελεύονται, ὡς καὶ τῆς ἐπιορκίας αὐτοκράτορος ὄντος ἐκείνου, τοὺς δ' ἰδίους ὑμᾶς νόμους ἀναγκάζουσι λύειν, τοὺς μὲν κεκριμένους ἐν τοῖς δικαστηρίοις ἀφιέντες, ἕτερα δὲ παμπληθῆ τοιαῦτα βιαζόμενοι παρανομεῖν.

V. Conclusions

Despite external pressure and despite internal divisions in the 330s and 320s, the Athenians managed to preserve fundamental aspects of their constitution, including freedom of expression, that made it possible for them to debate and disagree over their relationship with and obligations to the Makedonians.[61] They also managed to draw some important red lines, for example when resisting the Makedonian demand for the extradition of some of their leading political figures, while at the same time recognising the need to engage in a policy of appeasement and flattery.[62]

No doubt, this was due in part to the resilience of the Athenian legal and political institutions, to which Hansen devoted a large part of his career. There seems to have been a broad consensus on their integrity and legitimacy, and with those also the authority of the enactments that they promulgated. That consensus may be an important reason why ordinary Athenians continued to engage actively in political life and decision-making, in marked contrast to the despondency and fear that had allegedly led to passivity and acquiescence in 405/4, and which had facilitated the consolidation of an authoritarian regime.

Yet, even in fourth-century Athens it appears to have been possible to call the authority of certain enactments into question, not least those which could be represented rhetorically as serving the interests of an external hegemon, at the expense of the Athenians themselves. Athens may have been able to resist further erosion of the integrity of its laws and institutions, not just because of their collective commitment to them, but also because of the unusual size and resources of the city itself.

A smaller *polis* was more at risk of experiencing developments where external pressures might lead to a deepening conflict between the community's laws and institutions on the one hand, and the fundamental values, norms, and patriotic sentiments of (most of) its citizens on the other. Such developments could be further exacerbated, if citizen complacency allowed crucial tipping points to be missed, making the process unstoppable by peaceful means.

61 See recently Poddighe 2022.

62 See Brun 2000: 73-78, 85-95 and 2013.

The tendency for states across the Western world to slide towards authoritarian rule by law, rather than rule of law, was discussed by Hansen in 2017, and it has only accelerated since then. We have to consider the possibility that we, and our children and grandchildren, may soon have to face a choice between obedience to the laws and policies made and enforced by our governments in our name and our obligation to act according to more "general principles of law recognised by civilised nations."[63] We have to be mindful of the risk that individual decisions not to act before it is too late may be interpreted as implied consent by future generations.

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63 European Convention on Human Rights, Article 7.2.

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MASSACRE IN MAGNA GRAECIA: WAS THE POPULATION OF SYBARIS EXTERMINATED IN 510 B.C.?*

By Adam Schwartz

Summary: While not unknown, attested genocidal exterminations of entire *polis* populations are a comparatively rare phenomenon in ancient Greek history. One instance that crops up with some regularity – including in the Copenhagen Polis Centre's Inventory – is that of Sybaris, defeated by Kroton in 510 BC. This article assesses the available source material with a view to determining whether it belongs on the list.

Recently having occasion to reacquaint myself with the phenomenon *andrapodismos*, arguably the most odious facet of inter-*polis* conflict, I took as my natural starting point the magisterial *Inventory of Archaic and Classical Poleis*, the crowning achievement of the dizzyingly productive Copenhagen Polis Centre. Among its introductory chapters, it features one on the different ways a *polis* might cease to exist, authored by Mogens himself. Here, four categories are identified: 1. the breaking up of the city centre into several smaller settlements; 2. enslavement of the population; 3. physical destruction of the urban centre; 4. expulsion of the population from the *polis*.[1] Under the second category, the permutations of the practice regularly referred to as *(ex)andrapodismos* are defined: those men that had survived the fighting might be killed off, and the women and children enslaved; or all the inhabitants enslaved with no one killed; the urban centre itself might be razed, or handed over to new settlers (the conquerors, or any of their allies in the area); the slaves might be handed over to the conquerors or sold off as booty at a public auction.

* I am greatly indebted to Wolfgang Filser for invaluable insight and assistance regarding the current status of the archaeological investigation of Sybaris.

1 Hansen & Nielsen 2004: 120-23, paired with a list on 1363-64.

Adam Schwartz: 'Massacre in Magna Graecia: Was the Population of Sybaris Exterminated in 510 B.C.?' C&M Supplementum 4 (2026) 487-499.

After summing up, Mogens goes on to add, in characteristically systematic and logical fashion:

> [W]hen the term is found without any further specification, the presumption is that it covers several or all of the elements listed above. It may be significant, however, that the term does not occur when the entire population of a conquered city was killed off and no one enslaved.[2]

It is a good observation: the even more horrifying instances of all-out, genocidal massacre – which, while mercifully rarely attested, are by no means unknown – are never referred to in terms of (ἐξ-)ἀνδραποδίζειν or (ἐξ-)ἀνδραποδισμός. It is not the presence of the element of massacre – to current thinking overwhelmingly the dominant aspect, to the point of drowning out the rest – that places them outside the category of *andrapodismos*, but rather the simple fact that no enslavement took place. In the corresponding footnote, Mogens adduces three such instances ("Samos *c.*517; Sybaris 510; Olynthos 479"), presumably intending to supply all known instances of such full-scale extermination (as an alternative to *andrapodismos*).

Samos and Olynthos both appear in Herodotos, and in both cases the wording leaves little doubt that they belong in the category of total massacres. The genocide of the Samian population perpetrated by the Persian commander Otanes in 517 is described as follows:

> Otanes [...] forgot all about the instructions Dareios had given him as he sent him off, namely, not to kill any Samian nor to enslave anyone, but to give the island back to Syloson without inflicting any harm. Instead, he gave his troops the order *to kill everyone they got their hands on, whether man or child, just the same*.[3]

2 Hansen & Nielsen 2004: 120-21.

3 Hdt. 3.147: Ὀτάνης [...] ἐντολὰς μὲν τὰς Δαρεῖός οἱ ἀποστέλλων ἐνετέλλετο, μήτε κτείνειν μηδένα Σαμίων μήτε ἀνδραποδίζεσθαι ἀπαθέα τε κακῶν ἀποδοῦναι τὴν νῆσον Συλοσῶντι, τουτέων μὲν τῶν ἐντολέων μεμνημένος ἐπελανθάνετο, ὁ δὲ παρήγγειλε τῇ στρατιῇ **πάντα τὸν ἂν λάβωσι καὶ ἄνδρα καὶ παῖδα ὁμοίως κτείνειν** (transl. Purvis [modified]; emphasis mine). See also 3.148-49.

And Olynthos:

> After Artabazos had captured them by siege, *he led them out to a lake and there slaughtered them*. Then he handed over the city to Kritoboulos of Torone to be its governor, and to people of Chalkidian descent: so it was in this way that the Chalkidians gained possession of Olynthos.[4]

By contrast, the presence of Sybaris is, on examination, much less obvious. The principal sources – apart from Herodotos, who passes over the important historical incident itself with uncharacteristic reticence and brevity – do not exactly inspire a deep sense of gratitude: in addition to snippets of Timaios and Herakleides Pontikos (quoted by Athenaios), they consist of Diodoros, Strabo and Pseudo-Skymnos.[5] Let us review the evidence in order to see what may have prompted Mogens to put Sybaris in this select category.

Sybaris, an Achaian colony in northern Calabria and by all lights a large, powerful and prosperous hegemonic *polis*,[6] was nevertheless defeated in 510[7] by its neighbour Kroton after a period of increasing friction between the two *poleis*. The conflict was triggered by the demagogue

4 Hdt. 8.127: ἐπεὶ δὲ σφέας εἶλε πολιορκέων, **κατέσφαξε ἐξαγαγὼν ἐς λίμνην**, τὴν δὲ πόλιν παραδιδοῖ Κριτοβούλῳ Τορωναίῳ ἐπιτροπεύειν καὶ τῷ Χαλκιδικῷ γένεϊ, καὶ οὕτω Ὄλυνθον Χαλκιδέες ἔσχον (transl. Purvis [modified]; emphasis mine).

5 Hdt. 5.44-45, 6.21.1; Timaios (*FGrHist* 566) fr. 50 (= Ath. 519c); Heraclid. Pont. fr. 49 Wehrli (= Ath. 522e-f); Diod. Sic. 12.9.2-10.1; Strabo 6.1.12-13; [Scymn.] 337-60. Gorman & Gorman 2014: 7: "Anyone familiar with the literary sources for the history of archaic Sybaris must recognize that they are unusually rife with fiction."

6 For an overview of the evidence, see Fischer-Hansen et al. 2004: 295-96; see also Frisone 2023: 119-26, 128 and n. 118; Dunbabin 1948: 356-66; Callaway 1950: 68-71. The debate over the precise extent and location of Sybaris remains very lively and fueled by new archaeological and geoarchaeological investigations; for an overview see Kleibrink 2001; Greco 2013; Guzzo 2013; further Greco 2019. A research project is currently being conducted at the University of Basel in collaboration with the Parco archeologico di Sibari: "Rethinking Collapse: the Fall of Sybaris (ca. 510 BC) and the Transformation of Greek Colonial Space"; see https://francavilla.philhist.unibas.ch/it/rethinking-collapse/.

7 Unless otherwise indicated, all dates given are B.C.

Telys who had arrogated monarchic power in Sybaris[8] and consolidated his rule by, *inter alia*, persuading the Sybarites to exile 500 of the wealthiest citizens and confiscate their property. When these exiles found refuge in Kroton, Telys demanded their extradition, threatening war if his demands were not met.[9] The Krotoniates elected to refuse Telys' demands and mobilise; and in a pitched battle their army – supposedly 100,000 men under the generalship of the Olympic victor Milon – utterly routed the numerically superior Sybarite forces, numbering as many as 300,000, of whom more than 5,000 cavalry.[10] The victorious Krotoniates "in their anger had no wish to take any prisoners, but killed all who in their flight stumbled into their hands, and so the majority of the Sybarites were cut down."[11] These numbers, while obviously absurdly inflated, may nevertheless be the product of a tradition remembering, at its core, numerous forces as well as great slaughter. Nevertheless, it is quite clear that those killed here were defeated and fleeing Sybarite soldiers, and not "the entire population of a conquered city". Accordingly, then, *this* event does not meet Mogens' own established criteria of *andrapodismos*, nor those of the grisly, related procedure of all-out genocide, both of which must target the civilian population at large to qualify.[12]

8 Telys is called both *basileus* and *tyrannos* within the same paragraph (Hdt. 5.44), seemingly indifferently, but just possibly reflecting the respective views of Sybarites and Krotoniates (cf. Macan 1895: 185). His rule is called a *tyrannis* by Heraclid. Pont. fr. 49 Wehrli (= Ath. 522e-f). Diodoros (12.9.2) designates him a *demagogos*.

9 Diod. Sic. 12.9.3. As Zhmud 2012: 96 points out, there seems to be some internal lack of consistency: why would Telys demand the extradition of those he had just expelled himself? If taken at face value, the peculiar volte-face may perhaps be understood as Telys' taking offence that the exiles should find refuge with Sybaris' immediate neighbours.

10 100,000: Diod. Sic. 12.9.5. 300,000: Diod. 10.23; Strabo 6.1.13. More than 5,000 cavalry: Timaios (*FGrHist* 566) fr. 50 (= Ath. 519c). It is somewhat disheartening that Diodoros gives the number 300,000 as not only the size of Sybaris' armed forces, but also, and in the same chapter, as the total number of citizens (Diod. Sic. 12.9.2: τὴν πόλιν ἔχειν πολιτῶν τριάκοντα μυριάδας).

11 Diod. Sic. 12.9.6-10.1 (citation at 10.1): τῶν δὲ Κροτωνιατῶν διὰ τὴν ὀργὴν ζωγρεῖν μὲν μηδένα βουληθέντων, πάντας δὲ κατὰ τὴν φυγὴν τοὺς ὑποπεσόντας ἀποκτεινόντων, οἱ πλείους κατεκόπησαν·

12 Hansen & Nielsen 2004: 120-21.

The events following the battle are not at all clear. Herodotos and Diodoros state that the Krotoniates took the city.[13] Strabo may be suggesting that the victorious army laid siege to Sybaris after the battle by saying that the Sybarites "were deprived of all their felicity by the Krotoniates within seventy days," but may just as well simply be indicating the timeframe of the conflict with Kroton from beginning to end.[14] Whichever the case, Diodoros and Strabo are in agreement that the victors did a thorough job of destroying the urban centre of Sybaris once taken, Strabo going so far as to say that "after capturing the city they conducted the river [Krathis, modern Crati] through it and submerged it."[15]

In the same paragraph he adds that the survivors, being few, later came together and settled in the area again (ὕστερον οἱ περιγενόμενοι συνελθόντες ἐπῴκουν ὀλίγοι), but it is not easy to determine the exact implication or range of οἱ περιγενόμενοι. While it may be collective and thus comprise both men and women, it is entirely possible that ὀλίγοι is masculine proper and refers to the heavy losses incurred in the battle, resulting in comparatively few adult male Sybarites (and hence citizens) to resettle the area and reestablish a political community.

Pseudo-Skymnos' *Periegesis*, after painting a picture of Sybaris' erstwhile felicitous circumstances, states that "puffed up beyond what is hu-

13 Hdt. 6.21.1; Diod. Sic. 12.10.1.

14 Strabo 6.1.13: ἅπασαν τὴν εὐδαιμονίαν ἀφῃρέθησαν ὑπὸ Κροτωνιατῶν ἐν ἡμέραις ἑβδομήκοντα; cf. van Wees 2011: 97 n. 81.

15 Strabo 6.1.13: ἑλόντες γὰρ τὴν πόλιν ἐπήγαγον τὸν ποταμὸν καὶ κατέκλυσαν. ὕστερον δ' οἱ περιγενόμενοι συνελθόντες ἐπῴκουν ὀλίγοι·; Diod. Sic. 12.10.1 (τὴν δὲ πόλιν διήρπασαν καὶ παντελῶς ἔρημον ἐποίησαν). On the possibility of a flooding and its garbled representation in Athenaios, see Evans 2014: 226-27, 230-32. Herodotos, who says nothing about a flooding, nevertheless states that the Spartan Dorieus (who the Sybarites claimed had joined forces with the Krotoniates in the battle) erected a temple to *Athena Krathia* by the *dry* bed of the Krathis: τέμενός τε καὶ νηὸν ἑόντα παρὰ τὸν ξηρὸν Κρᾶθιν, τὸν ἱδρύσασθαι συνελόντα τὴν πόλιν Δωριέα λέγουσι Ἀθηναίῃ ἐπωνύμῳ Κραθίῃ (5.45.1). Fachard & Harris 2021, a recent volume on urban destruction in the ancient Greek world, includes a useful online index ("The Destruction and Survival of Cities"), but unfortunately omits Magna Graecia entirely and so does not comprise Sybaris.

man they [*sc.* the Sybarites] utterly ruined a renowned *polis* with its people [αὔτανδρον], as they had not learned to bear a surfeit of blessings".[16] The obvious moralising intent, a frequent element of especially later retellings of the fate of Sybaris (supposedly the arch-*paradeigma* of morally corrupting luxury, arrogance and utter *hybris*),[17] does not bode well for the accuracy of the content, opening up as it does the unpleasant prospect of exaggeration in pursuit of getting the point across.[18] Even so, and despite αὔτανδρον (a word most often used of captured or sunk ships: 'crew and all'), ἐξέφθειραν, "destroyed utterly", cannot be taken with certainty to designate the physical annihilation of all inhabitants, who may 'merely' have had their male segment severely decimated in battle and thus, coupled with the destruction of the urban centre of Sybaris, ceased to exist as a *political* entity.

Ultimately, neither Strabo nor any other source has anything to say about killing on any scale after the battle, just as they have nothing concrete – or in fact anything at all – to offer about the fate of women, children and civilians in general. The upshot of all this is that there is nothing by way of a 'smoking gun' pointing to a massacre of the entire population. It is all the more interesting, then, that the entry on Sybaris in the Inventory (no. 70) by Fischer-Hansen, Heine Nielsen & Ampolo is decidedly more cautious in its approach:

> [I]n the ensuing battle in 510 [the Krotoniates] won a decisive victory (Diod. 12.9.5-6), killed off the larger part of the Sybarite army and went on to sack the city (Hdt. 6.21; Diod. 12.10.1). Thus Sybarite power was eliminated and the phase of Sybarite history often referred to as 'Sybaris I' came to an end.[19]

16 [Scymn.] 343-45: οἳ δὴ παρεξαρθέντες οὐκ ἀνθρωπίνως | αὔτανδρον ἐξέφθειραν ἐπιφανῆ πόλιν, | τἀγαθὰ τὰ λίαν μὴ μαθόντες εὖ φέρειν.

17 "a pivotal element of a moralistically oriented tradition in which the city had led to τρυφή, morally debilitating luxury, then to tyrannis and finally to destruction": Frisone 2023: 117; see also Rutter 1970: 170-71.

18 See Lightfoot 2020, esp. 400-2 with n. 42 on the author's dubious use of sources (despite protestations to the contrary).

19 Fischer-Hansen et al. 2004: 297. Along the same lines, see also van Wees 2011: 97: "What happened to the people of Sybaris when their city was destroyed, we do not

The phrasing is advisedly circumspect, for in fact the available sources do not allow for *any* positive identification of the immediate fate of the population of defeated Sybaris.

In addition to the absence of any positive evidence for the fate of the inhabitants in 510, there is a certain amount of evidence that militates against an interpretation of the extant written sources as indicating total annihilation. Herodotos – in the context of the Persian sack of Miletos in 494, just 16 years later – mentions in passing that "the Sybarites, deprived of their city, lived in Laos and Skidros."[20] These locations were a Sybarite colony on the Tyrrhenian coast and a settlement of uncertain status and location respectively.[21] Naturally, however, the number of these refugees cannot be determined, but there are other indications that Sybarites, and indeed Sybaris herself, were still around after 510. Among these are a *stater* minted by Kroton and Sybaris jointly (bearing the legend [ϘP] with the tripod of Kroton and the legend [ΣY] with the bull of Sybaris),[22] implying a continued existence of civic life in Sybaris itself, if almost certainly in some state of subordination to Kroton. Similarly, the fact that Sybaris actually petitioned Hieron of Syracuse for military assistance against a siege by Kroton as soon as 467 shows that Sybaris apparently not only existed, but was independent and strong enough to find itself at war with Kroton once again, and all but forces the conclusion that the 'alliance' stater was issued after the fall of Sybaris in 510, but obviously before the appeal for assistance against Kroton in 467.[23] This is not easy to reconcile with the notion of an entire population –

know, except that there were survivors who found new homes in nearby towns"; Frisone 2023: 111.

20 Hdt. 6.21.1: Συβαρῖται, οἳ Λάὸν τε καὶ Σκίδρον οἴκεον τῆς πόλιος ἀπεστερημένοι.

21 Strabo 6.1.1. Cf. Ps.-Skylax 12, seemingly referring to Laos as a colony of Thourioi. On Laos, see Fischer-Hansen et al. 2004: 272-73; on Skidros: *BTCGI* XVIII 467-75 (Parra); Fischer-Hansen et al. 2004: 258.

22 Kraay 1958: 14; Dunbabin 1948: 365-66.

23 Diod. Sic. 11.48.4. The Athenian-sponsored re-founding of Sybaris in 446, on the original site, also took place in direct response to an appeal on the part of Sybarites, who were indeed dominant among the founding parties, though soon also the cause of severe *stasis*: Diod. Sic. 12.10.3-4, 12.11.4, 12.22.1; Arist. *Pol.* 1303a31-33. This was the backdrop for the subsequent founding of Thourioi in 443.

men, women and children – wiped off the face of the earth just 33 years earlier.

To sum up, although Diodoros supplies the information that no prisoners were taken in the actual battle, neither he nor any other source states unambiguously that there was any kind of massacre of the civilian population then or later. The urban centre was destroyed after the capture; but this destruction, no matter how thorough, does not in itself prove anything about the fate of the inhabitants. Furthermore, there is evidence that some measure of civic life continued at Sybaris not long after 510, just as Sybarites are said to have settled in other communities nearby.

This makes it all the more surprising that Sybaris should be included in Mogens' very select list of *poleis* – no more than three in all – whose populations were massacred to a man. Nevertheless, he is by no means alone in placing Sybaris in this category. In Pierre Ducrey's foundational *Le traitement des prisonniers de guerre* from 1968, a distinction is made between the fate of prisoners of war in a military context and inhabitants of captured cities, each category being treated in separate chapters. In chapter III, 'Le traitement des défenseurs et habitants d'une ville conquise', Sybaris is the first entry under the subheading 'Le massacre'. Here, Ducrey acknowledges that in spite of a wealth of anecdotally rich accounts, precise data on what became of the defeated are in short supply, but nevertheless goes on to add:

> Toutefois Hérodote se fait l'écho de la consternation qui frappa les Milésiens à l'annonce du désastre subi par la ville, ce qui parait démontrer de façon incontestable que le massacre des Sybarites connut une ampleur rarement atteinte.[24]

Ingenious though the argument may be, the evidence as presented is hardly incontestable, and the conclusion surely premature on that basis alone. The perceived degree of consternation on the part of the Milesians is hardly conclusive proof of a massacre, let alone one on a scale rarely achieved. It is therefore not surprising that in the updated article version of the monograph from 1999, Ducrey in fact confines himself to stating

24 Ducrey 1968: 117 (and cf. 57-59).

that the conflict "se conclut par la destruction de Sybaris (511 av. J.-C)," though nevertheless still including it among the "exemples extrêmes" along with Melos in 415 and Orchomenos in 364. They fall under Ducrey's category of *poleis* captured after "résistance à outrance", where he notes that 59 out of 100 such instances ended in enslavement of the population (and 25 of these again with the adult men killed off and and women and children reduced to slavery).[25] Nevertheless, both Melos and Orchomenos were expressly instances of *andrapodismos* in the 'proper' sense,[26] as opposed to the thankfully rare instances of total annihilation *not* designated *andrapodismos*, which must perforce be reckoned the more extreme procedure. It therefore seems that the severity of Sybaris' fate has been 'downgraded' from the original assessment.

P.P. Karavites' 1982 monograph *Capitulations and Greek interstate Relations*, making the argument that such harsh reprisals were anomalies, states outright that:

> [i]n the period that stretched from the beginning of the sixth century to the times preceding the Peloponnesian War, there is only one example of a city whose defeat gave rise to a general massacre, Sybaris. We do not know the details of the enmity between Croton and Sybaris but the consternation which seized the Milesians at the news of the disaster appears to demonstrate the impact the destruction of a city made upon the Greeks.[27]

W.K. Pritchett's monumental *The Greek State at War* has, in its fifth and final volume from 1991, a section dedicated to the fate of captives. In the introductory discussion of the various possible outcomes, Sybaris is singled out to serve as the first example:

25 Ducrey 1990: 18.

26 Melos: Thuc. 5.116.4 (ἠνδραπόδισαν); [Andoc.] 4.22 (γνώμην ἀποφηνάμενος ἐξανδραποδίζεσθαι); Diod. Sic. 12.80.5 (ἐξηνδραποδίσαντο). Orchomenos: Diod. Sic. 15.79.3-6 (ἐξανδραποδίσασθαι) and cf. Dem. 16.4, 16.25, 20.109 (contra Paus. 9.15.3). Ducrey 1999: 18.

27 Karavites 1982: 24-25. It would seem that Karavites endorses Ducrey's interpretation of the Milesians' reaction.

> We may pass in review selected examples of the slaying of prisoners. An early example is the case of Kroton after a great battle with Sybaris in 511/10 B.C., as dated by Diodoros 11.90 [...]. According to Diodoros 12.10.1, the Krotoniates took no prisoners, but slew all who fell into their hands.[28]

Prima facie, by 'prisoners' Pritchett thus seems to understand soldiers captured in the field, and in an immediate battle-context. Yet in the same review section, a few lines on, he also includes Barke and Olynthos, captured by the Persians in 483 and 479 respectively, and explicitly describes the brutal reprisals against "wives" in the former and "inhabitants" in general in the latter. The subsequent table is very comprehensive and lists – if limited to the Archaic and Classical periods only – no fewer than 101 instances of enslavement and 46 of massacre.[29] Unfortunately, however, the criteria according to which the table is compiled remain undefined and are equally imprecise. No attempt is apparently made to distinguish between military prisoners of war and civil populations of captured *poleis*; instances not even involving Greek actors on either side are included (such as Campanian mercenaries' massacre of military-age male inhabitants (τοὺς ἡβῶντας) of the Elymian city Entella in 404);[30] and the same applies – without any sort of 'warning label' – to such instances as are known to have been planned or intended at some point, but for whatever reason were never actually carried out.

In all this, and despite the phrasing of the introductory text quoted above, Sybaris figures in the table in the column headed "Massacred (People or State)," and does so without any of the qualifiers added to some entries (such as "adult males", "300 males", "combatants" or "some"). To top it off, Barke 483, which, as we saw, was singled out along

28 Pritchett 1991: 209.

29 Pritchett 1991: 226-31 (enslavements, Archaic and Classical period), 218-19 (massacres, same period).

30 Diod. Sic. 14.9.9. In a later context (*c.* 397), Diodoros at 14.48.4 lists Entella as one of a group of only five settlements (along with Halikyai**,** Solos**,** Aigesta and Panormos) to remain loyal to Syracuse. Thucydides 6.2.3 lists the peoples living in western Sicily (on the eve of the Athenian expedition in 415) and expressly mentions Eryx and Egesta while omitting Entella, the third of the Elymian cities; see Lycophr. *Alex.* 962-64.

with Sybaris in the introductory discussion, is actually not included in the table. It is therefore not apparent what fate Pritchett believed actually befell the civilian population of Sybaris.

In view of the pervasive ambiguity of the entire section, any reader referring to Pritchett's list would thus be reasonably justified in walking away with the impression that Sybaris is included under this heading because the entire population of the captured city – men, women and children – were indeed put to the sword. Similarly, Ducrey's impactful first and primary analysis of it places it firmly within a group of massacred civilian populations. It may be open to speculation how Ducrey and Pritchett arrived at their conclusions about Sybaris in view of the available evidence, but perhaps less so that they should have been taken at face value given the status and impact of their fundamental works on warfare.

On the strength of the above, I posit that I have stumbled across one of the enviably rare instances in which Mogens has been perhaps too hasty in reaching a conclusion (inasmuch as it is one not actually supported by evidence), and also may have identified one at least possible explanation for this state of affairs. This thus represents that *rara avis*, inadvertently found: a chink in Mogens' armour. This may, I realise, seem strange and maybe even somewhat unbecoming in this context expressly intended for the highlighting and celebrating of Mogens' vast and peerless contribution to the field of ancient history, especially for someone proud to call himself a pupil of him, but I feel confident that Mogens – as generous intellectually as in other respects – would have found this little exercise highly stimulating, and entered the fray with relish. And like the indispensable beauty spot in 18th century make-up, such an unexpected and utterly unusual slip-up on his part merely serves to underline the general perfection of Mogens' output: merely identifying one causes one to realise just how impressive the whole is.[31]

31 At this juncture, I should like to add the result of my own investigation into these matters. According to my research, there are the following incontrovertible instances of all-out massacres in the Classical period: Samos *c.* 517 (Hdt. 3.147-49), Olynthos 479 (Hdt. 8.127); several Bithynian settlements 416 (Diod. Sic. 12.82.2); Selinous 409 (Diod. Sic. 13.57). Extermination was also on the table for Athens in 404

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PAUSANIAS ON THERMOPYLAI

Chris Carey

Summary: This paper explores the complex relationship between author, history and historiography in Pausanias' account of the battle at Thermopylai fought by the Greeks against the invading Celts/Gauls/Galatians in 279 BCE. His account has often been met with scepticism. The paper argues that there is a firm substrate of fact to Pausanias' narrative. At the same time, the account is visibly coloured and shaped (as has long been recognized) by reminiscences of Herodotos' account of the more famous battle of Thermopylai against the Persians in 480. Pausanias' aim is to invite the reader to compare the two battles and argue that the battle of 279 is both a larger, more significant and more successful engagement, and simultaneously pay homage to and compete with his predecessor.

When we think of Thermopylai, we inevitably think of 480 BCE and the abortive attempt to stop the Persian advance into central Greece. But that was not the first action in the pass. And it was not the last. The pass saw standoffs between Athens and Macedonia at least twice in the fourth century BCE and pitched battles in 279 and 191 BCE, in 539 AD and earlier at an uncertain date in the third century, known only recently from the discovery of a palimpsest of the *Scythica* of Dexippos. There were further actions in the pass in the twelfth century, then during the Greek War of Independence, and in the Second World War. And we can bet that there were as many more. But the battle of 480 towers over them all. And not just the battle but its earliest chronicler Herodotos. Commanders fighting in the pass always feel the cold breath of Leonidas on the back of their necks, and their historians often gesture directly or indirectly toward Herodotos. This paper is about one such gesture, Pausanias' account of the battle in the pass during the invasion of Brennos.

Scholars have long noted the resemblances between Pausanias and Herodotos.[1] The resemblances permeate the whole work. Both authors travelled extensively, even if in both cases doubts have been expressed

1 For recent discussions see Dorati 2005: 315-21; Hawes 2016; Kirkland 2022: ch. 8.

Chris Carey: 'Pausanias on Thermopylai' C&M Supplementum 4 (2026) 501-523.

about the extent of the travels and the degree of autopsy. The structuring principle is similar, in that both deploy a linear progression punctuated by narrative digressions which allow them to expand the focus of the work. Like Herodotos Pausanias is prone to intervene in his account to justify inclusion or exclusion, speech or silence, and sometimes on similar grounds. But beyond the generic resemblances there are moments when Herodotos is a more prominent presence. The narrative of the battle of 279 is one. That Herodotos stands visibly behind Pausanias' narrative has never been doubted.[2] But Pausanias' engagement with his exemplar is anything but straightforward; this paper explores the complex relationship between author, history and historiography.

The invasion fascinated Pausanias, who tells the story twice, first in his description of the monuments of Athens (1.4) in relation to the commander of the Athenian contingent in the campaign, Kallippos, then at much greater length in his account of the offerings at the oracular shrine of Apollo at Delphi (10.19-23). The double narration is itself unusual.[3] Both positions are highly significant. In Pausanias Athens plays the leading role in the campaign. So too, in all accounts of the invasion, did Delphi, which was both the high water mark and the turning point of the onward advance of the invaders. The second account receives a more elaborate introduction, as Pausanias signals his intention to provide a fuller narrative. His rationale itself invites us to expect a purple passage. This was, he says (10.19.5), "the greatest of all Greek exploits against the barbarians" (ἔργων τῶν ἐπὶ τοὺς βαρβάρους τὰ μέγιστα Ἕλλησιν ἐνταῦθα ἦν). This explicitly sets the invasion above that of 480-479 and even above Alexander's conquest of the east. His response to the challenge is the longest excursus in his work.[4]

First a quick sketch of the campaign. The Celts, *Keltoi/Celti* or *Galatai/Galli*, had by the fifth century BCE established themselves across Europe from East Anglia in Britain to modern Hungary and Poland.[5] In the

2 For the most obvious points of resemblance see Segre 1927: 26-27; Nachtergael 1977: 147-48; Bearzot 1992: 108.

3 Ameling 1994: 146: "Eine Dublette vergleichbaren Umfangs gibt es im Werk des Pausanias sonst nicht."

4 Cf. Pritchett 1998: 69. See further p. 513 below.

5 For a brief treatment see Cunliffe 2003.

fourth century BCE they pressed south into the Italian peninsula, advancing as far as Rome in 390 BCE. In the third century they were on the move further east, pressing south through the Balkans. According to Pausanias the invasion of 279 was the third. The first had been a small-scale affair which advanced no further than Thrace. The second in 280 was more substantial. The invaders penetrated as far as Macedonia, where they were opposed by the Macedonian king Ptolemy 'Keraunos'. The Macedonians suffered heavy losses, including the death of their king, but again the Celts withdrew. The invasion of 279 was much bigger. The Celts were divided into three groups,[6] one division moving across Thrace in the north, another to attack Macedonia and then move into Illyria in northwest Greece, and the third under Brennos moving due south through southern Macedonia and Thessaly. It was this group which the Greeks, according to Pausanias, tried to stop at Thermopylai.

The Greek logic was the same as in 480. They were outnumbered and the narrow pass neutralized the numerical advantage of the Celts. It also neutralized the cavalry, in which both invading forces had an overwhelming advantage. And as in 480 it had the effect, initially, of stopping the invaders in their tracks. The Celts were successfully repulsed. Finally Greeks from the region alerted Brennos to the route through the hills around the Greek position. He led a force along this route to outflank the Greek position. But the Greek army was able to extract itself with the aid of the Athenian fleet. Thermopylai was however as far south as the Celts got. After the battle Brennos turned west toward Delphi. He failed to take the temple (or if he took it he failed to hold it) and the Celts straggled north, harried first through Phokis and then on their march north.

For the invasion as a whole, Pausanias is our most extensive surviving source. We know that Diodoros dealt with it and we have a couple of fragments of his account. It also featured in the history of Pompeius Trogus, now represented by the epitome of Justin.[7] Behind them all lies a source in a narrative in a Hellenistic historian, though there is enough divergence in focus to suggest either that they are each operating selectively or that there is more than one source in play. There is no agreement about the identity of the main source. Timaios has been named, as have

6 Paus. 10.19.7

7 For a table comparing the surviving accounts see Pierozzi 2023: 10-11.

Democharès, Hieronymos of Kardia, Nymphis of Heraclea and Psaon of Plataea and others.[8] Most recently Pierozzi has made a sustained case for Phylarchos.[9] Pausanias' narrative is often used as the basis for the reconstruction of his source. He may for instance (as is often suggested) have had an interest in shocking and extreme events, represented by his account of the atrocities at Kallion committed by the Celts.[10] He may belong to the class of writers such as Phylarchos criticized by Polybios for writing of 'tragic history'.[11] But this is to place a lot of weight on a single passage in a single derivative account. Polybios singles out Phylarchos' detailed account of the brutal treatment of Mantineia by Antigonos Doson in 223 as typical of this kind of narrative. But we cannot say whether the description of events at Kallion was typical of Pausanias' source.[12] There was nothing new about the vivid accounts of atrocities. Shocking descriptions such as this already feature in fifth century historiography. The atrocities at Kallion have a good antecedent in Thucydides' account of the Thracian mercenaries at Mykalessos at 7.29, and in Herodotos' account of the atrocities of the Persian invaders of 480 in Phokis at 8.33 (καὶ γυναῖκάς τινας διέφθειραν μισγόμενοι ὑπὸ πλήθεος). Again the leanings of his source have been found in the critical treatment of Macedonia and the positive presentation of Athens. These and other features have been used to identity or exclude potential claimants to be the Hellenistic original. This could well be right. Certainly Macedonia emerges badly, as the cause of the depressed condition of Greece and an impediment to effective resistance (1.4.2), and Athens extremely well. But again some caution is needed before we use this to identify the original. Pausanias may be using more than one source. We also have to leave room for Pausanias

8 See e.g. Fraser 1913: 341-42; Bearzot 1992: 110-14.

9 Pierozzi 2023: 23-36.

10 10.22.3-4.

11 So e.g. Ameling 1994: 151, and more recently Pierozzi 2018: 25, who offers a detailed case for Phylarchos. Marincola 2013 has shown that Polybios' critique of the style of writing represented by Phylarchos is more complicated than is often supposed. But though he is right to note that "Phylarchus' scenes are faulted ... in the first place because they are *invented*" (cf. 2.56.11), Polybios also appears to object to his delight in the spectacular (2.56.10) and his excessive use of emotional effects (2.56.7).

12 The problem is noted by Hau 2016b: 128 in the context of reconstructions of Hellenistic historiography more generally.

himself.[13] He is critical enough of the historians he had read to suggest that he was capable of using his sources selectively. Pausanias travelled. He spoke to people, he viewed artefacts and monuments and he copied down inscriptions. He visited Delphi, which allowed him both to see the dedications and get some background information from local tradition. Most importantly, he also visited Athens, where he saw the depiction of the Athenian general Kallippos in the *bouleuterion* (1.3.5) and heard of the dedication of the shield of Kydias from the battle at Thermopylai in the Stoa of Zeus Eleutherios (10.21.5). Clearly within Athens itself the exploit was trumpeted as a great achievement; the events of 279 seem to have had an important place in the collective memory as a recovery of a glorious past,[14] and Pausanias' unambiguous admiration for the Athenian role at Thermopylai probably shows the influence of the Athenian tradition.[15] This has implications for any attempt to reconstruct the lost source. The Thermopylai campaign certainly figured in the historiographical tradition, whether we suppose that our surviving sources are drawing selectively on a single original or Pausanias is using one or more additional sources; his precise figures for the Greek forces appear to be derived from a written source, as Ameling notes.[16] And the role of Thermopylai in the campaign may be reflected (as Pierozzi notes[17]) in Justin's mention (22.9.3) of the return of the invaders via Thermopylai using the same road (διὰ τῆς αὐτῆς ὁδοῦ). But the cursory nature of Justin's mention and the absence of Thermopylai from what survives of Diodoros suggests that it did not figure prominently and that the main emphasis was on the attempt to capture Delphi and the invasion of Aitolia. On the (admittedly limited) evidence available only Pausanias chose to narrate the battle at length and give Athens a starring role. So some of this is likely to be Pausanias' own response to the oral traditions and the monuments, regardless of any literary source or sources.

13 Cf. Butrighini & Torelli 2017: 379-80.

14 Cf. Luraghi 2018: 35-36.

15 For Pausanias' use of oral sources see Pretzler 2005, and for a potential parallel for the use of local Athenian tradition to supplement the information from the historians see 1.23.2 (cited by Pretzler 2005: 235).

16 Ameling 1994: 153.

17 Pierozzi 2018: 18.

Serious questions have been raised about the reliability of Pausanias' narrative.[18] Some scepticism is inescapable, not just about Pausanias but about the tradition more generally. For the invaders he gives a figure of 152,000 foot and 20,400 horsemen (to which he adds at 10.19.9 another 40,800 reserve riders). Despite divergences there are enough agreements with our other sources to allow us to push the numbers back to one or more shared source. But since the Celts left no literary record, the ultimate source for the Celtic (as distinct from the Greek) numbers must be Greek estimates; and estimating numbers is both difficult and often partisan. We can be sure that the numbers were alarmingly large for the Greeks to turn out in force.[19] But the figures look wildly exaggerated. The withdrawal after the attack on Delphi make little sense if the Celts had such overwhelming numbers at their disposal. The complete failure to take Delphi presented by our sources too has been doubted. The miraculous interventions which rescue Delphi again can be dismissed, though contemporary Greeks took this very seriously, as we know not only from the historians but also from an inscription from Kos dated to the year after the battle and what looks like a reference to intervention by Apollo at Delphi in Kallimachos.[20] In any narrative of survival, divine intervention was the natural way to make sense of events, especially when a major shrine was concerned.[21] All of our surviving sources maintain that in

18 See for instance Bearzot 1992: 108; Segre 1927: 26; Nachtergael 1977: 143-44; Habicht 1997: 133; Worthington 2021: 112-13; and especially Campbell 2009: 214-30, esp. 229, who dismisses the need for any attack on Thermopylai by Brennos, and accordingly for any defence at all there by the Greeks. He is influenced by the discussion of Szemler et al. 1996, who demonstrated that the hillside at Thermopylai descended steeply to the sea at this date; they concluded that the route was impassable in antiquity and that the main route south from Thessaly ran through the so-called 'Isthmus corridor', i.e. through the Dhema Pass, Phokis and then Boiotia. The data are fine but the conclusion is not. It ignores the fact that for centuries before Brennos both invaders and defenders treated Thermopylai as though it was the main route through central Greece, and discounts the possibility that the road ascended inland before rejoining the coast. For discussion see e.g. Pritchett 1985: 190-216, 1991: 190- 205; McInerney 1999: Appendix 2; Rapp 2013; Sánchez Moreno 2013: 287-91.

19 Cf. Callim. *Hymn* 4.171-76.

20 *Syll.*[3] 398; Callim. *Hymn* 4.171-85.

21 See further pp. 511-12 below.

one way or another the invaders are wiped out on the retreat. Not a single one of them returned home.[22] This too must come from a common source. Though not inconceivable, the completeness of the destruction looks less like accurate detail than the imposition of a moralizing template on to the facts of history.[23]

But the scepticism goes further. Pausanias puts the Athenians in overall charge of the expedition. In his account the general commanding the Athenian forces was also the generalissimo of the whole allied army. The Aitolians probably sent the biggest force and they were at this stage politically the most powerful member of the alliance and the natural leader of the coalition forces. So many scholars have been minded to see this as pro-Athenian bias by Pausanias or his source. That his account is highly favourable to Athens is inescapable. But there is good reason to take him seriously on this point. The composition of the Greek army was very different from 480. In 480 the Peloponnesians made up almost half of the army. In 279 the largest contingents came from those with a strong immediate interest in the defence of the pass. The Boeotians, who lay in the path of the Celts once Thermopylai was breached, sent 10,000 hoplites and 500 cavalry. Northwest Greece had not been involved in the battle of 480. But by 279 the influence of the Aitolian League extended into Thessaly, which gave them a strong motive to counter the threat from the Celts. Sparta was absent. Sparta had been at war with the Aitolians just two years before and they may not have been unhappy to see the Aitolians suffer. The Spartans had been pursuing an expansionist policy and may even have felt that a weakened central Greece offered opportunities for Sparta to extend its influence northwards, when the Celts withdrew. But the Peloponnese in general remained aloof. The immediate danger was to northern and central Greece. If the invaders succeeded in advancing further south, the Isthmus of Corinth offered a good pinchpoint to mount a defence. And since the Celts had no ships, they could not bypass the Isthmus by sea.[24] This had been a danger in 480, when the Persians had a large fleet. The alliance from central Greece may have felt that Sparta was more likely to swing behind a cause led by Athens, either

22 Diod. 22.9.3; Justin 24.8.16; Paus. 10.23.13.

23 Cf. p. 513 below.

24 Cf. Paus. 7.6.7.

from sentiment or from the old rivalry, than by their recent enemies the Aitolians. If that was the plan, it failed; but it does give the Aitolians a reason to pass the lead to Athens. And even in central Greece people may have preferred Athens as less suspect (because militarily weaker) than the Aitolians.[25] There was considerable jockeying for power in 480, and interstate rivalries had prevented some players from participating (or offered a plausible excuse for non-participation); there is no reason to suppose that the situation in 279 was different. Pausanias (10.20.5) claims that the Athenians held the supreme command "because of their ancient reputation" (κατ᾽ ἀξίωμα ... τὸ ἀρχαῖον), that is, because of their crucial role in the Persian Wars. This may reflect the arguments deployed at the time in favour of Athenian leadership. If so (and we have no way of knowing), this was not just empty rhetoric; the argument from Athens' role in the Persian Wars would carry some weight in a culture which set great store by omens. Even so, Pausanias clearly oversimplifies in ignoring the political motives and the regional rivalries behind the arguments.

The other area of doubt is the role of the Athenian fleet. Pausanias (10.20.5) tells us that the Athenians sent all the seaworthy ships they had (τριήρεις τε αἱ πλώιμοι πᾶσαι) and he claims that the ships subsequently played a crucial role in harassing the enemy and rescuing the troops in the pass (1.4.3, 10.21.4, 22.12). Two key objections have been made to the account. The first is that an Athenian inscription recording the Athenian contribution to the defence of Greece against the Celts makes no mention of Thermopylai or the fleet.[26] The second is that with the Macedonians in control of the Peiraeus the Athenians were not in a position to have a fleet of any significance. If the objections are correct, the whole of the account of the role played by Athens is fantasy by Pausanias, his literary source or his informants in Athens. But we have inscriptional evidence for the existence of a fleet during the Macedonian occupation of the Peiraeus and archaeological evidence for other harbours in Attica.[27] So

25 Cf. Luraghi 2018: 36, who notes also that the Aetolians would have been equally reluctant to serve under a Boiotian commander.

26 *IG* II^3.1 1005; the inscription speaks only of the sending of "the select troops and the cavalry" (τούς τε ἐπιλέκτους καὶ τοὺς ἱππεῖς).

27 So Bayliss 2011: 201-2. Cf. Green 2003: 2; Thomsen 2024: 74-76.

there is no reason to dismiss the fleet as a phantom. Its size is unknowable. But it was probably much smaller than the fleet available before the defeat in the Lamian War, and Pausanias or his source may exaggerate the scale of the naval commitment.[28] It is doubtful that the fleet was anything like big enough to rescue over 20,000 foot soldiers. But they may not have needed to evacuate the whole army by sea, just a rearguard. The advance warning of the Celtic encirclement from the Phokians meant that most of the Greeks would have time to clear the pass. And since everyone knew of the existence of the routes through the hills, they will have been constantly aware of the possible need to fall back. Since the Celts had no navy, the Greek ships could move in and out unmolested; so even a small naval force could evacuate a substantial number of troops. The fact that naval intervention was possible does not in itself justify us in taking seriously Pausanias' account of the role played by the fleet in the battle. We still have the problem with the inscription. But context is important here. The inscription relates to the reorganization of the *Soteria* at Delphi, as with the Koan inscription. It relates solely and specifically to the protection of Delphi.[29] It is not a narrative of the invasion as a whole. The battle at Thermopylai had no impact on the fate of Delphi, apart from holding up part of the invading force. And militarily it was a defeat. Pausanias presents the rescue as a great success, much as the British could view the evacuation of the retreating army by sea at Dunkirk in 1940 as a great success, despite the failure which necessitated it; but like Dunkirk it averted annihilation rather than turn defeat into victory. It was a success only in the sense that the Greeks were not slaughtered. So the silence may be intelligible without assuming wholesale invention by Pausanias or his source.[30]

But even if we accept that there a substrate of fact to Pausanias' account, the uncanny similarities to Herodotos' account invite a degree of

28 Campbell 2009: 224-25 estimates a naval force of just 25 ships; this is however based on the assumption that the sole role was to transport the small Athenian contingent to the north. If we allow that the Greeks anticipated the need to move troops rapidly and even perhaps to evacuate troops urgently (cf. Bayliss 2011: 205), which after 480 required no clairvoyance, the presence of a larger fleet makes sense.

29 Bayliss 2011: 203-5.

30 Cf. Luraghi 2018: 35.

suspicion about the details. Thus for instance Pausanias emphasizes the Greek order and experience in the face of a disorderly enemy attack.[31] Herodotos too makes much of the contrast between Greek skill and discipline and Persian inexperience in hoplite fighting (Hdt. 7.211). Again, his statement that the Celts were trampled by their own side (10.21.4) looks suspiciously like the fate of Herodotos' Persians (Hdt. 7.223). His comparison between the limited protection provided by the Celtic shields and the heavy armed Greek hoplites (10.21.2) is again reminiscent of Herodotos' Persians of 480-479 BCE (Hdt. 9.63.2; cf. 5.49.3), as is the drowning of some of the invaders in the marshy shallows, when they slip off the road (10.21.4; cf. Hdt. 7.223.3). The statements are all in themselves feasible. The Greeks were experienced in set piece fighting in a line and they were more heavily armed. The hill fell precipitously to the sea and the water, though shallow enough to cause a risk of grounding for ships which came too close to shore, was deep enough to drown a non-swimmer; so the prospect of falling in and drowning was real. And in mass fighting at close quarters in a narrow pass men will be trampled. But taken as a whole the narrative suggests that this is not history but historiography repeating itself. The same applies to the encounter of the Phokians with the Celts attempting to encircle the Greeks by way of the path through the hills. Pausanias' claim that the Celts were upon them before they knew it because of a thick mist on the mountain (10.22.11) looks suspiciously like a re-run of the night march of Herodotos' Persians, when the Phokians were caught off guard and only alerted to the enemy approach by the rustling of fallen leaves (Hdt. 7.218).

Given the fragmentary state of Diodoros' version and Justin's truncated summary of Pompeius Trogus we cannot be absolutely sure who introduced these details into the account. But the consensus that the detailed parallels reflect Pausanias' own intervention, not something taken from a Hellenistic source, is probably correct. Not only is Herodotos an important influence for Pausanias' work as a whole, he is also the dominant intertext in the immediate context. In his narrative of the engagement at Thermopylai Pausanias is making an overt partisan gesture within the historiographic tradition. Herodotos was not the only source available for events of 480. Others had told the tale of Thermopylai after

31 10.21.1; 10.21.

him and the fourth century historian Ephoros seems to have been particularly influential in the later tradition. But only Herodotos receives a mention, and the narrative of the earlier battle draws heavily on Herodotos' account. This is most obvious in the numbers he gives. There were different figures on offer for the Greek numbers at Thermopylai in 480. The inscription for the Peloponnesians in the pass gave a figure of 4,000 (Hdt. 7.228). Herodotos gives 3,100, including 300 Spartans. Diodoros (11.4.5) gives a figure of 1,000 Spartan and 3,000 from the rest of the Peloponnese, ending up with a total of 4,000 Peloponnesians in line with the inscription. A figure of 1,000 Spartans is given twice by Isokrates (4.90, 6.99). So Diodoros may be working with this strand of the tradition. The fact that Justin (2.11) again gives 4,000 suggests that the arithmetic has a common source (probably Ephoros). Pausanias however (10.20.2) explicitly opts for Herodotos' figures. He also implicitly indicates his awareness of alternative numbers. Diodoros has 1,000 Spartans. Pausanias' emphatic statement that there were 300 Spartans "and no more" (οὐ πλείονες (10.20.1)) looks like a glance at and implicit rejection of this version. Pausanias also tacitly ignores a non-Herodotean version of the finale of the earlier battle which seems to have become canonical in the Hellenistic period. Diodoros, Pompeius Trogus and Plutarch tell a story (with differing degrees of elaboration) in which the Greeks raid the Persian camp by night, inflicting great casualties and coming close to killing the king, before the Persians realize how few they are, turn on them and kill them.[32] In contrast Pausanias' narrative follows Herodotos' less melodramatic account in which the Greeks sit tight until surrounded, whereupon the majority withdraw, leaving a rearguard which is ultimately massacred (10.20.2).

The preference for Herodotos is also visible in the larger narrative of the invasion. The failure of the Celts to penetrate central Greece was a paradoxical rescue from what was seen as an existential threat. This and especially their failure to pillage Delphi inevitably invited a superhuman explanation in Greek belief. This was the way Herodotos and the actors

32 Diod. 11.10.4; Justin 2.11.12-18; Plut. *De malign. Her.* 866a-b; [Plut.] *Minor Parallels* 306d. As well as firmly aligning his account with that of Herodotos, Pausanias' version also avoids aggrandizing the earlier expedition to a point where it undermines the salience he gives to 279.

in his *History* viewed the success against Persia. Hence the miraculous element. The wonders are already present in the inscription from Kos from the year after the defeat of the invaders.[33] But the tradition diverged on the nature of the intervention and so do our sources. The inscription from Kos speaks of an epiphany by Apollo during the fighting. This is the tradition followed by Pompeius Trogus as epitomized by Justin (24.8), possibly also Diodoros (22.9). But in Pausanias it is the local heroes who appear (10.23.2; cf. 1.4.4); the antecedent here is in Herodotos (8.37-38).

If we accept that it was Pausanias who introduced the Herodotean echoes into the text in his account of the fighting in the pass, it follows that his textual source for the battle offered little narrative detail. Pausanias appears to be using a blend of surmise (the terrain had not changed, with the same implications for defenders and attackers, especially given the numerical disparity) and literary reminiscence to flesh out his account and to underscore the similarity with 480. At the same time the density of Herodotean reminiscence invites the reader to compare the two accounts. I return to this below.

Pausanias may have enhanced the comparison with 480 for his own narrative purposes, but he did not invent it. It was always there, even before the battle. This is not just about retrospect. The Greeks collectively had the battle of 480 in mind in their strategic thinking. They had learned the lessons from Leonidas' failure. The infantry force was almost four time the size. With it were at least 1,000 cavalry, unlike 480, when Leonidas had none. The cavalry on both sides was useless in the narrow pass in 279. But the presence of the Greek cavalry meant that they had the means to cover their retreat east of the pass, if the Celts forced a way through or the position was turned. And it did allow the Greeks to raid forward instead of playing a purely reactive role as Leonidas had. The shadow of 480 probably explains the use of the Phokians again to defend the path through the hills. Nobody was unaware that the Phokians had been dislodged in 480. And their failure either to put up a firm resistance or to warn the Greeks in the pass below had contributed to the final massacre of the rear guard. But the nature of Greek interstate rivalries must

33 See above p. 506.

have meant that for some people the whiff of failure, perhaps even betrayal,[34] hung around Phokis and they may have volunteered for the task in the hope of expunging the taint of having failed the great Panhellenic cause.

And in the aftermath the participants looked to the Persian Wars to validate their achievement. The Aitolians pointedly set up the shields taken from the Celts close to those taken from the Persians at Marathon by the Athenians (Paus. 10.19.4). As always in Greek sanctuaries not just the dedication itself but the location and juxtaposition represented a competitive gesture and here the effect was to raise the Celtic invasion to the legendary status of the Persian Wars. And to claim for the Aitolian League the role of saviour of Greece which tradition gave to Athens. It also began the process of claiming for Aitolia the role of saviours of Delphi from the Phokians which we find reflected in the historiographical tradition.

So everyone viewed 279 as to some degree a re-run of 480 before, during and after the fighting.[35] But the narrators of the invasion still had room to choose within the tradition. Though the battle featured in the historiographic tradition, it was the attempt on the Panhellenic shrine and the opportunity to tell a familiar moral tale of *theomachia*, excess and divine punishment that attracted most interest.[36] This also mattered for Pausanias, as the overlaps between his narrative and those of Diodoros and Pompeius Trogus/Justin demonstrate; but so did the fighting at Thermopylai; hence the fact that in his fuller account in book 10 Pausanias devotes roughly equal space to the fighting at Thermopylai and to events in Phokis. This inevitably invites a more extensive comparison with 480 and it is clearly a strategic choice. With it came the opportunity to emulate the classic narrator of the Persian Wars.

34 For the possibility that the Phokians did not just panic but deliberately abandoned their post see Rop 2019.

35 Cf. *PHamb.* inv. 38, where the rapprochement of the Celtic invasions with 480 recurs, though precise reference is uncertain (see Barigazzi 1974;, Bearzot 1992: 119 n. 50; Lloyd-Jones & Parsons 1983: 460; Ameling 1994: 150 n. 160).

36 For the more overt and more pervasive moralizing (in comparison with the classical period) favoured by a number of Hellenistic historians cf. Hau 2016a: 244-45, and the more extensive treatment in Hau 2016b: ch. 1-3 and pp. 272-77.

But Pausanias is careful to avoid merely repackaging his primary influence. He also at some points visibly distances himself from Herodotos, pointedly supplementing and correcting his model. Herodotos, as Pausanias points out, gave no figure for the Lokrians. Pausanias in a very Herodotean manner[37] calculates the number at 6,000 to make good the deficit (10.20.2), thus in a single gesture both deferring to and correcting his exemplar. He also explicitly has the Mycenaeans stay for the last stand with the Spartans and the Thespians. His precise repetition of Herodotos' numbers for the forces with Leonidas suggest that he has a text of Herodotos to hand; at the very least, it rules out a lapse of memory. He does not give a source for the additional detail. It does not appear in his brief mention of the Mycenaeans at Thermopylai at 2.16.5. But in the absence of any trace of the detail in the sparse remains of the historiographical tradition the most obvious (if ultimately unprovable) origin would seem to be oral sources at Mycenae. At the same time, without comment he omits the Thebans from the forces who remained in the pass with Leonidas. In this he aligns himself with what seems to have been the standard post-Herodotean version, probably beginning with Ephoros. The effect is to correct tacitly Herodotos' narrative of the Theban surrender in the final phase of the fighting.

So what we have is a complex engagement both with the earlier war and with its narrators, with Herodotos his main but not his only source. The most striking gesture perhaps is the attempt to outdo his primary model. Though scholars have long noted the links with Herodotos, not enough emphasis is placed on the visible element of competition. This is already signalled in Pausanias' introduction to the account in 10.19.5. In explaining why he has returned to the subject of the invasion he says his reason is "because the greatest of the Greek confrontations with the barbarians took place there" (ὅτι ἔργων τῶν ἐπὶ τοὺς βαρβάρους τὰ μέγιστα Ἕλλησιν ἐνταῦθα ἦν). Not 'the greatest after the Persian invasion' but 'the greatest' without qualification. This kind of gesture is almost a reflex action with ancient historians, starting with Herodotos himself (Hdt. 7.20).[38] The subject of the author's narrative is regularly the greatest or

37 Cf. Herodotos' calculation of the figures for the Persian naval forces at 7.84-87 in the immediate context of the Thermopylai narrative.

38 See Carey 2025 *ad loc.* and for a fuller treatment Marincola 1997: 34-43.

most significant of its kind. Pausanias' statement implicitly corrects Herodotos' claim that the invasion of 480 was the greatest episode ever in the conflict between east and west, and he goes out of his way to indicate that the Celtic assault was the greater threat. The Greeks "saw that the struggle before them would not be for freedom, as with the Persians in the past, and that giving water and earth would not bring them safety. ... So every man and all the cities collectively were convinced that they must die or prevail" (10.19.12).[39] To some degree he is right. The aim of the Persian invasion of 480 was to conquer Greece and absorb it into the highly organized Persian empire. Conquest for the Persians did not necessarily involve fighting. It was in the interest of the empire to avoid both unnecessary losses in the field and unnecessary destruction in the newly acquired territory. As Pausanias rightly notes, it was enough for the invaders of 480 if Greek states were prepared to submit by giving earth and water. The Celts in contrast had less incentive to clemency.[40] The sense of the Celtic invasion as an unparalleled threat is also present in the brutal diversionary move by the Celts designed to draw the Aitolians away from the pass and reduce the number of defenders (10.22.2-7). A large force (40,000 foot and 800 horse according to Pausanias) turned west through Thessaly and invaded Aitolia, where the Celts systematically ravaged the city of Kallion/Kallipolis. The Aitolians responded by withdrawing from Thermopylai to protect their territory. Together with the population left behind (including not just those of military age but old men and women incensed at the atrocities committed by the Celts), they were eventually able to trap the invaders and inflict enormous casualties. But the Celts had succeeded in weakening the force opposing them in the pass. The brute nature of the invaders is also emphasized in the

39 The resolve to 'vanquish or die' (ἀπολωλέναι ... ἢ ἐπικρατεστέρους εἶναι) itself generalizes Damaratos' description of the Spartans in Herodotos 7.104.5 (ἐπικρατέειν ἢ ἀπόλλυσθαι) and applies it to the Greeks as a whole.

40 Pausanias does however share the tendency of other Greek sources to exaggerate the brutality of the invaders. There is no good reason to doubt the ruthlessness of the invading force or the fact of atrocities, even large-scale atrocities, but the bestial savagery ("The more plump of these ... babies the Galatai killed, and drank their blood and ate their flesh" (10.22.3)) has little basis in fact and is at odds with the military practice of the Celts as attested in inscriptions; see Mitchell 2003: 282-83 and cf. n. 41.

fighting in the pass. Though details both of the armament and the actual fighting remind us of Herodotos' Persians, the account of the fighting tactics underscores the blind, almost bestial, fighting techniques of the Celts (he actually says (10.21.3) "like beasts" – *theria*) and ties in with the claim that this is about survival, not just liberty.[41]

This combination of genuflection and competition reappears in his account of the Celtic forces. Each rider has two potential mounted surrogates ready to replace him. In a very Herodotean gesture Pausanias expresses the belief that the Celts learned this from the Persian elite corps of Immortals (10.19.11). The source here has to be Herodotos' explanation of the name of the corps at 7.83.1;[42] there was a body of replacements ready to replace each casualty, so that the number was always maintained at 10,000. Pausanias points out that the Celts go one further in that the surrogates are ready to replace the fallen during the military action rather than to make up the complement afterwards. But there is already an implicit outdoing of Herodotos in the numbers, in that there are two surrogates for each of the Celtic riders, where Herodotos speaks only of a man being replaced by another.

Pausanias also goes out of his way to contrast the Greek response in terms of scale. The contrast is explicit in his introduction to the narrative (10.20.1), where he contrasts the Greek numbers of 480 and 279.[43] He gives a final figure of about 11,000 for the Greek army of 480. His figure may be too big. But in contrast in 279 the Boeotians alone provide 10,000 infantry. The total force was in excess of 23,000 infantry, with 1,000 or more cavalry (10.20.3-5). Herodotos gives us to understand that the force at Thermopylai in 480 is an advance guard; but support never comes. Pausanias' Greeks turn out in force. As in Herodotos (7.207) the Greeks are overcome with fear. But they rise to the occasion (10.19.12). There is no suggestion in his account of any readiness to withdraw from the pass,

41 There is in all of this an unresolved paradox, in that sometimes the invaders appear as a highly organized army and astute if brutal strategists, sometimes as simply wild. Mitchell 2003: 288 notes that the Celts "far from being a tumultuous horde, were disciplined warrior bands with responsible and effective leaders."

42 Cf. Ameling 1994: 148.

43 For the rhetorical role played by numbers in ancient Greek historiography in general see Rubincam 2021: *passim*.

a constant theme in Herodotos. And Pausanias points out in his account of the numbers that in 480 part of the force withdrew on the third day, leaving just the Spartans and Thespians (and for him the Mycenaeans). As he puts it (10.20.2), "they left before the end of the battle" (προαπέλιπον τὸ πέρας τῆς μάχης). This sense of a greater Greek cohesiveness in the later action may explain the way Pausanias treats Brennos' discovery of the path through the hills. He deals generously with the betrayal, unlike Herodotos' treatment of Ephialtes, the man who according to tradition guided the Persians through the mountains. Herodotos does not explicitly condemn Ephialtes. But he does not exonerate him and he deals at length with the question of the identity of the guilty party without ever advancing any mitigating circumstances. Pausanias in contrast claims (plausibly enough) that it was not from any ill-will toward the Greek cause (οὐ κακονοίᾳ τῇ ἐς τὸ Ἑλληνικόν); they simply wanted to be rid of the Celts, who were plundering the territory (10.22.9). The same is probably true of 480 BCE. But not for Herodotos. In contrast to Herodotos' unremitting tale of Greek disunity, for Pausanias this is a story of Greek solidarity. There were in fact other ways of telling the story. Whereas for Pausanias the Aenianes reveal the path just to be rid of the barbarians, in Justin (24.7.2) the Aenianes and Thessalians (or at least some of them) actually join the barbarians in their search for booty in Phokis. There was a good antecedent for this way of telling the story in Herodotos' account of the Thessalians persuading Xerxes to invade Phokis (8.31). But Pausanias offers us an account of a united Greece which rises collectively to the challenge, at least as far as central Greece is concerned.

The desire to present 279 as in some respects a bigger and better Thermopylai may explain the absence of a detail which Pausanias offers elsewhere. Pausanias opens his account of Sparta in book 3 with a long background narrative on Spartan history. Thermopylai 480 is treated briefly in an account of the late sixth and early fifth century which draws heavily on Herodotos. There he heaps generous praise on Leonidas (3.4.7). Like Achilles at Troy or Miltiades at Marathon he is the single figure on whom events turned at Thermopylai. No surprise there; that was already the view in the fifth century. More striking however is his comment that Leonidas' achievement surpassed all that happened afterwards and all

that happened still earlier (3.4.7). For a historical figure to be viewed as a greater warrior than Achilles is a virtually if not actually unique praise. He even claims that Leonidas would have kept Xerxes out of Greece but for the betrayal by Ephialtes. None of this is inconsistent with his account in book 10. But the omission of any such mention in the detailed narrative of the Celtic invasion is interesting as an indication of the editing process which allows him to represent the Celts as a greater threat than the Persians of 480.

The attempt to outdo can be seen in other features of the narrative. Pausanias has Brennos lead a detachment of forty thousand through the hills (10.22.10). Herodotos never actually says how many Persians went on the march which outflanked the Greeks in 480. But he does say that they were Hydarnes' troops. And elsewhere he tells us that Hydarnes led the 10,000 strong Immortals. So he may have imagined them as 10,000; we simply do not know. Pausanias' figure looks wildly inflated for the size of the path and grossly disproportionate to the numbers required to outflank a vastly outnumbered Greek force. But the key point again is the scaling up.

But this is not just about scaling up. Pausanias may impose Herodotean details on his narrative. But he also pointedly notes differences. As a small force made up entirely of infantry the Greeks of 480 simply put themselves in the pass like a cork in a bottle. The possession of cavalry allowed the Greeks of 279 to move safely into the plain to the west and attempt pre-emptive measures. A squadron of the cavalry with 1,000 light-armed troops positioned themselves to prevent the enemy from crossing the Spercheios (10.20.6). Unsuccessfully, since Brennos found a way to cross downstream. Another major departure from the past is the double intervention of the Athenian fleet, made possible by the fact that the Celts unlike the Persians had no fleet. The Athenian ships pulled into the shallows and attacked the invaders from the flank with missiles (10.21.4), a move made possible by the absence of any fleet on the other side. It was however undertaken at considerable risk, since the water was shallow enough to create a risk of grounding. The Celtic forces must have been stretched along the pass, and an attack on the troops pressing forward from behind where the road climbed the side of the bay would have

caught those of the invaders who had entered the pass in a pincer movement. Even at their closest to the shore, the slingers and archers, especially the latter, must have been operating at the limit of their practical range, and the enemy must have been beyond the range of Greek javelins.[44] And even so, any attack would only work at the western end of the pass, on the lower slopes. But with the enemy crowded in a narrow space there was no need for accuracy; volleys would suffice. The psychological effect and the disruption caused by the need to avoid missiles must have been more significant than any physical casualties caused. But any manoeuvre which forced the Celts to take cover would increase the crowding in the pass and the pressure from behind on those who were facing the Greek hoplites. And given the shape of the pass, with a western entrance only two or three metres wide, the increased crowding would prevent reinforcements entering. The second intervention was after the encirclement. As in 480, the Phokians guarding the Anopaia were taken by surprise. But this time unlike 480 they immediately went on the attack put up a fierce resistance. When forced back, they retreated downhill, not up as they had in 480. So they were able to alert the Greeks in the pass to the encirclement, so that they could escape before the trap was sprung (10.22.11). Unlike 480 there was no need for a last stand and no massacre. To this extent the action in 279 was by comparison a success. As noted above, Pausanias probably exaggerates the role of the fleet in rescuing the army. But for him the Athenian navy saved the Greeks, just as Herodotos believed that it saved Greece in 480-479. The similarity of his comment at 10.21.5 ("on that day the Athenian contingent surpassed the other Greeks in valour" – τοὺς μὲν δὴ Ἕλληνας τὸ Ἀττικὸν

44 Javelin perhaps 20-25 metres, bow perhaps 150-200 metres, slingshot perhaps as much as 350-400 metres; see Du Plessis 2024: 27, 59, and Marshall 2023: 41 n. 41. Since there was no standardization of construction either for the bow or for the sling, any such figures can only be very rough. And since we do not know how close to shore the triremes could get without grounding, we do not know how many Celts were within range of the missiles. This will itself will have differed at different points along the pass. There was a harbour within the pass and there must have been approach channels. The javelins can only have been effective very close to shore, if at all.

ὑπερεβάλετο ἀρετῇ τὴν ἡμέραν ταύτην[45]) to Herodotos 7.139.5[46] is striking and clearly not accidental.

In evaluating Pausanias' response we should bear in mind that after Thermopylai the Celts simply turned west and invaded Phokis. Whether that was in any way due to the encounter at Thermopylai is unclear. In the absence of firm numbers and any evidence for the intentions of the invaders (beyond the occasional conjectural focalization in Pausanias), we do not know (nor, probably, did the Greeks at the time) how far south they intended to push; indeed, the Celts themselves may not have had a fixed goal. The delay at Thermopylai will have put pressure on the invading army's supplies and forced them to forage further and further afield; so after the effective resistance in the pass Brennos may have felt that Delphi offered an easier and richer target than fighting his way south into central Greece. Or it may be that Delphi was always the target; if so, Brennos may have been compelled to clear the Greeks from Thermopylai in order to invade Phokis via the pass at Hyampolis, or simply to avoid having a Greek army to his rear. Whatever the reason, Brennos advanced no further south than Thermopylai, while in 480 the Persians broke through and overran central Greece as far as the Isthmus. In military terms the engagement at Thermopylai in 279 was a defeat for the Greeks, no less than the engagement in 480. But central Greece remained untouched. For anyone disposed to make the comparison, the battle might be seen as a success. And in Pausanias' telling the Greeks achieved a unity in 279 which they had struggled to achieve in 480. The battle seems not to have been commemorated at Delphi, though it meant a great deal to the Athenians. And as we have seen, it seems that the historiographical tradition paid relatively little attention to it. But Pausanias is explicit that the Athenian feat at Thermopylai was no less impressive than the last stand of 480.[47] So he may be partly motivated by a desire to set the

45 Cf. 1.4.3: ἔνθα δὴ πλείστου παρέσχοντο αὐτοὺς Ἀθηναῖοι τοῖς Ἕλλησιν ἀξίους ("Then indeed the Athenians did the greatest service to the Greeks").

46 νῦν δὲ Ἀθηναίους ἄν τις λέγων σωτῆρας γενέσθαι τῆς Ἑλλάδος οὐκ ἂν ἁμαρτάνοι τὸ ἀληθές: "As it is, if one were to say that the Athenians were the saviours of Greece, he would not be far from the truth."

47 The Athenian exploit was οὐδὲν ἀφανέστερα ἐκείνων (sc. the Spartans) τολμήματα (7.15.3).

record straight and to rescue from obscurity a campaign which he felt was unfairly overshadowed by the events two centuries earlier. He obviously felt the battle was worthy of his predecessor and it inspired his longest and arguably his most vivid narrative excursus. It gave him the opportunity to tell a story in full Herodotean mode, part homage and part attempt to outdo his great predecessor at his best.

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BATTLE EXHORTATIONS IN POLYBIUS

By Lisa Irene Hau

Summary: This paper begins with considering the authenticity of Polybius' battle exhortations in the light of Hansen's well-known arguments for the impossibility of delivering speeches to a large body of deployed soldiers. For this purpose, the battle exhortations in Polybius are divided into categories depending on their delivery situation. This leads to the conclusion that many of the speeches must be fictional, but that battle exhortations are important for Polybius, and so begs the question of what function they fulfil in his *Histories*. In order to answer this question, the battle exhortations are divided into a different set of categories, depending on Polybius' reporting style, i.e. whether the speech is reported in *oratio recta*, *oratio obliqua*, a combination of the two, is just briefly summarised, or is simply mentioned. The battle exhortations which are reported in *oratio recta*, *oratio obliqua*, or 'combination mode' are discussed in some detail before facing the question of why Polybius thought such speeches sufficiently important to include brief summaries or even briefer mentions of them even when he did not report them.

> These dispositions made, he [Scipio Africanus the Elder] traversed the battle line (ἐπεπορεύετο) exhorting the troops (παρακαλῶν τὰς δυνάμεις), briefly, but in a manner fitting to the situation at hand (βραχέως μέν, οἰκείως δὲ τῆς ὑποκειμένης περιστάσεως). He called upon them to show themselves brave men in remembrance of their former battles, worthy of themselves and their country, and to place before their eyes that the effect of their victory would be not only to make them complete masters of Libya, but to give them and their country the supremacy and undisputed lordship of the world. But if the battle fell out differently, those who fell bravely in the fighting would have the fact that they had died for their country as the most glorious burial sheet whereas those who had fled would have the most shameful and pitiable end to their lives. For there was no place in Libya which could guarantee safety for those who had fled, and if they fell into the hands of the Carthaginians, no one in their right mind could be in doubt what would happen to them. "May none of you," he said, "learn that by experience! ("ὧν" ἔφη "μηδενὶ γένοιτο πεῖραν

> ὑμῶν λαβεῖν.) Since, then, Fortune has placed before us the most glorious of rewards, in whichever way the battle is decided, should we not be at once the stupidest and most cowardly of mankind if, with the most glorious of prizes being within reach we choose the greatest of evils through love of life?" (τῆς δ' οὖν τύχης ἡμῖν τὰ μέγιστα τῶν ἄθλων εἰς ἑκάτερον τὸ μέρος ἐκτεθεικυίας, πῶς οὐκ ἂν εἴημεν ἀγεννέστατοι καὶ συλλήβδην ἀφρονέστατοι πάντων, εἰ παρέντες τὰ κάλλιστα τῶν ἀγαθῶν ἑλοίμεθα τὰ μέγιστα τῶν κακῶν διὰ φιλοζωΐαν;) Therefore he called upon them to fix their minds on only two possibilities: to conquer or die, and in this mindset advance against the enemy (διόπερ ἠξίου δύο προθεμένους, ταῦτα δ' ἐστὶν ἢ νικᾶν ἢ θνήσκειν, ὁμόσε χωρεῖν εἰς τοὺς πολεμίους). For men with such a mindset march to battle without hoping to stay alive and so always by necessity conquer their enemies (τοὺς γὰρ τοιαύτας ἔχοντας διαλήψεις κατ' ἀνάγκην ἀεὶ κρατεῖν τῶν ἀντιταττομένων, ἐπειδὰν ἀπελπίσαντες τοῦ ζῆν ἴωσιν εἰς τὴν μάχην).
> Polybius 15.10[1]

More than 20 years ago, Mogen Hansen showed decisively that speeches such as this one, which Polybius presents Scipio Africanus the Elder delivering before leading the Roman troops to victory at Zama, are fictional.[2] By practical experiments, he proved that it is impossible for a general to be heard by thousands of troops lined up in battle order and, if, as Polybius says, Scipio 'traversed the battle line' while speaking, each column of troops would have heard a different part of his speech, and none would have caught all of it. If we want to believe that Polybius is aiming for authenticity, we can at most assume that he has collated the various encouraging phrases used by Scipio in front of each column or unit of troops into a (short and) coherent speech. It is, of course, also entirely possible that Polybius had no sources for what Scipio said to his men and made up the speech himself based on those commonplaces generally employed by generals speaking to their armies (cf. Thuc. 7.69.2).

1 All translations in this paper are the author's own.

2 Hansen 1993 and 1998 *pace* Pritchett 1994. For an overview of literature on ancient battle exhortations in reality, literature, and art, see Lendon 2017: 149-50 n. 21.

Hansen's arguments (reinforced by the physics calculations of Anson)[3] have been accepted by the majority of scholars, and it is now common to consider battle exhortations in historiography fictitious, particularly when ostensibly delivered in front of a large army, and especially when that army is said already to be deployed in battle order.[4]

Scholarship on speeches in Polybius has generally focused not on battle exhortations, but on ambassadorial speeches and speeches delivered in political assemblies, which are much more numerous in his work. The aim has been partly to investigate how far Polybius lives up to his own programmatic statements about speeches in historiography (especially at 12.25 and 36.1.1-7) and partly what lies behind his habit of reporting most speeches in *oratio obliqua* which some brief remarks in *oratio recta.*[5] The *comunis opinio* is that Polybius seems to have made an effort to find out what was said on each occasion (as he claims explicitly in 36.1.7), with varying degrees of success, and tried to reproduce the arguments, but, importantly, not the words of the historical speaker.[6] With regard to the preponderance of *oratio obliqua*, it may well be that he preferred to summarise the arguments (whether authentic or merely, in his view, appropriate) in *oratio obliqua* rather than write up more or less fictionalised speeches. When he then added particularly striking metaphors or phrases in *oratio recta,* it might be because these were phrases that had stuck in the audience's mind and been reported to him verbatim, or because he felt justified in composing small snippets of direct speech in order to dramatize the moment or characterise the speaker.[7] With regard

3 Anson 2010.

4 See e.g. Zoido 2007, McGing 2010: 88-89, Nicolai 2010, Wiater 2010, Lendon 2017.

5 Se especially Wooten 1974, Marincola 2007: 123-29, Usher 2009, McGing 2010: 86-91, Pitcher 2021. Thornton 2013 takes a different approach, aiming to establish the deciding power of oratory in Polybius and the extent to which his own experiences as a political orator influenced his work. Duncan 2023 discusses the role of oratory in the work with a focus on its effect on the internal audience. Pédech (1964: 259-76) and Walbank (1957-1979) represent the historicist tradition of focusing on possible sources for the speeches. Comprehensive overviews of scholarship on Polybius' speeches can be found in Wiater 2010 and Duncan 2023.

6 Wooten 1974, Marincola 2007, Pitcher 2021, Duncan 2023.

7 Usher 2009, Nicolai 2010, Pitcher 2021.

to his criticisms of other historiographers' (principally Timaeus') approach to speeches, it is not the inclusion of speeches in itself to which he objects, but the number and length of speeches and the inappropriateness of many of their arguments: Polybius believed that only select speeches should be included in a work of history, namely those that had made a real difference historically, and that their arguments should be appropriate both to the speaker and the situation.[8]

In most of this scholarship on oratory in Polybius, battle exhortations are mentioned only briefly, sometimes in order to note that, considering Hansen's arguments for the fictitiousness of battlefield speeches, these must be less authentic than the other speeches in the *Histories*.[9] This surely begs the question: why did Polybius, who is so explicit about the duty of the historian to find out the 'true words' that were actually spoken (36.1.7) divert from this principle in order to make up battle exhortations? What function do these speeches fulfil in his work?[10] Even more puzzlingly, why did he, as we shall see below, include information that such exhortations were given even when he did not feel the need to tell the reader much, or anything, about what the general said? Those are the questions faced by this paper.

Battle exhortations categorised by delivery situation

Thinking in terms of Hansen's arguments about the practicalities of speaking to large bodies of troops, Polybius' battle exhortations can be divided into five groups depending on their delivery situation:

1. Speeches delivered to an entire deployed army immediately before battle, like Scipio's speech quoted above, which are certainly fictional. There are, in fact only four instances of these in the surviving text of the

8 Marincola 2007: 123-29, McGing 2010: 86-91, Pitcher 2021.

9 E.g. Marincola 2007: 123-29, McGing 2010: 88-89. Nicolai 2010 and Wiater 2010 are exceptions, which focus on battle exhortations; see below.

10 The same question is asked by Nicolai (2010) and answered in terms of brief rhetorical analyses of the speeches before the battles of Ticinus, Cannae, and Zama. In a more sophisticated vein, Wiater (2010) analyses the battle exhortations of book 3 as illustrating the juxtaposition of words and events as part of Polybius' didactic project. The present paper complements rather than replicates both of these pieces.

Histories: Antiochus III and Ptolemy Philopator before the Battle of Raphia (5.83), Philopoemen before the battle with the Spartans under Machanidas (11.12.1-3), Scipio Africanus the Elder before the Battle of Zama (15.10, quoted above), and Flamininus before the Battle of Cynoscephalae (18.23). Of these, the speeches of Antiochus and Ptolemy are summarised extremely briefly, and that of Philopomen is a bare mention that it occurred, and, interestingly, that the soldiers could not hear his words because they were making too much noise. Only the speeches of Scipio at Zama and Flamininus at Cynoscephalae are fully-fledged battle exhortations, the former presented in a combination of *oratio obliqua* and *oratio recta*, the latter exclusively in *oratio recta*. As for opposing speeches, the speech of Scipio is countered by a speech by Hannibal, explicitly delivered to his officers the night before the battle, with instructions for each of them to encourage his own men. There is no speech by Philip V to counter the one by Flamininus.

2. Speeches delivered to the assembled army at some point before the battle, typically the night before in the case of land armies or directly before embarkation in the case of naval armies. These are much more numerous and, since their delivery situation is more realistic, they have a better claim to being potentially authentic. Examples are: Himilco to troops in Lilybaeum (1.45), Adherbal to fleet at Drepana (1.49.10), Hannibal three times during his march across the Alps (3.34.7-8, 3.44.10-12, 3.54.2-3), Hannibal before Ticinus (3.62-63), Publius Scipio before Ticinus (3.64), Lucius Aemilius before Cannae (3.108-109), Hannibal before Cannae (3.111), Scipio the Elder twice in front of New Carthage (10.6.1-6, 10.11.5-8), and before setting out in pursuit of the rebel Andobales (11.31). All of these speeches are either entirely or primarily in *oratio obliqua*, and many are explicitly said to have been delivered by the general 'after having assembled the troops' (e.g. συναγαγὼν 3.62.3 and 3.64.1; συναθροίσαντες 3.108.2; συνῆγε 3.111.1). It is possible to quibble over how close to the moment of battle a speech must be delivered in order to count as a battle exhortation: some of the speeches listed here are delivered before leading an army or fleet into hostile territory or waters where a battle can be expected, but in fact a battle in many cases does not immediately occur (e.g.1.45, 3.44, 3.54, 10.6). It is, however, impossible to see a difference, in form or content, between these speeches

and the ones being delivered before a battle, and it is worth noting that the exhortations by Hannibal and Publius Scipio delivered before the Battle of Ticinus, which are commonly considered battle exhortations,[11] take place two days before that battle (3.65.1-2), and the exhortation of Lucius Aemilius before the Battle of Cannae no less than four days before that battle is fought (3.110-115). It is only the narrative presentation of these speeches in close proximity to the narrative of the two battles that mark them out as *battle* exhortations by contrast with, say, Scipio's speech before marching out against Andobales.

3. Speeches delivered to a group of officers only, who are then expected to pass on the salient points to their men. This delivery situation is entirely realistic and believable, but that does not, of course, mean that the speech found in the *Histories* necessarily replicates what the general actually said. There are not many explicit examples of this in the extant text of the *Histories*, and one wonders if we are often meant to assume that the speeches in group 2, delivered 'after assembling the troops' are, in fact, delivered by the individual officers under the instructions of the commander-in-chief. The most explicit examples in the text are the Roman general speaking to his officers before the siege of Pharos (3.18.4), Hannibal speaking to officers while hiding with them in a ravine before his surprise attack on Tarentum (8.26.7-10), and Hannibal speaking to his officers before the Battle of Zama (15.11). It is also possible that a commander-in-chief instructing his generals what to say lies behind the two instances of a collective of Carthaginian *strategoi* speaking to the fleet and army respectively during the First Punic War (1.27.1-2 and 1.32.8).

4. Speeches delivered to a small, select body of soldiers. Like group 3, this represents a realistic, but rarely explicitly described, delivery situation. The only examples I have come across are Hannibal addressing the troops selected for the ambush at the Battle of Trebia (3.71.8) and Hannibal speaking to his own troops after instructing his officers what to say to theirs before the Battle of Zama (15.11).

5. Speeches delivered in an unspecified situation shortly before a battle. This is by far the largest group of battle exhortations in Polybius. However, these speeches are generally not reproduced, but just noted, in almost formulaic phrases with the sense of 'having exhorted the troops

11 E.g. Nicolai 2010, Wiater 2010.

with words fitting for the occasion' (παρακαλέσαντες τοῖς ἁρμόζουσι λόγοις τῆς πράξεως 1.44.1, παρακαλέσας τὰ πρέποντα τῷ καιρῷ 1.60.5, παρακαλέσας τὰ πρέποντα τοῖς καιροῖς 2.64), or simply παρακαλέσας (Demetrius of Pharos before Battle of Pharos 3.19.4, Philip V before siege of Palus 5.4.6).

This overview shows that Polybius found battle exhortations important events which deserved to be recorded. However, it also shows that it was often not the content of the exhortation that was important, but simply the fact that it had occurred. The large number of speeches in group 5, which are mentioned without any indication of their contents, begs the question: what is so important about battle exhortations? What function(s) do they fulfil in Polybius' *Histories*, even when they are merely mentioned in passing? The rest of this paper will attempt to answer that question.

Battle exhortations categorised by mode of presentation

In order to answer the question of the function of battle exhortations in Polybius, it is useful to categorise the speeches in a different way from what we have just done above. Categories 1-5 above are based on the speeches' delivery situation, a classification that aims at gauging the degree of potential for authenticity in the reproduction of the speech, or, by contrast, the extent of necessary fictionalisation in each situation. When our focus switches to the question of narrative or historiographical function of the speeches in Polybius' text, it makes more sense to categorise them according to degree of (re)production of their contents. In order of decreasing amount of information about the contents of the speech, the categories are then:

A. Exhortations delivered entirely in *oratio recta*. There is only one such battle exhortation in the surviving text of the *Histories*, namely the one attributed to Flamininus before the Battle of Cynoscephalae (18.23).[12]

B. Exhortations in 'combined mode', i.e. beginning in *oratio obliqua* and moving into *oratio recta* for their most striking passages. There are four of these, all before important battles of the Second Punic War: Publius

12 Pitcher 2021 has a helpful appendix listing all instances of *oratio recta* in Polybius.

Scipio before Ticinus (3.64), Lucius Aemilius before Cannae (3.108-109), Hannibal before Cannae (3.111), and Scipio the Elder before Zama (15.10, quoted above).

C. Exhortations entirely in *oratio obliqua*. If one includes speeches to assembled troops which take place before movement into hostile territory as well as speeches (in narrative terms) immediately before a battle as I suggested above, there are 10 of these in the extant text: Hannibal in the Alps (3.34.7-8, 3.44.10-12, 3.54.2-3), Hannibal before Ticinus 3.62-63, Hannibal at Tarentum (8.26.7-10), Scipio the Elder before New Carthage (10.6.1-6 and 10.11.5-8), Philopoimen after taking over the Achaean army, but perhaps not before a particular battle (11.9), Scipio the Elder before setting out to fight Andobales (11.31), and Hannibal before Zama (15.11). Most of these speeches are found at less momentous junctures than the ones that include some phrases in *oratio recta*, but that is not true for all of them: Hannibal's speeches and Ticinus and Zama, which are entirely in *oratio obliqua*, correspond to the speeches of Publius Scipio and Scipio Africanus the Elder respectively, both of which have elements of *oratio recta*. For this reason it seems sensible largely to treat groups A, B, and C together while keeping in mind that the presence of *oratio recta* gives the speeches in group A and B a little more oomph.[13]

D. Speeches summarised in a sentence or two, such as the ones said to have been delivered by Carthaginian *strategoi* to their fleet 1.27.1.-2, Adherbal to troops at Drepana 1.49.10, Himilco at 1.45.3 and Antiochus and Ptolemy before the Battle of Raphia (5.83).

E. Speeches mentioned in passing, usually with a form of παρακαλεῖν (most often in the past participle), with no or minimal indication of what was said. This is by far the most numerous category as well as, perhaps, the most puzzling.

We shall look at each of these groups in turn, beginning with the fully developed speeches in groups A, B and C.

13 The interplay between *oratio obliqua* and *oratio recta* in Polybius' speeches has been well discussed by Usher (2009) and Pitcher (2021) although neither spends much time on the battle exhortations.

Exhortations in *oratio recta* (A), *oratio obliqua* (B), and combined mode (C)

The overall purpose of these speeches seems to be to make the narrative more vivid and engaging, or, with a narratological expression, immersive. Narrative scholars working on both modern and ancient texts generally agree that direct speech contributes to the effect of 'temporal immersion', i.e. to making the reader feel as if she is experiencing events at the same time as the characters in the story, often leading to feelings of suspense and excitement about the outcome. Direct speech may also contribute to 'emotional immersion' if it touches on emotional issues and expresses the speaker's own emotions.[14] Polybius' fully developed battle exhortations, despite most of them being in a combination of *oratio recta* and *oratio obliqua*, seem to share this purpose. Indeed, Polybius expresses his desire for the reader to become immersed just before two of these speeches, in the lead-up to the Battle of Zama:

> ἐφ' ᾧ τίς οὐκ ἂν ἐπιστήσας συμπαθὴς γένοιτο κατὰ τὴν ἐξήγησιν; [4] οὔτε γὰρ δυνάμεις πολεμικωτέρας οὔθ' ἡγεμόνας ἐπιτυχεστέρους τούτων καὶ μᾶλλον ἀθλητὰς γεγονότας τῶν κατὰ πόλεμον ἔργων εὕροι τις ἂν ἑτέρους, οὐδὲ μὴν ἆθλα μείζω τὴν τύχην ἐκτεθεικυῖαν τοῖς ἀγωνιζομένοις τῶν τότε προκειμένων· [5] οὐ γὰρ τῆς Λιβύης αὐτῆς οὐδὲ τῆς Εὐρώπης ἔμελλον κυριεύειν οἱ τῇ μάχῃ κρατήσαντες, ἀλλὰ καὶ τῶν ἄλλων μερῶν τῆς οἰκουμένης, ὅσα νῦν πέπτωκεν ὑπὸ τὴν ἱστορίαν. ὃ καὶ συνέβη γενέσθαι μετ' ὀλίγον.
>
> What person who turns his attention to these events could fail to become emotionally engaged/immersed (συμπαθής)? For it would be impossible to find armies that were better prepared for war or generals who were more successful or had been better trained for the operations of war than these ones, or indeed bigger prizes offered to the combatants by fortune than those which were then for the winning.

14 For the concept of immersion and the various techniques used to bring it about, see Hau 2020 or 2025: 11-16 with references to previous scholarship. For direct speech as a technique of immersion, see additionally Ryan 2001, 134-35 and Allan 2020 and 2022, the latter with references to cognitive-psychological evidence.

> For it was not merely of Libya or Europe that the victors in this battle were destined to become masters, but also of the other parts of the known world which now became part of the same history.
> Polybius 15.9.3-6

The rhetorical question and passionate description of the momentousness of the coming battle are meant to capture the reader's imagination and make him (for Polybius' intended reader was surely male) excited to read the following narrative, despite, no doubt, already knowing who would be victorious.[15] That he was also supposed to become emotionally immersed is expressed by the adjective συμπαθής: the reader will 'suffer/experience with' the characters. This is the effect for which Polybius elsewhere sneeringly says that his historiographical predecessor Phylarchus 'always' strives in his narrative (Plb. 2.56);[16] but Polybius clearly believes that the effect is warranted when the events narrated are sufficiently momentous.[17] The battles of Cannae, Zama, and Cynoscephalae, which are all introduced by one or more speeches fully or partly in *oratio recta*, were certainly such momentous events. The Battle of Ticinus, introduced by one speech in a combination of *oratio recta* and one in *oratio obliqua*, might be thought to hold equally momentous significance, even if it was less decisive, since it was the first battle fought between Romans and Carthaginians on Italian soil.

It is striking that Polybius, despite his expressed desire for the reader to become *sympathes* at an important juncture, has decided to report speeches primarily in *oratio obliqua* with only a sprinkling of *oratio recta.* This is probably a sign that his desire to immerse the reader in the his-

15 On the well-known phenomenon of feeling suspense even when one knows how the story is going to end, see Ryan 2001: 146.

16 For a thorough analysis of Polybius' criticism of Phylarchus with references to previous scholarship, see Hau 2025: 69-80.

17 Wiedemann (1990) has argued persuasively that Polybius was in line with ancient literary theory in his belief that emotional *oratio recta* as part of the 'grand' style is fitting when writing historiography about grand themes. He does not, however, discuss what role Polybius thought was played by *oratio obliqua.*

torical narrative came second to his desire for a 'practical' historical account (ἱστορίη πραγματική),[18] i.e. an account which foregrounded didactic usefulness (practical and moral) and avoided the most elaborate techniques of immersion, including the vivid, harrowing scenes for which he criticises Phylarchus (2.56) and the overlong, overly rhetorically wrought speeches for which he criticises Timaeus (12.25b).[19] It is surely no coincidence that the moment in each speech in combined mode where Polybius switches from *oratio obliqua* to *oratio recta* is the rhetorical highpoint, marked by such effects as rhetorical questions, 2nd-person verbs, or striking metaphors.[20] Thus, in Scipio's speech quoted at the beginning of this paper, Polybius switches to *oratio recta* in order to express Scipio's wish (in optative) and a rhetorical question. Oddly, perhaps, for modern tastes, he then switches back into *oratio obliqua* for the final exhortation: "Therefore he called upon them to fix their minds on only two possibilities: to conquer or die, and in this mindset advance against the enemy".

In addition to the purpose of immersion of the reader, however, each of the developed battle exhortations fulfils an individual function in the wider narrative. The speeches delivered by the opposing generals at Ticinus, Cannae, and Zama all contribute to the characterisation of the two generals and the situation they face, helping to show – in an exciting, immersive way – why one side was victorious and the other defeated.

At Ticinus, we are first told that at this juncture, when Hannibal and Scipio were now approaching each other, they set about encouraging their troops, each saying what was fitting to the situation at hand (κατὰ δὲ τὸν καιρὸν τοῦτον ἤδη συνεγγίζοντες ἀλλήλοις Ἀννίβας καὶ Πόπλιος ἐπεβάλοντο παρακαλεῖν τὰς ἑαυτῶν δυνάμεις, ἑκάτερος προθέμενος τὰ πρέποντα τοῖς παροῦσι καιροῖς, 3.62.1)', but it takes another two chapters before we get to Scipio's speech. Instead, the narrative focuses on Hannibal and the display he makes of two captured Gauls, making them fight

18 E.g. Plb. 1.2.8, 3.47.9, 6.5.2, 12.25e1.

19 For Polybius' *Histories* as a didactic work, see Hau 2016, 23-72.

20 Usher (2009: 513-14) concludes his survey of Polybius' use of *oratio obliqua* and *oratio recta* by stating that the switch from one mode to the other towards the end of a reported speech 'produces a crescendo effect', which can be used for dramatic or characterising purposes.

each other and promising death to the defeated and riches and freedom to the victor. Only after narrating this spectacle in detail, as well as the effect it has on the minds of the Carthaginians, does Polybius turn to Hannibal's speech, stating explicitly that the general only spoke after making sure that his troops were now in the right frame of mind (Ἀννίβας δὲ διὰ τῶν προειρημένων τὴν προκειμένην διάθεσιν ἐνεργασάμενος ταῖς τῶν δυνάμεων ψυχαῖς, 3.63.1). Hannibal's speech – entirely in *oratio obliqua* – then takes the staged fight as an *exemplum* (which the troops have 'seen clearly', ἐναργῶς θεασάμενοι) of the situation facing the Carthaginians: they must either fight and win rewards or die and be set free. After the end of the speech, Polybius states explicitly that the combination of the *exemplum* and the speech (τό τε παράδειγμα καὶ τοὺς λόγους) whipped up 'ecstatic fighting fury' (ὁρμὴν καὶ παράστασιν) in the troops. In this way, Hannibal is portrayed as a ruthless, but effective commander with a very shrewd understanding of his troops' psychology.

Publius Scipio's speech, which follows in the next chapter (3.64), by contrast, begins with a summary, making it clear that Polybius does not find the first part of the Roman's speech worth reporting, even in *oratio obliqua*: 'Most of what he said related to the exalted position of their country and the achievements of their ancestors; what concerned the present situation was as follows (τὰ μὲν οὖν πολλὰ τῶν λεγομένων ἦν περί τε τοῦ τῆς πατρίδος ἀξιώματος καὶ τῶν προγονικῶν πράξεων, τὰ δὲ τοῦ παρεστῶτος καιροῦ τοιάδε, 3.64.2)'. Then follows a couple of statements in *oratio obliqua* to the effect that Romans are superior to Carthaginians (3.64.3-4) before a brief switch to *oratio recta* for a rhetorical question and a return to *oratio obliqua* for more thoughts on Roman superiority, this time based on recent skirmishes. At the end of the speech, the troops respond to 'their trust in the speaker and the truth of his words (διὰ τὴν τοῦ λέγοντος πίστιν καὶ διὰ τὴν τῶν λεγομένων ἀλήθειαν)' with 'enthusiasm for battle' (ἐκθύμως ἐχόντων πρὸς τὸ κινδυνεύειν, 3.64.11). This is a more tempered response than the 'ecstatic fighting fury' of the Carthaginians, and, when Scipio recommends them for their 'ὁρμήν', he has clearly misread the mood. Moreover, in the ensuing battle (3.65.3-11), it becomes clear that the assessment of Romans versus Carthaginians

offered in the speech underestimates the latter.[21] This makes Polybius' narratorial remark about the Roman troops responding to 'their trust in the speaker and the truth of his words' read oddly. We are probably meant to see not only the trust, but also the 'truth' as focalised through the Roman soldiers: they believe that Scipio is trustworthy and a capable general, and they believe that he speaks the truth about the superiority of Romans to Carthaginians. The subsequent narrative will show that they are mistaken.

In the speeches before Cannae, a similar situation is depicted. Aemilius is first exhorted by the Senate (*παρακαλέσαντες* – the same word as the one used for delivering a battle exhortation, 3.108.1) and he assembles his troops to exhort them in turn. Interestingly, Polybius says that Aemilius speaks ἐξ αὐτοπαθείας, 'from personal experience' (the kind he elsewhere criticises Timaeus for lacking, 12.25h-i) or, perhaps, since we have not heard anything about Aemilius' deeds before this point, 'from personal feeling' (the Loeb translation sensitively renders 'with words that evidently sprang from his heart').[22] Before presenting the speech itself, Polybius offers a summary of it (it was about the various causes for the Romans' previous defeats and why they would now be victorious, 3.108.3-5), giving the impression that he might skip over part of it as he did with Publius Scipio's at Ticinus. At the end of the summary, however, he slides into *oratio obliqua* of Aemilius' actual arguments (3.108.6-7), and then into *oratio recta,* in order to give specific examples of how the inexperience of the Roman troops who have so far met the Carthaginians in

21 Walbank's comment (1957 *ad loc.*) that Scipio's speech is 'unhistorical' because he did not expect a major battle at this point, and so is included in order to create a parallel to Hannibal's speech, ignores the fact that generals probably addressed their troops also before minor engagements, but is no doubt right about the basic function of the speech in Polybius. Nicolai (2010: 124-25) offers a brief rhetorical analysis of the two speeches at Ticinus and likewise concludes that Hannibal's is more effective. He is wrong, though, to see the troops' enthusiastic response to Scipio's speech as a sign of Polybius' approval. Wiater (2010) persuasively reads the two speeches as programmatic for book 3 in the way they show Hannibal responding to events while Scipio and other Romans do not look reality in the eyes, and (in thought and speech) present versions of events that correspond to their own preconceptions, desires, or ambitions.

22 Translation by Paton, revised by Walbank and Habicht.

battle have brought about defeat (3.108.8-109.5). The speech continues in *oratio recta* on the topic of how men who fight for their homes and families fight better than mercenaries, with the peroration encouraging the troops, with imperative verbs, to prove that it was inexperience and special circumstances that resulted in the previous defeats (3.109.12). Polybius does not say anything about how the soldiers received this speech but just notes that Aemilius dismissed them afterwards.

Hannibal's speech is very different. As at Ticinus, he begins with a visual cue, albeit not quite as elaborately staged.[23] He points to the country around the army and asks the soldiers if they could imagine a better place for a battle (3.111.2). The troops respond positively, applauding "because of the obviousness/clearness" (διὰ τὴν ἐνάργειαν, corresponding to the adverb ἐναργῶς which described how they saw the staged *exemplum* of the captured Gauls).[24] The speech then picks up in *oratio recta*, telling the soldiers to thank the gods for the opportunity the battle affords, stressing that they no longer need exhortations after their many victories, and promising them all the wealth of Italy and freedom from hardship as reward for their coming victory (3.111.3-10). In its supreme confidence the speech stands in stark contrast to the apologetic tone of Aemilius' exhortation. And by contrast with Polybius' silence regarding the response of the Roman troops, here we are told that the Carthaginians applaud enthusiastically (προθύμως αὐτὸν ἐπισημαινομένου τοῦ πλήθους). Hannibal then, like Publius Scipio at Ticinus, but with better reason, praises the men for their fighting fury (δεξάμενος αὐτῶν τὴν ὁρμήν) and dismisses them.

Again, the two speeches characterise the commanders in ways that are brought out by the subsequent battle: Aemilius is heartfelt and courageous in a bad situation that is not of his own making but is ultimately

23 Hannibal's tendency to use visual pointers in his speeches has also been noted by Wiedemann 1990 and Wiater 2010.

24 For Polybius' use of the word ἐνάργεια and its cognates, see Hau forthcoming. On the use of 'epideictic proofs' in Polybius' speeches, see Pitcher 2021: 278-80.

ineffective. Hannibal is supremely confident in himself and his troops, whom he knows and understands, and his confidence is warranted.[25]

At Zama, the situation is reversed. The battle narrative is introduced by the passage quoted above on the importance and intrinsic interest of the battle, encouraging the reader to become immersed, συμπαθής (15.9.1-5). Then follows an overview of Scipio's battle order (15.9.6-10). Scipio then traverses the battle line addressing the troops (on the unrealism of this situation and the rareness of it in Polybius, see above), "briefly, but in a manner fitting to the situation at hand" (ἐπεπορεύετο παρακαλῶν τὰς δυνάμεις βραχέως μέν, οἰκείως δὲ τῆς ὑποκειμένης περιστάσεως, 15.10.1). The speech has been quoted at the opening of this paper. It begins in *oratio obliqua*, confidently reminding the Roman soldiers of their past successes (15.10.2), promising them glory in death should they fall, and then threatening them with a dire fate if they flee and try to find refuge in Africa (15.10.3-4). When it switches to *oratio recta*, it is in order to voice a wish which reinforces the threat: 'May none of you learn that by experience! ("ὧν" ἔφη "μηδενὶ γένοιτο πεῖραν ὑμῶν λαβεῖν", 15.10.4).[26] The speech then, oddly, switches to *oratio obliqua* for its peroration, encouraging the soldiers to go into battle with a mindset of 'conquer or die' (15.10.7).[27] There is no indication of the troops' response. A reader who did not know better might be forgiven for thinking that this is a sign that the speech is ineffectual.

25 Walbank (1957 *ad loc.*) believes the two speeches unhistorical but does not speculate about their purpose within Polybius' work. Nicolai (2010: 125-26) offers a brief rhetorical analysis of the two speeches and also considers Hannibal's the more effective. Wiater's argument (Wiater 2010), that Aemilius' speech presents previous events accurately, and that the subsequent defeat is caused by the other Roman commander repeating the mistakes he mentions, ignores the fact that the speech is overwhelmingly focused on the inexperience of the previously defeated soldiers rather than the mistakes made by their commanders.

26 Danzig (2024) has argued, on the basis of a pair of speeches in Xenophon's *Cyropaedia*, that battle exhortations based on threats are meant to be considered ill suited to the soldiers' psychology and a sign of a bad general. That may be the case in Xenophon, but it does not seem to be the case in Polybius.

27 Walbank (1967 *ad loc.*) only comments on Scipio's remark about the victors becoming masters of the known world and expresses doubt about its historicity. Nicolai (2010: 126) does not analyse the speeches at Zama, but simply states that 'From these speeches, too, one may foresee the result of the battle' without explaining how.

An overview of Hannibal's battle order follows (15.11.1-3), making the reader expect a battle exhortation to match Scipio's, perhaps with some of the Carthaginian commander's trademark visual cues. Instead, we are given something much more subdued: Hannibal assembles not his troops, but only his officers, and asks them to relay a message to their men: the mercenaries are told to trust to the presence of Hannibal and his troops for victory (15.11.4), and the Carthaginians, more ominously, to remember that they are fighting for their homes and families (15.11.5). Hannibal then addresses his own troops in *oratio obliqua*, reminding them not only of their former victories, but also, on a for him unusually emotional note, of their long comradeship (τῆς πρὸς ἀλλήλους ἑπτακαιδεκαέτους συνηθείας, 15.11.6). Only then does he bring in his customary visual cue, asking them to look at the Roman troops (ἀναβλέπειν αὐτοὺς ἐκέλευε) and realise how few they are, and that they are the descendants of men already defeated by the Carthaginians (15.11.10-11).

Like in the case of Scipio, we are not told what effect Hannibal's speech has on its audience. The effect on the reader, however, is profound. Compared with Hannibal's earlier speeches, this one is subdued and lacking in confidence, even slightly emotional, and the talk of former victories only serves to bring home to the reader how much has changed since they happened. If Scipio is pushing his soldiers to victory by threats of their fates in defeat, Hannibal is using commonplaces and the bond between comrades to mask the fact that he believes they will be defeated. Even his customary reference to visual evidence feels lacklustre, and is not credited as ἐναργῶς or ἐνάργεια by the Polybian narrator.

The last fully developed battle exhortation in the extant text of the *Histories*, Flamininus' speech at Cynoscephalae (18.23), stands alone, without a counter-speech by Philip V. Like Scipio's speech at Zama, it is said to be delivered by the general as he traverses the battle line (παρεκάλει τὰς τάξεις ἐπιπορευόμενος, 18.23.1). Polybius introduces the speech by saying that it was 'brief, but impactful and easily intelligible by the audience' (βραχεῖα μέν, ἐμφαντικὴ δὲ καὶ γνώριμος τοῖς ἀκούουσιν). It is common for him to call a speech 'short' (e.g. 1.27.1, 15.10.1), but the reference to its impact and intelligibility is unique. This evaluation seems to be based on the fact that Flamininus, like Hannibal at his most effective, uses a visual cue: "For showing them clearly [the

troops] in front of their eyes he spoke to the soldiers (ἐναργῶς γὰρ ὑπὸ τὴν ὄψιν ἐνδεικνύμενος ἔλεγε τοῖς αὑτοῦ στρατιώταις, 18.23.2). The speech then launches into *oratio recta* from the very beginning with a series of rhetorical questions. It is the only battle exhortation in the extant text of the *Histories* to be presented entirely in *oratio recta*, and it is tempting to think that Polybius had information about what Flamininus had said – perhaps addressing individual rhetorical questions to individual parts of the battle line as he moved along – and decided to reproduce it in the punchiest form possible.[28] Regardless of the authenticity or fictitiousness of the speech, however, its function is clearly to characterise Flamininus as a decisive and effective general, almost a second Hannibal, about to be spectacularly victorious. Another striking feature of Flamininus' speech is that it stands alone, unopposed by a speech by the enemy general. This adds to the effective impression of the speech and also reinforces the impression that Philip is caught unprepared, "forced to bring help [to struggling troops] and decide the battle on the spur of a moment although the main part of the phalanx was still on the march and approaching the hills (ἠναγκάζετο βοηθεῖν καὶ κρίνειν ἐκ τοῦ καιροῦ τὰ ὅλα, καίπερ ἔτι τῶν πλείστων μερῶν τῆς φάλαγγος κατὰ πορείαν ὄντων καὶ προσβαινόντων πρὸς τοὺς βουνούς, 18.14.7)" as Polybius says in the account of the battle in the next chapter.

From this overview, it is clear that the fully-developed battle exhortations before the battles of Ticinus, Cannae, Zama, and Cynoscephalae contribute to the excitement and immersiveness of his narrative at important junctures and also characterise the generals who deliver them. They do not, like Thucydides' battle exhortations, give the reader overviews of strategy or tactics or offer philosophical thoughts on what constitutes true courage.[29] In an insightful discussion of speech (direct, indi-

28 Walbank (1967 *ad loc.*) comments that the speech consists of commonplaces, but notes that they may well have been used by Flamininus in reality.

29 Much scholarship exists on Thucydides' battle exhortations (as on his other speeches). For a convenient overview, see Lendon (2017) p. 146-8 with footnotes. Lendon comments that 'most pre-battle speeches after Thucydides are entirely conventional in their sentiments (...) It is as if the only Thucydidean speeches that most

rect, and reported) in Polybius, Luke Pitcher has recently argued that Polybius' main reason for including speeches of all types is to show the reasons for their success or failure in terms of achieving the speaker's goal.[30] This may well be true of political speeches in the *Histories*, but it does not seem always to be true of battle exhortations since, as we have seen, the effect of the speech is sometimes not mentioned (as with the speeches delivered before Zama as well as Flamininus' speech). Throughout, and in these cases particularly, Polybius' focus is overwhelmingly on the general, and the speech forms part of his portrait, with its effect on the soldiers often being taken for granted.[31]

The exhortations in *oratio obliqua* which occur at other junctures in the work seem to share this double purpose of immersiveness and characterisation: Hannibal is further characterised as ruthless, efficient, and in tune with his soldiers through his three speeches in the Alps (3.34.7-8, 3.44.10-12, 3.54.2-3) and his speech at Tarentum (8.26.7-10); Scipio Africanus the Elder is characterised as acutely intelligent, well-informed, and adept at manipulating people in his speeches at New Carthage (10.6.1-6 and 10.11.5-8), and Philopoemen is characterised as a great leader of men with a keen eye for detail in his speech after taking over the Achaean army (11.9).[32] At the same time, the speeches enliven the moment and make the narrative immersive, keeping the reader interested.

later authors remembered were those before Delium, Nicias before the Anapus river, and Brasidas in Lyncestis, and that they then relentlessly rehearsed the *topoi* in those speeches for nine hundred years' (148). He ignores the possibility that not every historiographer was always imitating Thucydides. Polybius seems to have preferred to report the sentiments that were, or could plausibly have been, spoken rather than offer grand overviews of tactics or philosophical musings; he used his narratorial voice for such purposes.

30 This is echoed by Duncan 2023. See also Marincola 2007: 123-26, and McGing 2010: 88.

31 Polybius is (by contrast with Xenophon) not particularly interested in the relationship between general and soldiers. He comments on Hannibal's unusual ability to keep an ethnically varied body of soldiers loyal for years in enemy territory at 11.19, but it does not form part of his didactic advice in any of his digressions on good and bad generalship (3.81, 9.12-20).

32 For a perceptive analysis of this speech, see Wiater 2010.

It is, of course, possible to achieve these two purposes in other ways and, in fact, not all of the momentous battles in the *Histories* are introduced by exhortations from the generals. For battles in the fragmentary books, such as the Battle of Pydna, it may be argued that the orations have been lost in transmission. In the case of the Battle of Lake Trasumene, however, which is narrated in great detail in book 3, that is clearly not the case. Rather, in this case, Polybius replaces the characterisation of the two generals through battle exhortations with indirect characterisation through their reported thoughts and conversations and direct characterisations in his narratorial voice. He begins with Hannibal, picking up just after the dramatic account of his crossing of the Po Marshes (3.79). Hannibal's thoughts are then offered in *oratio obliqua* introduced by the participle πυνθανόμενος, which makes it clear that they are based on facts: he had learned that the country promises rich booty, and that Flaminius is a demagogue and worthless general, and on this he bases his plan of action (3.80.3-5). Polybius then switches to addressing the reader at length in his own narratorial voice to confirm Hannibal's opinion of Flaminius and use this as a springboard to deliver a moral-didactic lecture on what vices are particularly damaging in a general (3.81.1-11). When he continues his narrative, it is explicitly in order to confirm the views expressed in the lecture (ἃ δὴ καὶ τότε προϊδόμενος καὶ συλλογισάμενος Ἀννίβας ... 3.81.12). The focus then moves to Flaminius, whose character, already surmised by Hannibal and confirmed by the narrator, is now demonstrated by his behaviour, including an exchange of opinions with his officers in *oratio obliqua* (3.82.4-6). These various means of characterising Hannibal and Flaminius take the place of battle exhortations, making the narrative varied, and driving home Polybius' moral-didactic message. We are even told, like after (some) battle exhortations, what effect Flaminius' personality has on 'the masses' (τοῖς ὄχλοις, 3.82.7-8). The battle itself follows (3.82.9-84.14).

Group D: Summarised Exhortations

After this discussion of battle exhortations presented in *oratio recta* (group A), *oratio obliqua* (group C) or a combination of the two (group B) – or, indeed, being absent, as in the case of Trasumene – we turn now,

more briefly, to exhortations which are merely summarised by Polybius in a sentence or two (group D). In this group we find three battle exhortations from book 1 and the exhortations of Antiochus III and Ptolemy Philopator before the Battle of Raphia in book 5.[33]

The three exhortations in book 1 are all delivered by Carthaginians: some unnamed *strategoi* (1.27.1.-2), Himilco (1.45.3), and Adherbal, commander at Drepana (1.49.10). Pitcher has argued persuasively that the higher frequency of short battle exhortations in book 1 than in the later books has an iterative function, i.e. that Polybius is here showing what a typical battle exhortation is like and the circumstances under which it is delivered so that he can take that information as read for battles narrated in the latter books.[34] I am happy to agree with this, but Polybius' choice of speakers surely warrants attention. Why are they all Carthaginian, not Roman? Why is Adherbal – not to mention a bunch of unnamed *strategoi* – sufficiently important to be honoured with a speech? The answer, I think, taking my inspiration from Pitcher, lies in the speeches' typicality or exemplarity.

The brief summaries of the three Carthaginian speeches presents each of them as focusing on a different *topos* of a typical battle exhortation:[35] the speech of the Carthaginian commanders (1.27.1-2) uses a *topos* common for generals of troops fighting away from their own country and trying to hold back the enemy from progressing: if victorious, the troops will win the benefit of keeping war away from their own country; if defeated, they will bring war to their own country. The speech by Himilco (1.45.3) employs a *topos* suitable for a commander of troops who are already enthusiastic and full of confidence (1.45.1-2): he promises personal rewards to those who distinguish themselves in the battle and collective rewards to all if victorious. Finally, the speech by Adherbal (1.49.10) is typical for commanders who decide to risk a battle in order to avoid a siege, holding up the prospect of victory versus the hardships of a besieged city. In this way, each of the speeches shows what Polybius

33 This is not necessarily an exhaustive list. These exhortations are by nature easy to miss in Polybius' narrative.

34 Pitcher 2021.

35 For a list of such *topoi*, see Pritchett 1994: 101-5.

means when he says that a general addresses his troops with 'words appropriate to the circumstances' (e.g. παρακαλέσας δὲ τῷ καιρῷ τὰ πρέποντα 1.45.3), a shorthand used numerous times throughout the *Histories* (see below). The reason each of these speeches is given by a Carthaginian rather than a Roman may be that a battle exhortation is indicative of a commander's relationship with his soldiers, a topic which comes up repeatedly in the portrayal of the Carthaginians in book 1, culminating in the complete break-down of their relationship with their mercenaries and the Mercenary War. On the Roman side, by contrast, Polybius is in book 1 more interested in the relationship between Senate and commanders and the resilience they show in the face of repeated naval setbacks.

The situation with the speeches before the Battle of Raphia is different. This certainly was a momentous battle if ever there was one. Nonetheless, Polybius does not give us extended exhortations by the opposing general-kings, but only a brief summary, iterative in that one summary covers two speeches:

> ἦν δὲ παραπλήσιος ὁ νοῦς τῶν ὑφ' ἑκατέρου παρακαλουμένων. ἴδιον μὲν γὰρ ἔργον ἐπιφανὲς καὶ κατηξιωμένον προφέρεσθαι τοῖς παρακαλουμένοις οὐδέτερος αὐτῶν εἶχε διὰ τὸ προσφάτως παρειληφέναι τὰς ἀρχάς, [5] τῆς δὲ τῶν προγόνων δόξης καὶ τῶν ἐκείνοις πεπραγμένων ἀναμιμνήσκοντες φρόνημα καὶ θάρσος τοῖς φαλαγγίταις ἐπειρῶντο παριστάναι. [6] μάλιστα δὲ τὰς ἐξ αὐτῶν εἰς τὸ μέλλον ἐλπίδας ἐπιδεικνύντες, καὶ κατ' ἰδίαν τοὺς ἡγουμένους καὶ κοινῇ πάντας τοὺς ἀγωνίζεσθαι μέλλοντας ἠξίουν καὶ παρεκάλουν ἀνδρωδῶς καὶ γενναίως χρήσασθαι τῷ παρόντι κινδύνῳ. [7] ταῦτα δὲ καὶ τούτοις παραπλήσια λέγοντες, τὰ μὲν δι' αὑτῶν, τὰ δὲ καὶ διὰ τῶν ἑρμηνέων, παρίππευον.
>
> The essence of the exhortations by each [of the kings] was very similar. For neither of them had any personal brilliant or famous deed to exhibit to those being exhorted because they had only recently taken over their kingdoms, so instead they reminded the troops of the glory of their ancestors and their ancestors' deeds and tried to instil courage and high spirit into the phalanx. But especially they held out

> hopes for future rewards from themselves, both individually to the officers and collectively to all those who were about to go into battle, and they exhorted them to face the present danger nobly and bravely. Saying such similar things, partly themselves and partly through interpreters, they rode along the battle line.
> Polybius 5.83.4-7

Here, the point seems to be partly the similarity of the two speeches, stressing the similar lack of experience of the two kings, and partly the rhetorical emptiness: both kings employ standard *topoi*, such as the glory and great deeds of the soldiers' ancestors and the promises of rewards. Apparently, neither said anything which any of the survivors remembered later, or which Polybius felt deserved to be mentioned in a didactic work of history.

Group E, Battle exhortations mentioned in passing

With extraordinary frequency, Polybius mentions in passing that a general (or other officer) exhorts his troops, often in a phrase such as 'having exhorted the troops with words fitting the situation ... (παρακαλέσας τὰ πρέποντα τῷ καιρῷ)': Carthaginian generals (1.32.8 and 1.44.1), Hanno (1.60.5), Cleomenes (2.64.1), Philopoemen as a young man (2.67.5), Hannibal at Saguntum (3.17.8), Roman general (3.18.4), Demetrius of Pharos (3.19.4), Philip V (5.4.6), Molon (5.48.16), Antiochus III (5.60.3 and 5.62.3), Greek generals training Ptolemy Philopator's army (5.64.7), Philip V (8.13.5), Epaminondas (9.8.9), Scipio Africanus the Elder (10.4.3), Antiochus III (10.47.7), Machanidas (11.11.2), Philopoemen as general (11.12.1), Scipio Africanus the Elder (14.4.3 and 14.6.1), Philip V (16.6.9), the consul Opimius (33.10.7).[36] It seems that it is the very act of giving an exhortation (before battle or before leading the army/navy into hostile territory) that is important in these cases rather than the words that were spoken, and it is legitimate to ask why Polybius thought it so.

36 This may well not be an exhaustive list, but it includes every instance where the verb παρακαλεῖν is used.

The answer seems to be that, even without the exact contents of the speech, the act of giving it adds to the characterisation of the various commanders. In many of the cases listed here, the exhortation is mentioned alongside other actions of an effective general: pressing the siege and throwing himself into danger with the soldiers (Hannibal 3.17.8), taking care of the army in between fighting (Molon 5.48.16), marching at night to surprise the enemy (Epaminondas 9.8.9), rallying scattered ships during a sea battle (Philip 16.6.9). In almost all cases, the act of delivering an exhortation seems to be the mark of an energetic, effective general (Machanidas being the one possible exception). It is simply something that a good general does, and it merits mention alongside his other actions.

The fact that battle exhortations are important even without any information about what sort of encouragement they contain throws the exhortations which are presented in *oratio obliqua*, *oratio recta*, or combination mode into relief. In those cases, it is not just the fact that a battle exhortation was delivered that is important, but the actual words of the speech, however commonplace they may seem. We have looked at some of the ways in which that is the case above.

Conclusion

All these different ways in which battle exhortations appear in Polybius' *Histories* show two things. Firstly, the frequent mentions show that exhortations before and during battle, as well as before leading the army into hostile territory, were a staple of military leadership. Secondly, the fact that Polybius so often found them worth recording – their contents or just the fact of their delivery – shows that he found them an important ingredient of 'practical historiography',[37] no doubt because they were one of the actions a reader aspiring to military leadership must learn to perform.

From the mentions and brief summaries of such speeches in Polybius' *Histories*, such a reader could learn how to exhort his men – briefly, with

37 See above, n. 17.

words suitable to the moment – and he could even learn some of the classic *topoi* useful in such situations. From the speeches developed in *oratio obliqua*, *oratio recta*, or combination mode, he could learn more than that, namely that the most effective speeches are the ones which correspond to reality and which uses evident, visual cues – but also that it is not the general's speech alone, no matter how fiery, that makes an army victorious. Unless he has trained them right and planned his strategy and battle tactics wisely, all the fine words in the world will not make a difference.

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ARISTOTLE AND CYPRUS[1]

By Simon Hornblower

Summary: (1) I begin with a tribute to Mogens Herman Hansen, most of which seeks to clarify his opinion about when the *polis* came to an end and, more important, when he believed it did not. It will refer mainly but not only to his Introduction to the Copenhagen *Inventory*.[2] (2) This section offers, against recent criticisms, a defence of the *Inventory*'s treatment of Cyprus in the chapter by F.G. Maier. The section concludes with remarks about the poet Lykophron's important Cypriot material, and argues for its relevance to the modern debate about the nature of the Cypriot *poleis*. (3) This short section introduces the main part of the article. Plato's alleged attempts to make philosophers out of Sicilian rulers have been much discussed, and his pupil Aristotle was Alexander's teacher. But the young Aristotle had less famous educational contacts with a prince of Cyprus. (4) Cyprus as an entity does not feature in Aristotle's *Politics*; there is only a melodramatic allusion to the murder of the Cypriot king Evagoras I (of Salamis). But Aristotle or a member of his school wrote a – now almost totally mostly lost – *Constitution of the Cypriots*. One of the three probable fragments concerns the family of Nikokles king of Paphos. (5) One of Aristotle's earliest works, 353 BCE (?), was the – Isokratean rather than Platonic – *Protreptikos* or *Exhortation* (to philosophy), now fragmentary, but influential in antiquity. It was addressed to 'Themison prince of Cypriots', who is otherwise unknown, as is his home city. This section speculates that Philip II of Macedon knew of and remembered this relationship later, when he invited Aristotle to teach his son Alexander, born in 356. (6) Aristotle's equally early and fragmentary *Eudemos* or *On the Soul* (late 350s?) takes its name from a Cypriot philosopher-friend of Dion, who with other named philosophers had died fighting for Dion at Syracuse in 353 (Plut. *Dio* 22.5; the death is narrated proleptically). A dream-story in Cicero (*Div.* 1.53) provides another link with Philip II's Macedon (cf. §5 above): Eudemos was on his way there in 358.

1 I thank an anonymous referee for bibliographical references to recent publications about Cyprus.

2 I call him 'Mogens' not 'Hansen' throughout; but I refer indifferently to 'the *Inventory*' (of Archaic and Classical *poleis*) and '*IACP*'.

1. Preface: Mogens Herman Hansen (1940-2024)

In 2024, the editors of this memorial collection invited potential contributors to write about either Athenian democracy, or the Greek city-state, or "another topic of Greek history or literature that would have been of interest to Mogens." I have chosen to write about Aristotle, whose *Politics* was the subject of one of the last two of the many books which he gave me over the years (those two in 2013, at Oxford).[3] His brain-child the *Inventory of Archaic and Classical Poleis* has even been accused of an excessive and rigidified Aristotelianism.[4] So my topic falls squarely under the third editorial rubric, but perhaps also under the second, because Archaic and Classical Cyprus was – unlike that other large island Crete – simultaneously and interestingly an island of *poleis* and also of small kingdoms, a simultaneity which was ended by Ptolemy I Soter only towards the end of the fourth century (312-310) when he abolished most of the long-lived pocket kingships.[5] Ptolemy was defeated at sea by Demetrius the Besieger in 306 and control of Cyprus passed to the Antigonids for over a decade. But after that, Cyprus was "a possession of the Ptolemaic dynasty longer than any land except Egypt ... it had geographical position and natural resources of the first importance."[6]

The outstanding chapter on Cyprus, near the end of the Copenhagen *Inventory*, was by that great authority Franz Georg Maier (1926-2014); sec-

3 Hansen 2013. The affectionate compliments card inside the book (drawing of a worried baby sitting trapped inside a square play-pen consisting of Doric columns: Mogens was always a keen and well-informed student of architecture in all periods) reads: 'Dear Simon, I know you are very busy but try to find time to read the first of these studies. Yours ever Mogens – see you next Monday'. See further n. 11.

4 Fröhlich 2010: 674, part of a general critique which I address later in this section. I call the *Inventory* Mogens' brainchild. I do not forget the great contribution of co-editor and large-scale regional author Thomas Heine Nielsen, but in this section I will have most to say about the Introduction, for which Mogens took sole responsibility.

5 It is a complicating factor that for most of the period from the 520s to Alexander, Cyprus was part of the Achaemenid Persian Empire, apart from short periods of revolt and of Athenian contestation. See Watkin 1987; Serghidou 2007; Wiesehöfer 2011.

6 Bagnall 1976: 38.

tion 2 seeks to justify this high praise against what I regard as unjust criticism. In his chapter, Maier more than once looked forward to the early Hellenistic period, for example to the abolition of the local kingdoms by Ptolemy I, just mentioned, or (for example) to the siege of Karpasia by Demetrios the Besieger in 307/6, or the temporarily continuing rule of kings at Keryneia in the Hellenistic narrative of Diodorus book 19.[7] The present article will have reason (p. 560-61, and again n. 72) to mention Nikokreon of Cypriot Salamis, whose reign ended as late as 311. Here and elsewhere the casual user of the *Inventory* might well feel frustrated that it does not explicitly continue the story into the Hellenistic period. Why does it not? I turn to that question next.

My friendship with Mogens went back more than forty years, but I do not wish to fill this part of my allotted space with personal reminiscences.[8] Instead I wish to spend the rest of this section (1) on an attempt to answer the question posed earlier, why does the *Inventory* cover only the Classical and Archaic periods and not go further down in time? There is more than one plausible answer. I maintain that the only *illicit* answer is to say or imply that Mogens himself thought that the *polis* came to an end (died the death, or more charitably was merely moribund, or some other such gloomy organic metaphor) in the 330s BCE. That may perhaps have been a scholarly orthodoxy at one time, but very few historians of antiquity have asserted or assumed so pessimistic a view of the life of the *polis* at all recently. Indeed the 26-year-old Arnaldo Momigliano (1908-1987), at the end of his short book about Philip II of Macedon, eloquently and eruditely affirmed the opposite as long ago as 1934.[9] But it is most often associated with a celebrated dictum of Louis Robert (1904-1985), who like Momigliano knew better than to claim originality for it: "the Greek city did not die at Chaeronea."[10] That, not the opposite, has long

7 Maier 2004: 1224 col. 1 and 1226 col. 2, on *Inventory* nos. 1014 and 1015.

8 I describe elsewhere (Hornblower 1997: 577-78) how impressed I was at hearing an early salute to him by David Lewis (1928-1994) at a 1984 meeting of ancient historians at Birmingham. Not everyone was so quick to grasp Mogens' importance.

9 Momigliano 1934: 179 and n. 1.

10 Robert 1969: 42 (1989: 561): "La cité grecque n'est pas morte à Chéronée, ni sous Alexandre, ni dans le cours de toute l'époque hellénistique." In his n. 2 he said he had

been the orthodoxy. It is certainly what I used to tell my undergraduate pupils in my teaching days.

So what was Mogens' own opinion? We should start with his 2006 book *Polis*. The sixth of its chapters is about the end of the city-state culture in Ancient Greece, a phenomenon – represented as a process rather than as an event – dated by the author to late antiquity, beginning with the emperor Diocletian. That is, in the early fourth century CE, not the late fourth century BCE! Mogens rejects expressly and with derision the notion that the city-state was destroyed by the Macedonians

> at a single blow, the blow being the Battle of Chaeronea on 7 Metageitnion = 2 August 338, probably at 3 o'clock in the afternoon ...[11]

As subscribers to the pessimistic view so trenchantly rejected, he cited four respected scholars – of an older generation.[12]

In his sole-authored introduction to the multi-authored *Inventory*, Mogens explained the work's terminal date, making clear in a short closing section on 'The End of the *Polis*' that it was not the terminal date of the *polis*.[13] But it is an earlier section 'The Chronological Delimitations of the Project' that he explains why the Polis Centre had confined its investigation to the Archaic and Classical Periods:

> Philip II's victory over the Greek cities, Alexander's conquest of the Persian Empire and the foundation of approximately 300 new poleis in the Near East inaugurated not the demise of the *polis* but a transformation of it.[14]

often expressed these ideas in lectures at the Collège de France, and he promised a two-volume work on the Greek cities in the Hellenistic period. Alas it never appeared; but it was not really his sort of book.

11 Hansen 2006: 48-50 (translated from a 2004 Danish original). This was the other book which Mogens gave me in 2013, the last time I saw him; see n. 3.

12 Hansen 2006: 157 n. 1. They are Carol Thomas (born 1938), Hermann Bengtson (1909-1989), and two friends of mine who both died recently in their 100th year: Peter Green (2024) and George Cawkwell (2019).

13 See *IACP*: 19 col. 2 ('The End of the *Polis*') for a less rhetorical version of 2006: 48. In fact, see n. 11, the two treatments both appeared for the first time together, in 2004.

14 *IACP*: 10-11.

He proceeded to enumerate some of what in his eyes were the main differences. Critics might wish to disagree (indeed some have disagreed sharply, notably Pierre Fröhlich) with his choices or his emphases.[15] (More on this below.) But I hope the main point has been made: in view of this polemical explicitness Mogens Hansen and the *Inventory* should not be misrepresented as believing that anything much happened to the *polis* as an institution that afternoon in August 338.

Let us stay a little longer with Fröhlich's objections to Mogens' argument that the *polis* in the first century BCE (the lateness of that century is an important limiting detail) looked very different from the Classical *polis.* Mogens' examples were all of civic institutions, and Fröhlich sought systematically to flatten the differences in (almost) every case, by pointing to continuities, and to evidence for pre-Hellenistic instances of the relevant phenomena, all with impressive citation of modern scholarship.[16] This is not the place to attempt to adjudicate in that controversy; the scholarly consensus will anyway no doubt shift over time. But some simple long-known and indubitable facts are worth repeating.

In the year 305, so we are told by an impeccable ancient source, Ptolemy I took the title of king, βασιλεύς, and "similarly the other dynasts emulated him in jealous rivalry, ζηλοτυπήσαντες, by calling themselves kings." The author of this sentence (Diodorus, drawing on Hieronymos of Kardia), then names the jealous rivals: Seleukos, Lysimachos, Kassandros.[17] Such a moment in Greek history is unthinkable except after Alexander and his conquests. To be sure, life in the *poleis* went on in many respects unchanged, at least on the surface. A good example is the in-

15 Fröhlich 2010: 654-56. I realise that his review (40 pages, 96 footnotes) ranges very widely, and ends by saying in effect (p. 676) that there are really two books, the *Inventory* (good) and the Introduction (bad); I concentrate on one aspect of the latter.

16 Fröhlich did not, I should make clear, accuse Mogens of saying the *polis* died in 338.

17 Diod. 20.53.4. Baurain 2019 argues that the inspiration for this was the Cypriot (Teucrid i.e. Salaminian) kingship. That is what might be called Cyprocentrism. Ptolemy I was a Macedonian who had grown up in a country ruled by kings, βασιλεῖς, since Archaic times. Ptolemy was himself reacting to Antigonos' assumption in 306 of the royal title after his son Demetrios' victory gave him Cyprus (Diod. 20.53.2). But the Antigonids claimed kinship with the old Argead Macedonian line (Plb. 5.10.10).

scribed religious decree about the synoikism of the two-*polis* Aegean island of Mykonos: it is epigraphically datable to about 200 BCE, but there is nothing in its contents to indicate that we are in a world of autocrats. And epigraphically-based analysis has taught us that the canny *polis* authorities in Seleucid western Asia Minor learned how to negotiate adroitly with the kings to whom they were subject .[18] But in reality the world had changed. Already at the end of the violently curtailed reign of Philip II of Macedon, the Athenians honour a friend at his court, in what reads like a thoroughly Hellenistic document: the friend has helped Athenian envoys and made efforts to secure favorable treatment for Athens.[19] That this antedates the Hellenistic age – on any start-date – by a few years does not prevent us from calling it precociously Hellenistic in tone. But the most important and salient factual novelty is, as Fröhlich himself remarks earlier, the subject of the late Getzel Cohen's three volumes on the Hellenistic settlements from Europe to Bactria and India (1995-2013, straddling the publication date of the *Inventory*): new city foundations in the East and elsewhere.[20] And who can read the text of Antigonos Monophthalmos' polite but firm letter of about 303 BCE to Teos (*RC* nos. 3/4) about the synoikism with Lebedos, two very ancient cities of Ionia, without acknowledging that we are in a new phase of the history of the *polis*? Louis Robert himself regarded *euergetism* (civic benefactions by wealthy individuals) as the crucial innovation of the Hellenistic age.[21]

18 The cult calendar: *Syll.*[3] 1024 (*LSCG* no. 96), duly cited at *IACP* no. 506 (Gary Reger; see also Reger 2001). The *Inventory* often draws on such Hellenistic evidence, especially epigraphic. How could it be otherwise? Seleucid W. Asia Minor: Ma 1999.

19 Tod, *GHI* no. 181, sadly dropped from Rhodes – Osborne, *GHI*.

20 Cohen 1995, 2006 and 2013; cf. Fröhlich 2010: 653, citing the two volumes of Cohen available at that date. See also the important annotated appendix of eponymous Hellenistic city-foundations and ethnics in Fraser 2009: 325-76 (posthumous).

21 Robert 1969: 42, cf. n. 10. The topic has been taken further since then: Fröhlich 2010: 675 n. 93; 656-57 n. 37. If Mogens had used the actual modern word 'euergetism' at *IACP*: 10-11 (you will not find εὐργετισμός in LSJ), Fröhlich's task of attempted dismantlement would have been harder. But I daresay Mogens had euergetism in mind when he wrote there of the post-Classical springing up of "a number of private or semi-private economic and social institutions alongside the public institutions of the *polis*" (an item absent from Fröhlich's p. 654 report of Mogens). Was Mogens' offence perhaps no more than failure to cite the obvious recent works? See n. 22.

The evidence I have just cited is (to repeat) not new; nor are all the scholars whom I cite in this article and this section particularly recent. The sweeping vehemence of Fröhlich's unexplained contempt for some reputable but older scholarly works sometimes surprises me.[22]

At the end of his important section on chronological delimitations, Mogens briefly mentioned another and purely common-sense reason why the *Inventory* stops when it does: finance and practicalities. He conceded that the ideal solution would have been to conduct two investigations, one dealing with the earlier period, the other with the Hellenistic and Roman. But he insisted that in the real world the Centre did not have the resources or the time for this. It is fair to say that if some of the *Inventory*'s reviewers and critics had had their purist way, the rest of us workers in the field would still, a year after Mogens' death, be waiting for the hypothetical vastly expanded *Inventory*.[23] (I for one am more than happy and grateful to have been able to use *IACP* constantly for the past two decades.)[24] And where would the money have come from?

Finally, let me insist that 'the Hellenistic age' began at different times in different places. Crude periodisation is easy to pick holes in. But authors of text-books in student series are often constrained by editorial policy, itself determined by understandable practical considerations on

22 At 656 n. 37 (deploring Mogens' antiquated citations) he calls A.H M. Jones' *The Greek City from Alexander to Justinian* (Jones 1940) a "synthèse complètement dépassée." Really? Completely? Only twenty years before Fröhlich's review, Oswyn Murray and Simon Price entitled their own up-to-date collection *The Greek City from Homer to Alexander* in explicit homage to Jones 1940; their 'Preface' speaks of "the impact that Jones' work had in pioneering a new field of history" (Murray & Price 1990: vii).

23 Fröhlich 2010: 654 acknowledged this, in the course of a sustained criticism at 648-56 of the project's end-date; see n. 15. Hansen's response to Fröhlich (Hansen 2015) did not address this aspect as a whole, but was confined to the matter of dependent or autonomous *poleis*. Fröhlich's was a lengthy, detailed and serious review discussion. Some of the other reviews of *IACP* were short, superficial, and not worth bothering with. Exceptions were Naerebout 2005 and Parker 2006, neither of whom was troubled by the project's end-date. The latter was enthusiastically positive, and concluded "the work is a superb achievement at many different levels."

24 Here is a personal reminiscence. I could not wait to buy my copy of *IACP* as soon as it appeared in the shops. Mogens visited London very soon after and was horrified: he had planned to give me a copy. Later that day, having gone to an ATM, he stuffed a wad of banknotes into my jacket pocket: the price of the book.

the part of publishers. Realities on the ground were different. Take for example Sparta. It was only in the third century BCE that the ancient and partly mythical dual kingship, hedged around with constitutional safeguards and limitations, gave way to a Hellenistic monarchy of a contemporary sort. We can if we like date the shift in question to king Areus I's depiction of himself on locally minted portrait coins which imitated the grand issues of Alexander and Demetrios the Besieger. This followed and exploited his unexpected defeat of the greatest general of the age, Pyrrhos, in what for a Spartan was a highly unusual partnership with Macedon (272, early in the long Macedonian reign of Antigonos Gonatas). In a city which had always hitherto got its coins from abroad, these symbolic issues represented a startling set of innovations which sent the Greek world a clear message: Sparta is now ruled by a regular Hellenistic monarch.[25] Or we could move down half a century to 227, when Kleomenes III made his full brother Eukleidas co-ruler, a constitutional impossibility in the centuries of the venerable two-family dyarchy of Agiads and Eurypontids. In his usual pithy way, Karl Julius Beloch called this action of Kleomenes "a constitutional comedy which deceived nobody into thinking he was anything but absolute ruler of the state."[26]

But to return to the main focus of the present article, which will be Cyprus.[27] There is an entirely legitimate sense in which Cyprus did not enter the Hellenistic age until the forcible changes made by Ptolemy I to the old system of government; see above.

Or take the matter of cultural patronage, especially of philosophers. Philosophers are found at the courts of most of the great Hellenistic kingdoms, even that of Lysimachos, although it is only at Gonatas' Macedon (the Stoic Persaios) and Kleomenes III's Sparta (Sphairos, another Stoic) that they conceivably made much active difference to anything. Diogenes Laertius tells a story illustrating the risky outspokenness of the philosopher Menedemus of Eretria. It is located at the court of Nikokreon of Cypriot Salamis, sub-ruler of one of a number of petty kingdoms initially

25 See e.g. David 1981: 133-34. These interesting coins are ignored in the standard works on Hellenistic royal portraiture, Davis & Kraay 1973; Smith 1988.

26 Plut. *Cleom.* 11.5; Beloch 1925: 703.

27 See *Barr.* map 72.

tolerated by Ptolemy I, as they had been by Alexander.[28] Nikokreon's rule began in 331 and ended in about 311. Classical? Or Hellenistic? The analogy with the court of Gonatas suggests the latter: Menedemos spent time there too. But Philip II had already employed Aristotle, who had instructed a Cypriot prince of the Classical period called Themison. It is to this man, and to other fourth-century BCE Cypriot Aristotelians, to whom I will turn in sections 3-6.

2. Cyprus in the Inventory

But first I need to stay longer with the coexistence on pre-Hellenistic Cyprus of *poleis* and kingdoms. [29] I also need to justify my praise in section 1 of Maier's Cyprus chapter, about which hard words have been written in the two decades since it was published. But first, terminology. Historians have struggled to find a satisfactory term to describe the coexistence or simultaneity just mentioned: 'city-kingdoms' was rejected by Maier himself as seeming "somewhat incongruous." Choice of terms is partly determined by the degree to which the modern author wishes to stress the status of the Cypriot communities as city-states or *poleis*.[30] The search for modern consensus is therefore pointless.

28 Diog. Laert. 2.129-30; see Knoepfler 1991: 179 n. 22; also Bagnall 1976: 39-40.

29 On the Cypriot kings, a much discussed topic, see Maier 2004: 1224: "The basic structure common to all kingdoms – whether they were ruled by Greek or Phoenician dynasties – seems to have been a hereditary autocratic monarchy." Perhaps "autocratic" is too strong, at least at some places and times; see Pestarino 2022 at e.g. 55-57 and 200. But Mehl 2016 is agnostic about any development towards more inclusive regimes. Körner 2017: 379 has "traditionale Herrschaft." On the origins of the kingship, Petit 2019 plausibly prefers to see Phoenician influence, not Cypriot 'autochthonism'.

30 Maier 2004: 1223 col. 2; Iacovou 2014: 98 agrees with Maier to that extent, at least. The term 'city-kingdoms' is retained by Pestarino 2022: 35 as the title of her valuable monograph and in the sub-title of her discussion (35-44) of "δῆμος and πόλις in the Cypriot city-kingdoms" (she nowhere mentions the *Inventory*; cf. n. 32). But she also (p. 6) writes of 'city-states'. On Pestarino 2022 see now Hussein 2025. Petit 2019: 14-15 gives a punishingly long list of modern terms, but the main focus of his fine book is earlier than the period covered by the present article. See also Körner 2017 (cf. n. 29).

As for Maier's *Inventory* chapter, I continue to regard it as the clearest and sanest treatment of a topic and complex region whose difficulty Maier rightly and honestly stressed in his opening section 'The Island': he called the evidence "scanty", "confused", "difficult to reconstruct." But the chapter, or rather the opening section only (see below), has attracted some intemperate language, and selectivity of quotation and referencing.[31] The sentences which have been most sharply criticised run as follows: "after the abolition of the kingdoms between 313 and 306, the cities began to develop institutions modeled on the traditional Greek *polis.*" And "it is indeed extremely doubtful whether *poleis* in the traditional Greek sense existed in Archaic and Classical Cyprus." Distinguished scholars have inflated these remarks to mean that Maier "rejects the existence of *poleis* on the island before the Ptolemaic era", or have written – in a slightly less extreme formulation – of "the doubts cast on the existence of *poleis* in Cyprus by F.G. Maier."[32] If the first formulation were literally correct, there would have been no need for a chapter on Cyprus in the *Inventory* at all! And yet we have one, and most of it consists of detailed treatment of no fewer than ten *poleis,* nos. 1012 to 1021, 'Amathous' to 'Soloi'.

This brings me to selectivity of referencing. The recent objections to Maier's *Inventory* chapter tend to be to his opening two pages of introduction, taking no account of what follows: the numbered mini-essays on the ten *poleis*.[33] But the strength and glory of the *Inventory* as a whole lies largely (in my opinion) in such localized mini-essays, which bring out the individuality of often small communities, whose cults and foundation

31 It is a pity that Maier himself, who died in 2014 (p. 554), was not able to reply in print to criticisms published in that very year (but expressed in an earlier colloquium).

32 Iacovou 2014: 103 and Hatzopoulos 2014: 221 respectively; the precursor was Demand 1996, in a publication of the Copenhagen Polis Centre itself. (I ignore Iacovou's accusations of 'Athenocentrism' against the *Inventory* generally). As we have seen (n. 30), Pestarino 2022 never mentions the *Inventory* as an entirety, or Maier's chapter in particular. But since at 6 n. 24 she directs the reader to the whole of Iacovou 2014 in the relevant context, it seems reasonable to suppose she endorses her opinion.

33 This is true of Iacovou 2014 and Hatzopoulos 2014. As we have just seen, Pestarino cites the *Inventory* not at all, either for Hansen's general 'Introduction', or for Maier's chapter, or for his ten *poleis*. She does however (p. 6 nn. 22 and 25) twice cite Hansen 2006 (his *Polis* book) in apparent acceptance of his "definition of *polis* as city-state."

myths and so on may differ even from physically close neighbours. Particularity is all. The poet-painter William Blake (1757-1827) wrote "to Generalize is to be an Idiot; to Particularise is the Alone Distinction of Merit."[34] The evidence adduced by Maier's critics (and presumably designed to show that there were *poleis* on Cyprus after all, despite his alleged denial of this) regularly consists of items succinctly cited by him in the mini-essays. To take just one example, an Amathousian inscription for Ariston son of Aristonax mentions the word *polis*. It is duly cited by Maier. There are several other such examples.[35]

Maier's position was in reality a good deal more subtle than has been supposed. Was he so wrong to see the Cypriot *poleis* as *sui generis*?[36] In one obvious respect they were: territory. He noted, with authoritative recent endorsement, that all the Cypriot *poleis* had territories of over 500 km^2, so that that they belonged in the largest category of the *Inventory*.[37] As for Maier's opinion that things changed qualitatively for the Cypriot *poleis* at around the transition period between Classical and Hellenistic periods (they "began to develop institutions modeled on the traditional Greek *polis*"), that has caused offence. But it is not much different from the thoughtful conclusions of a more recent expert.[38]

That is as far as is appropriate to go in the scope of an article. But I wish finally to draw attention to a literary part of the tradition, a part which may affect our view of the Cypriot *poleis*. I refer to the long and difficult, but very important Cypriot section of Lykophron's 1474-line

34 In his 'Annotations' to the works of Sir Joshua Reynolds. It goes without saying that I do not regard any scholar cited in these footnotes as an idiot!

35 Maier 2004: 1225 col. 2 (no. 1012; he cites it as "*SEG* 16.789 (C4l/C3e)." Cf. also the much-discussed evidence from Idalion at both Maier 2004: 1224 col. 1 (from 'The Island') and 1225-26 (no. 1013); and Maier 2004: 1228: col. 2 for Paphos (no. 1019).

36 At least in the Classical period. See n. 29, citing Petit for the origins.

37 Maier 2004: 1224 col. 1, approved by the always excellent Thierry Petit, now leader of the team excavating the site of Amathous; see Petit 2019: 47 n. 487.

38 Who however does not, to repeat, use Maier 2004. See Pestarino 2022: 40 and n. 24: "the last Cypriot sovereigns ... Hellenised their customs according to an international process sped up by Alexander's arrival", and esp. 44: "the role of the *polis* conceivably increased when the Cypriot city-kingdoms disappeared" (cf. also 174 with n. 87).

iambic poem the *Alexandra*.[39] It treats five Greek oikists, founders, in turn and at varying lengths, though without specifying the cities founded: Teukros (Salamis), Agapenor the Arkadian (Paphos), Akamas the Athenian (Soloi), Kepheus from Achaia (Boura, Olenos and close neighbour Dyme; the Cypriot place he supposedly founded is mysterious), and Praxandros the Spartan (Lapethos).[40]

The date of the *Alexandra* (early third or early second century BCE?) has been disputed since antiquity, but there is no doubt that it is Hellenistic, and that it shows an awareness of the Roman conquerors which has always attracted the attention, and divided the opinions, of historians. It is (with internal digressions) one of the longest treatments of a single region in a poem rich in local material which, so I would argue, may well go back to *polis* histories of the Classical period; just as Isocrates' *Evagoras* surely draws, however tendentiously and philhellenically, on local Salaminian traditions. Most historians of Cyprus have taken little notice of Lykophron, but a 1979 article by P.M. Fraser on 'Lycophron on Cyprus' ought to have changed that. Its importance for students of the poem was that it provided strong arguments for the later (early second century) date of composition. For that reason it has since its publication been regularly cited by editors and commentators on Lykophron in many modern languages, whether or not they agree with the dating argument, which has to do with Lykophron's very probable awareness of Eratosthenes (c. 285-194), whose poem *Hermes* is now known to have dealt with the foundation of Paphos.[41] But on the whole, when modern historians of Cyprus

39 Lines 447 – 591, with Hornblower 2015: 217-56.

40 On Praxandros see, with onomastic and epigraphic arguments (esp. on the one-word inscription Masson 1983: no. 49, Paphos), Hornblower 2010. Körner 2017: 99 cites Lykophron, but calls the fifth Cypriot oikist 'Praxippos' (correctly 'Praxandros' in the chart at p. 119). For Cannavo 2021 see n. 42.

41 Christodoulou 2014: 199 n. 44 (in a study of Teukros' *nostos*) calls Fraser 1979 an "étude malheureusement peu citée." This is true only of some post-1979 publications narrowly about Cyprus, not those on Lykophron (including Fraser himself in *OCD*[4]!). At 2014: 194 n. 17, Christodoulou cites *Alex.* (494-98) for brothers Demophon and Akamas, but not for Teukros, the focus of his study. (Lykophron ignores Demophon.) Körner 2017: 118-20 used Lykophron in his chart of oikists (see n. 40) and routinely cited Fraser 1979. See also Voskos 2013: 16, Finglass 2023: 95-96, and Mitthof 2023:

do refer to the island's foundation-legends, they understandably tend to cite such straightforward prose authors as Strabo or Pausanias, not the much earlier and more difficult Lykophron, because in his usual poetically allusive way he avoids specifying which Cypriot cities the five oikists founded.[42] But that intentional lack of specificity does not reduce the cardinal importance of the temporal primacy enjoyed by Lykophron's account of all these oikist-traditions (whatever date we prefer for his poem); the exception is the well-established association of Teukros with Cyprus.[43] Line 586 on Kepheus the Achaian remains an unsolved puzzle, but it must hide something which would be worth investigating.[44]

It may be wondered, what bearing these oikist-stories have on the nature and culture of the Classical Cypriot *poleis*. I have suggested elsewhere that they may ultimately derive from *polis* histories of the Classical period; perhaps Androkles, king and historian at the end of the fourth century – and therefore in some ways interestingly comparable to Ptolemy I Soter – gathered some of them up. And Philostephanos of Cyrene's *On Cyprus* was another learned source for Lykophron.[45] But some sources surely started out as orally transmitted traditions. (This approach entails rejecting the recently canvassed view that *polis* histories were a development of the Hellenistic or perhaps late Classical periods, rather than of the fifth century or even earlier.)[46] If my suggestion was on the right lines, the self-consciousness and pride in founders which was evidently

201-2. – Eratosthenes on Paphos: *POxy* 3000, cf. Fraser 1979: 338 and Geus 2002: 114 n. 85.

42 Examples: Maier 2004: 1227 col. 2 on Lapethos (no. 1017) for "Lakonians under Praxandros: Strabo 14.6.3" (contrast Cannavo 2021: 148 n. 85, citing Lycoph. *Alex.* 586, but noting that the allusion to Lapethos is not explicit). Pestarino 2022: 11 and 159 n. 19, cites only Paus. 8.5.2 for Agapenor.

43 Herodotus (7.90) noted the Arkado-Cypriot link but not Agapenor. Dialect considerations are relevant, see Hornblower 2015: 228.

44 Philostephanus (fr. 19 Badino) had him come to Cyprus with Praxandros.

45 For Androkles see n. 72; see esp. the 'old scholiast' on Lycoph. *Alex.* 447, where the name Androkles should not be emended. Philostephanos: fr. 5 Badino.

46 Against what seems to be Rosalind Thomas' stance on the late beginning of *polis* histories (Thomas 2019: 8-9; 100 " ... a new subject" in chapter title; 143; 150), see Hornblower 2024: 71 n. 40, noting the Cypriot case. But her exact opinion is elusive.

felt in some Classical Cypriot *poleis* would be well worth factoring in to discussions of the island's complex communities of the pre-Ptolemaic period.

3. Introduction to the rest of the article

Plato's alleged attempts to make philosophers out of Sicilian rulers are well known, however flimsy the actual evidence.[47] Even more famous is Aristotle's better attested education of the future Alexander the Great.[48] Less familiar are Aristotle's earlier and sometimes educational contacts with Cyprus, or rather with men from different Cypriot cities, because Cyprus was not a unified political entity in the mid fourth century BCE. One of these was an actual Cypriot prince, city uncertain. And we shall see in section 6 that Aristotle had a non-royal but remarkably interesting Cypriot friend, a wandering philosopher called Eudemos to whom Aristotle dedicated a work.[49]

4. The Constitution of the Cypriots

That members of Aristotle's school were interested in Cyprus is certain, although it is very unlikely that his successor Theophrastus wrote a treatise *On the Kingship of the Cypriots* – as the Suda has often been taken to say, in its entry on the tiara. Diogenes' Laertius' enormous list of his works includes no such treatise; it shows only that, like many a Hellenistic philosopher with political interests, Theophrastus wrote a general

47 'Alleged' because after Burnyeat & Frede 2015 it is impossible to regard Plato's *Seventh Letter* as usable historical evidence for any visit to Sicily. They scorn the usual compromise view that the *Letter* was the work of a close and well-informed disciple.

48 But see Brunt 1993: 294-99 for a minimal view of what that education consisted of; see also Pelling 2025: 158-59 on Plut. *Alex.* 7-8.

49 Evdokimov 2020, an interesting study which goes well beyond the Aristotelian *Cypriot Politeia* of its title, collects and discusses the evidence for Aristotle's connections with Cyprus, but I disagree with some of his assumptions and conclusions.

work *On Kingship* (5.42). [50] He did however recognise the importance of Cyprus as a source of ship-building timber.[51]

Cyprus as a political and social entity does not feature at all in the *Politics* of Aristotle himself, which has by contrast much to say about another very large but no less politically fragmented island to the west: Crete.[52] But just one individual Cypriot is mentioned, for his melodramatic end, murdered by a eunuch: Evagoras I of Cyprus (actually Salamis). The story, variously told, is found elsewhere, notably in a fragment of Theopompus of Chios.[53] It would be special pleading to infer, from this solitary mention of a Cypriot king, that Aristotle was here voicing a particular personal interest in Cyprus: the context (book 5 ch. 10 on monarchy) is full of often lurid anecdotes about the fates of rulers and tyrants, from the Greek, Persian and even Assyrian worlds.

Despite this virtual silence Aristotle, or one of his students, did include a Κυπρίων πολίτεια, a *Constitution of the Cypriots*, in the collection of

50 τ 547 Adler: Θεόφραστος δ' ἐν τῷ περὶ βασιλείας Κυπρίων τὴν κίταριν ὡς διάφορον. (Hatzopoulos 2014: 218 n. 4 wrongly cites "Souda, *s.v.* ἄνακτες, ἄνασσαι" for this). The last four words mean that *kitaris* differs from tiara. We should – with Whitehead 2008, knowledge of which I owe to Pestarino 2022: 1 n. 3 – punctuate with a comma after περὶ βασιλείας, so that "of the Cypriotes" applies to the *kitaris*, not the treatise. Noting that the fuller treatise title is not otherwise attested, Whitehead suggested "the translation could be something like 'Theophrastos in the work *On Kingship* [says] the kitaris is Cyprian, on the grounds that it is something different.'" Hatzopoulos 2014: 217-18 accepted the existence of the Cypriot treatise, even calling its loss as "irreplaceable", like that of the Aristotelian *Constitution of the Cypriots*.

51 Theophr. *Hist. pl.* 5.8.1; Fraser 1994: 172 and 184; cf. Pestarino 2022: 71 and n. 117.

52 Fr. 519 Rose is about the 'Pyrrhic dance', and consists of four items from various authors, all assigned by Rose to the *Constitution of the Cretans*. Wrongly: see below.

53 Arist. *Pol.* 1311b5, cf. Theopompos (*FGrHist* 115) fr. 103 with Shrimpton 1991: 181 and Flower 1994: 198. See also Diod. 15.47.8, the source of which is not clear. Evdokimov 2020: 412 follows those who assign it to Ephoros, Stylianou 1998: 376 prefers the 'chronographer' whom Diodorus used for dynastic and other dates (this one is paired with an item of Roman history). That is attractive, although it would be Diodorus' only Cypriot dynastic date, and Schwartz 1959: 39-44 did not include it in his authoritative chart of chronographic passages.

158 such 'constitutions'.[54] (But that noun is too narrow a translation of the Greek word *politeia.*)[55] Because the consensus about this particular *Constitution* has changed radically in the past century, it will be necessary to say something about the modern textual history of this part of the Aristotelian corpus.

In the older collection (1886) of the complete fragments of Aristotle, Valentin Rose (1839-1916) allowed the Κυπρίων πολίτεια only two fragments, one about the unusual dentition of Timarchos king of Paphos, the other about the Cyprian royal titles *anaktes* and *anassai*.[56] We will return to these later. Just a century later, in 1987, the Swiss scholar and historian of philosophy Olof Gigon (1912-1998) re-edited all the fragments as a supplementary volume 3 to Immanuel Bekker's old but still unsurpassed edition of all Aristotle's works.[57] In the process of editorial revision he got rid of the entire contents of Rose's *Constitution of the Cretans*

54 The frs. of the *Constitutions* are nos. 381-603 Rose, 473-621 Gigot. Barnes 1984: 2453-58, too early for Gigon, translated only 34 of Rose's historical fragments. When citing Aristotle's fragments, historical and other, I adopt where available the translations of Barnes and his collaborator Gavin Lawrence (Barnes 1984: 2384-2462), with trivial changes.

55 πολιτείά has a wider extension than 'constitution', and can sometimes mean 'way of life'. Certainly the fragments of the Aristotelian *Constitutions* include much mythical and some chatty anecdotal material about places whose 'constitutions' cannot have offered much for the political scientist. An example is Delos: fr. 489 Rose, 497 Gigon, recounts anecdotes about Pythagoras; and cf. p. 571 for Timarchos' dentition, if that really is from the *Constitution of the Cypriotes.*

56 NB "complete collection": Ross 1955 was a selection, and in particular included none of the historical fragments.

57 Gigon 1987, an impressive achievement – on its own terms; but not without problems. He was far more generous than Rose in the length of his ancient quotations. (Heroically, he included, as fr. 474, double-columned pp. 581-615, the entire *Constitution of the Athenians*, most of which was discovered on papyrus just five years after Rose's edition appeared.) But as an apparent policy-decision he rarely cited modern publications: his long introduction to Cyprus at p. 662 manages to cite only ancient literary evidence, and at least one introduction contains factual errors (several on Halikarnassos at p. 621). Nor did he explain the rationale and consequences of decisions like those we are now concerned with. His approach was largely textual.

(while conceding that there must have been such a *Constitution*).[58] He did so in two ways. First, by simply ignoring one of Rose's two supposedly Cretan fragments altogether (the admittedly tenuous fr. 518, a scholiast on Theocritus who claimed that "Aristotle says that Herakles was taught by Rhadamanthys", the Cretan brother of Minos). Second, by reassigning the other, a composite fragment (519 Rose, four separate elements) to the *Constitution of the Cypriots*.[59] He did this on good textual grounds, as we shall see. The result is that in his edition, Aristotle's information about the famous 'pyrrhic' dance (a war-dance in armour), locally called the *prylis*, became information about Cyprus. That was exciting news for modern historians of Cyprus, although the truth had been seen long before (1938), in a short but outstanding article by the pioneering female Homeric scholar and archaeologist Hilda L. Lorimer (1873-1954): see n. 64. The evidence must be set out, with some simplification.

Before we go further, here is a warning. With one exception (Harpocration on *anaktes* and *anassai*) none of the fragments of the now expanded *Constitution of the Cypriots*, even those which explicitly ascribe their contents to Aristotle (not all of them do), say that they come from that *Constitution.* For example, the item about the royal teeth could have come from some lost scientific or medical work.[60] It has even been half-heartedly suggested that a scholion on the *Odyssey* might have come from the Cypriot *Constitution*: it cites a Cypriot law which allowed you to pull out a pig's teeth if the creature damaged your crops.[61] Cypriot teeth again, recalling Timarchos?

58 Because the Hellenistic scholar Herakleides Lembos (*OCD*[4] 'Heraclides (3)') included it in his excerpts from Aristotle's *Constitutions*: Gigon 1987: 565 no. 3. Curiously, Herakleides made no mention of a Cypriot *Constitution.* There are seven other such omissions. Gigon (1987: 564) explains these by reference to the "wholly or partly non-Greek" character of the places, but this does not work well for e.g. Ithaka or Kolophon.

59 Cretan fr. 519 Rose therefore became Cypriot fr. 534 Gigon, separated into five numbered components 1-5. (As usual, Rose did not number his four components: four not five because his second one amalgamated what became Gigon's nos. 4 and 5).

60 So rightly Evdokimov 2020: 410.

61 Gigon 1987: 662 for the suggestion. The scholion is on *Od.* 18.29: the beggar Iris angrily calls the disguised Odysseus a swine and continues the metaphor by boasting

To return to the pyrrhic dance: the first piece of evidence comes from a scholiast (ancient commentator) on Pindar, who says, citing Aristotle, that it is called the *prylis* "among the Cypriots", παρὰ Κυπρίοις.[62] But Rose here, without textual authority, printed his own emendation "among the Cretans", παρὰ Κρησί, while conscientiously giving παρὰ Κυπρίοις as a variant in his critical apparatus. So far so good, but Rose in effect did the same for a Homeric scholiast (on *Iliad* 23), who cited Aristotle as saying that the 'Achaians' (i.e. the Greeks, in Homeric parlance) brought the *pryleis* to Cyprus, εἰς Κύπρον.[63] Rose here printed εἰς Κρήτην, "to Crete", but this time he printed no variant in the apparatus. This was however not as irresponsible as it might seem, because Rose was innocently using Bekker's edition of the Homeric scholia, now replaced by Erbse 1969-1988. The 'emendation' was in fact made by Bekker.[64] It is therefore easy to see why Rose felt entitled to emend the Pindar scholion: he was bringing it into line with what in all honesty he believed was the evidence of the Homeric scholion. There was in his mind, we can assume, a further textual consideration. Another Homeric scholiast (on *Iliad* 12) gives this brief note on the word *prylees* (plural of *prylis*): 'thus the Gortynians' (of Crete); no mention of Aristotle. But both Rose and Gigon accept that it is from the Cypriot *Constitution*.[65]

So the textual position is virtually certain. There is a more general reason why a Cretan origin for the pyrrhic dance should have seemed attractive to Rose. It was believed in antiquity that it originated at the birth of Zeus at the Idaian cave on Crete, when the *kouretes* (female deities of some sort) danced the 'pyrrhic' (or *prylis*), so as to drown the cries

that he could knock his teeth out "as you do with a sow caught eating the crop" (tr. Martin Hammond). See Steiner 2010: 161, n. on the *Od.* passage, citing Callim. *Hymn to Artemis* 156 and, more pertinently, Ael. *NA* 5.45 (the law Salaminian).

62 Fr. 534 no. 1 Gigon, a much longer extract than the first item in Rose's fr. 319. The relevant Pindar scholion is on *Pythian Two* line 127 (line 69 in modern editions).

63 Fr. 519 Rose, third item, citing a scholiast on *Iliad* 23.130; fr. 534 no. 2 Gigon.

64 The true state of affairs was established by Lorimer 1938: 130-31; cf. Ceccarelli 1998: 53 n. 131, acknowledging Lorimer. As usual (n. 57), Gigon neither explained what had happened, nor did he cite Lorimer (and nor does Evdokimov, who credits the reallocation to Gigon).

65 Πρυλέες: οὕτω Γορτύνιοι, fr. 519 Rose, second item, in a bracket after an entry in Hesychius equating the *prylis* with the pyrrhic dance; fr. 534 nos. 4 and 5 Gigon.

of the newborn baby.[66] This Cretan tradition fitted well with the hazy idea that the pyrrhic dance was Dorian, Spartan, and martial, but in fact it was also a feature of festivals at Ionian Athens.[67] But what of Cyprus? Compelling archaeological evidence for anything very like the pyrrhic dance needs to be identified.[68] As for myth, Cypriots are absent from the Homeric *Catalogue of Ships* in book 2 of the *Iliad,* and the implications of the story of Kinyras and Agamemnon (on which see below p. 577) are the opposite of martial. So we must look to archaeology, or to other new evidence, to understand this 'pyrrhic' cluster of Cypriot fragments.

Of the two other fragments of the *Constitution of the Cypriots*, the second reports that Timarchos, the father (so Pollux) or son (so Pliny the Elder) of Nikokles had two rows of teeth.[69] Neither Pollux not Pliny says explicitly that Timarchos was king or prince of Paphos, but see below for the epigraphic evidence.[70] Nikokles was certainly ruler of Paphos in south-west Cyprus.[71] He was one of four Cypriot kings who allied themselves to Ptolemy, the future Ptolemy I Soter, in 321.[72] Timarchos was the

66 Strabo 10.4.16 (= Ephoros (*FGrHist* 70) fr. 149) and 10.3.19 (= Hes. fr. 123 M/W); Callim. *Hymn to Zeus* 52, calling the dance the πρύλις. Lorimer 1938: 131-32; Jeanmaire 1939: 426-55; Ceccarelli 1998: 110.

67 Parker 2005: 242 n. 101 (the Tauropolia?); 257 and 268 (the Panathenaic festivals).

68 It is only a speculation by Evdokimov (2020: 410) that some warriors on the sarcophagus he cites are "probably going to dance next to the king's grave monument."

69 Fr. 527 Rose, 534 no. 1 Gigon.

70 Terminology is difficulty. The Greek words ἄναξ and βασιλεύς have a long, pre-Greek, history. For βασιλεύς see n. 83. As for ἄναξ, Myceneaean *Wanax*, it has been argud that it might mean no more than a 'non-royal member of a socio-political elite'. See Pestarino 23-26, with copious bibliography. But see n. 78.

71 Diodorus (20.21.1) calls him βασιλεὺς τῶν Παφίων. (Polyaenus' use of the passage is vague, calling him "king of the Cypriots": 8.48).

72 The others were Nikokreon of Salamis, Pasikrates of Soloi, and Androkles of Amathous: Arrian (*FGrHist* 156) fr. 10 §6 (cf. Diod. 20.21.1 for Nikokles); Berve 1926: 2.279 no. 567; Hill 1940: 156; and esp. Masson (n. 73). For Androkles, king and historian, see Hornblower 2015: 219-21, citing recent epigraphic evidence (Greek and syllabic). He is mentioned by a scholiast on Lykophron's Cyprus section, cf. n. 45.

name of the father of Nikokles, and Pliny was simply in error.[73] The father too was king of Paphos, and is very probably Aristotle's Timarchos.[74] Two near-identical syllabic inscriptions from Palaipaphos ('old Paphos', the site of the temple of Paphian Aphrodite), read as follows:

> Nikokles. King [βασιλεύς] of Paphos, priest of Vanassa [ϝάνασσα, the Lady i.e. Aphrodite], son of Timarchos, king of Paphos [in the genitive, so Timarchos is described as king] erected (this stele) to the goddess.[75]

By happy chance, the Timarchos fragment of Aristotle (above) explains the noun ἄνασσα, as used on Cyprus. It is in fact, as we have seen, the only one of the fragments of the Κυπρίων πολίτεια which says specifically that it comes from that work: Pollux's version of the fragment merely cites a vaguely designated "work of Aristotle" as source, and the more careless Pliny the Elder does not even do that much. But Valerius Harpocration says:

> *Anaktes* and *anassai*: sons and brothers of the king [*basileus*] are called *anaktes*; their sisters and wives are called *anassai*: Aristotle in the *Constitution of the Cyprians*.[76]

73 I follow Masson 1983: 103, who improved on earlier reconstructions. He was right that the Nikokles inscriptions confirm the evidence of the Pollux half of Aristotle fr. 527 (Rose) that Nikokles' father was Timarchos. He dated Timarchos to about 350-325 and Nikokles to 325-309.

74 Masson (n. 73); Hill 1940: 164 n. 2; cf. Berve 1926: 2.373 no. 748.

75 Masson 1983 nos. 6 and 7, Egetmayer 2010 Paphos nos. 1 and 2. The first was long known, the second was published as Mitford 1939 (commentary still worth consulting).

76 Fr. 526 Rose, 532 Gigon, both cited from Bekker's ed. of Harpocration (Bekker 1833: 18, 4-6), whose lexicon was explaining Isokrates 9 *Evagoras* 72. But Dindorf 1853: 1.32 with n. 9 preferred a different ms., which he called D. (Paris 2552). This began more fully: Ἰσοκράτης Εὐαγόρᾳ. ἔοικε δ' ὁ ῥήτωρ ἔθους τινὸς ἐν Κύπρῳ μνημονεύειν. 'Isocrates in the *Evagoras*. The orator seems to be mentioning a custom in Cyprus' etc. Keaney 1991: 23 A no. 118 prints this, but on Keaney see Slater 1994.

The word *anassa*, the feminine form of *anax*, is far from obscure: it is Homeric.[77] Harpocration's lexicon of the Attic orators was merely concerned to explain a passage of Isokrates about the designation of human royal families on Cyprus.[78] But was the Aristotelian context equally restricted? Did Aristotle's discussion go further and take in the cult name of Paphian Aphrodite, as used by Nikokles son of king Timarchos?[79]

The epigraphic evidence is plain enough, and very valuable. By contrast the evidence of Pollux is confusing and confused.[80] But someone in Aristotle's school evidently knew personal details about the Paphian royal family.

5. Themison of Cyprus and Aristotle's Protreptikos

Fascinating though that is (at least, I think so), there is some far more solid evidence for Aristotle's personal and surely pedagogic link to a Cypriot prince. One of his earliest works, perhaps around 353 BCE, was called the *Protreptikos* or *Exhortation* (to philosophy).[81] It was addressed to

77 E.g. *Od.* 3.380, ἀλλά, ἄνασσ'. ἵληθι, "so, Goddess, be gracious to us." The scansion of this prayer to Athena requires the initial digamma ϝάνασσα, as in the inscription.

78 Whatever may be true of the elasticity of the titles *anax* and *basileus* generally, and on Cyprus in particular (see nn. 70 and 83), the fragment from Harpocration clearly implies royalty for both terms.

79 For 'Wanassa' (or Vanassa) as Aphrodite on Cyprus (Golgoi and Paphos) see Parker 2017: 5.

80 Thus Pollux says that it was to this Nikokles that "the Athenian sophist" i.e. Isokrates wrote advice, but that is a mistake for one of the 'Cyprian orations' to be mentioned shortly, i.e. Isocrates (2) *To Nikokles* or perhaps (9) *Evagoras*.

81 Frs. 50-61 Rose; 54 and 55 nos. 1-6 Gigon; also Ross 1955: 26-56. From Pistelli 1888 (see n. 86), Barnes (1984: 2403-17) added yet more Iamblichus material, translating and re-ordering it all. For the date of the *Protreptikos* ("*c.* 353") see Brunt 1993: 291; cf. his n. 27: Themison "otherwise unknown." The biographical tradition (see Diog. Laert. 5.1-10; Gigon 1987: 28-31 for the *Vita Marciana*) does not know of an actual visit by Aristotle to Cyprus, but instruction can be done by correspondence: Stobaeus' words are ἔγραψε πρός.

'Themison (the) prince of Cypriots', τὸν Κυπρίων βασιλέα.[82] The noun *basileus* does not necessarily imply a monarch or autocrat, and can be used in the plural, as by Hesiod when he famously called them collectively "bribe-swallowing."[83] But when combined with the genitive plural 'of the Cyprians', the description surely indicates at least a member of the royal house.[84]

Much of the treatise is lost, but its title and addressee recall the 'Cyprian orations' of Isocrates, (9) *Evagoras*, (2) *To Nikokles* and (3) *Nikokles or Cypriots*.[85] We shall see, however, that so far as the ancient quotations allow us to judge, the message and content were Platonic rather than Isokratean. Aristotle's treatise (it was probably not a dialogue) was enormously popular in antiquity: it was the model for Cicero's – also mostly lost! – dialogue the *Hortensius*, and Iamblichus quoted many passages from it.[86] But it is a shame that only one surviving passage, from Stobaeus, actually names Themison. This precious fact comes down to us by a winding path. According to Stobaeus (n. 82):

> Zeno [the first Stoic] said that Crates [of Thebes, Cynic philosopher] while sitting in a cobbler's workshop, read Aristotle's *Protreptikos* which he wrote to Themison prince of Cypriots, saying that no-one had more goods than he for devoting himself to philosophy, for he had great wealth, so that he could spend money on this, and a good reputation as well.

Before we consider the content of the *Protreptikos*, we must ask, who was this Prince Themison, what was his city, and was he ruler? He is not attested by any other ancient literary source, and he has not attracted

82 See fr. 50 Rose, 54 Gigon; *SVF* 1: 62-63 fr. 273 (both from Stobaeus, *Anthology* 4.32.21). Nock 1933: 175; Jaeger 1948: 54-57; Ross 1949: 8; Chroust 1966a; Schütrumpf 1980: 287-98; Scholz 1998: 138 n. 39.

83 Hes. *Op*. 38-39 βασιλῆας/δωροφάγους.

84 Pestarino 2022: 1 n. 4 writes of "Themiston [*sic*], king of the Cyprians", her only reference to him. 'Themiston' is a slip; there is no textual authority for that spelling.

85 See Forster 1912 for all three. For the *Evagoras*, see Alexiou 2010 and Petit 2022.

86 Pistelli 1888, ostensibly an edition of Iamblichus' *Protreptikos*, largely consists of the fragments of Aristotle's work as quoted by Iamblichus.

much attention from modern historians of Cyprus.[87] The main, and no longer very modern, exception is the numismatist Sir George Hill in the first volume of his elderly but still useful *History of Cyprus* (1940).[88] He considered, without firmly endorsing, the suggestion that Themison's city was Keryneia, the rather feeble grounds for which were that "we know the names of the kings of all Cypriote states except Kerynia at this time."[89] Maier, in his chapter on 'Cyprus and Phoenicia' in the new *Cambridge Ancient History*, presumably followed Hill's identification: he speculated that Aristotle's Themison might have been the unnamed ruler of Keryneia who, according to Diodorus (from Hieronymos), arranged a short-lived anti-Ptolemaic alliance with Antigonos Monophthalmos in 315. But in the *Inventory* Maier seems to have abandoned this suggestion: rightly.[90]

Theophoric personal names beginning Themis- or Themist- are formed from Themis the goddess of Right (Θέμις, Homeric genitive Θέμιστος). They, and Themison in particular, are common everywhere in the Greek world, and a few Themisons are from Cyprus.[91] So onomastic

87 For Maier see section 2. That other distinguished authority Vassos Karageorghis (1929-2021) cited only Eudemos (section 5 below), not Themison, to exemplify interest in philosophy on Cyprus in Aristotle's time: Karageorghis 1982: 164. There must have been some philosophical tradition on the island: in the early Hellenistic period the founder of Stoicism Zeno (born *c.* 335, moved to Athens 313) and his renegade pupil Persaios were both originally from Kition (not, however, treated by the *Inventory* as a *polis*: *IACP*: p. 1224 col. 2). The Aristotelian Klearchos of Cypriot Soloi, more famously attested for inscribing Delphic precepts at Ai Khanoum in Afghanistan (Robert 1973, Mayhew et al. 2022 frs. 102-4), supposedly criticized Cypriot flatterers: Ath. 255c-257c = fr. 17 Mayhew et al. 2022.

88 Hill 1940: 158 n. 4.

89 For Keryn(e)ia, roughly in the middle of the north coast of the island, east of Lapethos, see *Barr.* map 72 C2 and *IACP* no. 1015. For the relationship between Lapethos (no. 1017) and Kerynia see Cannavo 2021:141-42: separate but associated?

90 Diod. 19.57.4 and 59.1; Maier 1994: 334 (in parenthesis and with a question mark, using *CAH*'s Latin spelling 'Ceryneia'). He gave no reason for the identification, and did not subsequently mention Themison in his *IACP* entry on Kerynia (n. 89). Cf. Petit 2022: 143 n. 90: a "conjecture très douteuse" which "doit sans doûte être abandonee."

91 The most famous Themist- is the Athenian Themistocles.

evidence does not help much.[92] The most we can say, until fresh epigraphic or numismatic evidence turns up, is that the otherwise unknown Themison of the *Protreptikos* might be a junior member of one of the royal families of Cyprus, perhaps one who died before fully reaching adulthood, but was old enough to have won a good reputation.

Aristotle's appeal to Themison was described by Arthur Darby Nock as "a passionate plea for the supreme value of this life of contemplation", where "this life" refers to the picture in Plato's *Theaetetus* of the philosopher "absorbed in the eternal verities."[93] This was different from the educational programme of Isokrates, and Aristotle's *Protreptikos* has been seen as a deliberate reply to Isokrates.[94] An amplification of an important fragment long known from Stobaeus came to light in 1904, on a papyrus from Oxyrhynchos in Egypt.[95] Here are some sentences from it which give the flavour:

> We ought to believe that happiness consists not in the acquisition of much property but rather in the manner of he disposition of the soul ... It is not the horse that has a golden curb-chain and costly harness, but whose nature is bad, that we think worth anything; rather we praise the one that has a good disposition ... The saying 'no knife for a child' means 'do not give bad men power'.

From the sole fragment of Aristotle which actually names Themison, and which we have already quoted in full, we see that he urged Themison to use his great wealth, and his good reputation, for the study of philosophy. Another possible quotation from Iamblichus runs as follows:

92 For a while I thought that something could be done by invoking certainly or possibly Themis-derived names from Paphos, of which there are several, Greek and syllabic, but not enough to build a convincing case on. To the Cypriot Themisons in *LGPN* vol. 1 (1987) add now *SEG* 42.1312 = *IG* XV. 2.1 (2020) line 2 (Kition or possibly Golgoi): dedication of mask to Dionysus by Themison son of Pasiphilos, *c.* 250 BCE.

93 Nock, as in n. 82.

94 Wilamowitz 1893: 1.327; Von der Mühll 1941; Chroust 1966a; Scholz 1998: 138 n. 39; Evdokimov 2020: 415. See also Brunt 1993: 286 and (with some reservations about the view that Isokrates 15 *Antidosis* was a reply to the *Protrepticus*) n. 14.

95 Fr. 57 Rose (Stobaeus 3.3.25); *POxy* 666. Too late for Rose, and not in Gigon.

> to everyone this much is quite plain, that no-one would choose to be in possession of the greatest possible wealth and power but deprived of understanding and mad.[96]

The treatise's preoccupation with its addressee's wealth is notable, as far as the evidence allows us to say; and it goes beyond a conventional contrast between worldly goods on the one hand and intellectual or spiritual on the other. Cyprus' copper mines were always a source of prosperity, beginning with the mythical king Kinyras of Paphos' gift of a gleaming (enamel, gold, and tin) cuirass to Agamemnon (and Cyprus' general reputation for wealth may help to explain the curious tradition of Kinyras' staggering but non-Homeric and unfulfilled promise to supply fifty ships for the Greek navy against Troy).[97]

Cypriot mineral prosperity continued down to and including the Hellenistic period, as Lykophron, very probably drawing on the polymath Eratosthenes, knew well.[98] The palaces of Classical Cyprus were conspicuously grand and costly, however much Greek comic poets may have exaggerated the luxurious life-styles of their royal owners.[99] It is frustrating that we do not know Themison's home city for sure.

That uncertainty matters less than the fact of Aristotle's instruction of a prince. Philip II of Macedon may have known of and remembered this pedagogic relationship later, when he invited Aristotle to teach his son Alexander, born in 356. Aristotle's father Nikomachos had been doctor to Philip's father Amyntas (for the biographical tradition see n. 80) so Aristotle will already have been known at Pella.

96 Fr. 55 Rose (Barnes 1984: 241-45). Not included by Gigon.

97 *Iliad* 11.19-28 (cuirass); Apollod. *Epit.* 3.9 (ships, with West 213: 103, withdrawing his earlier view that this went back to the epic *Cypria*). But in the event he sent only one ship; the other 49 were made of clay. The late Martin West (1937-2015) offered a daring interpretation of the latter item in terms of "some ancient ritual custom or sport in which clay model ships were floated on the sea": West 2015: 26-28. This publication was delivered as a contribution to a conference on 'Hellenism in Cyprus from Stasinos to Demonax' at Leukosia/Nikosia in September 2005, where I was lucky enough to hear it.

98 See Lycoph. *Alex.* line 484 and Eratosthenes, geographical fr. 3B 91 Berger and fr. 130 Roller (= Strabo 14.6.5), with Hornblower 2015: 229-30.

99 Maier 1994: 300-1.

6. Eudemos of Cyprus and other fighting philosophers in Sicily

Aristotle's equally early and equally fragmentary *Eudemos* or *On the Soul* (late 350s?) took its title from a Cypriot friend of Aristotle.[100] He is not to be confused with Eudemos of Rhodes, the eponym of the *Eudemian Ethics*.[101] The much-travelled Cypriot Eudemos' biography is much better known to us than Themison's, mainly thanks to Cicero's account in Book One of *On Divination*.[102] Cicero's main narrative (we will consider his introductory sentence shortly) runs as follows:

> ... Aristotle's friend, *familiarem suum*, Eudemos of Cyprus, while on a journey to Macedonia, came to Pherai, a Thessalian town of considerable note at that time, but held in cruel subjection by the tyrant Alexander. Now in that town, he [Aristotle] says, Eudemos fell so ill that the doctors feared for his life. He dreamed that a handsome young man told him that he would soon recover, that in a few days the tyrant Alexander would die, and that five years later, Eudemos himself would return home, *domum esse rediturum*. And indeed, Aristotle writes, the first two predictions were fulfilled forthwith: Eudemos recovered and

100 The *Eudemos*: frs. 37-48 Rose, 56-66 Gigon (tr. at Barnes 1984: 2399-403, including, at 2400, an additional, unnumbered, and very interesting fragment preserved in an Arabic source; not in Gigon). See Chroust 1966b and Evdokimov 2020: 414 for discussions of Eudemos and the treatise. Its chronological relation to the *Protreptikos* is unclear: the latter may have been earlier. Brunt 1993: 287 n. 19 wrote "Aristotle's *Eudemos* must have been composed in or soon after 354 when he was only 30." That is a little too early, given that Eudemos' death was itself – as we shall see – in either 354 or early 353. We have already seen (n. 81) that Brunt put the *Protreptikos c.* 353.

101 As he is by Ostwald & Lynch 1994: 617-18. Other mistakes in that one paragraph are (i) Dion's expedition to attempt the overthrow of Dionysius II is dated "c. 354" (date of Dion's death) not 357, see Berve 1956: 65 [805]; (ii) the sub-title of Aristotle's *Eudemos* is given as *On Grief* (no, it was *On the Soul*); (iii) Eudemos is said, fancifully and on no evidence, to be an exile who had left Cyprus to escape tyranny there. If he was an exile from Cyprus, how could he have expected to return there, as Cicero says? It is a pity that we do not know Eudemos' Cypriot home city.

102 Fr. 37 Rose, 56 Gigon = Cic. *Div.* 1.53. The speaker is presented as Marcus Cicero's brother Quintus.

> the tyrant was killed by his wife's brothers. But towards the end of the fifth year, when the dream had led him to believe he would return from Sicily to Cyprus, he died in battle at Syracuse. And so the dream was interpreted as meaning that when Eudemos' soul had left his body it had returned to his home, *domum reuertisse.*

Plutarch in his *Life* of Dion fills this out valuably in his narrative of the departure from Adriatic Zakynthos of Dion's expedition of 357. Plutarch here looks forward to the later death in action of Eudemos, as follows:

> Many citizens [of Syracuse] joined Dion, and among philosophers Eudemos the Cypriot, to whom after his death Aristotle wrote his dialogue on the soul; and Timonides of Leukas, and Miltas, the Thessalian, a seer who had studied at the Academy...[103]

How and when did Eudemos die? Alexander of Pherai was assassinated in 358, which means Eudemos' allotted five years (or nearly) were up in 353 or late 354.[104] The best guess is that he was killed in a battle at that time between the 'friends' of the recently (354) murdered Dion against the army of Kallippos, another Platonist, but one who had suddenly changed allegiance away from Dion's cause.[105] Timonides, another Platonic philosopher and a historian also, is thought to have been Plutarch's

103 Plut. *Dio* 22.5 Ziegler (Teubner ed,), where Eudemos' death is a characteristically Plutarchan prolepsis or narrative anticipation. Rose & Ross (1955: 16) print this as the second part of their frs. 37 and *Eudemos* fr. 1 respectively; Barnes 1984: 2400 ignores it. Gigon 1987: 288 prints *Dio* 22.4-7 as a separate fr. 57 (but confusingly cites it as '22.3-4 ed. Ziegler'; 22.3-4 is B. Perrin's Loeb numbering of the paragraphs). See Porter 1952: 75. – Zakynthos: Plut. *Dio* 22.8. – On the intriguing figure of the seer Miltas, see Flower 2008: 110, 118, 178, and (briefly mentioning the Academy) 194-95. – Brunt 1993: 328 n. 87 wrote "none of those named [by Plutarch [i.e. Eudemos, Timonides, and Miltas; also Kallippos, cf. Plut. *Dio* 17.2] qualifies as a philosopher." That is hyper-sceptical: it entails either discounting Plutarch, or else applying an impossibly high standard for qualification as a 'philosopher'.

104 Date of death of Alexander of Pherai: Beloch 1922: 84.

105 On Kallippos, see Berve 1956: 115 [855]. The battle is scantily recorded, but must be the defeat recorded by Diodorus at 16.36.5, ἡττηθέντες, referring to the friends,

source for this part of the *Life*.[106] So many fighting philosophers! One hopes they remembered the lessons of Plato's military dialogue, the *Laches*, although Miltas might have had mixed feelings about its famous advice (199a) that the general should be master not servant of the seer.

Cicero's account of Eudemos' dream contains features familiar from dream epiphanies throughout classical antiquity, notably the medical worry, and the visitation by a handsome young man.[107] That last detail would seem to imply that the message was divinely inspired. On the usual view the *Eudemos* takes this story as the cue for a disquisition on the immortality of the soul, recalling the *Phaedo* of Plato, but with differences. The philosophical arguments will concern us less than the man's career and his dream. That Eudemos himself was a philosopher like his friend Aristotle is certain from Plutarch; and it is goes only slightly beyond Plutarch's evidence to say that the dialogue was written out of grief for a beloved friend. [108]

William Harris thinks that Cicero did not have the Eudemos story directly from Aristotle, but "rather from a Stoic who used the story to suggest what no other source comes close to suggesting, that the great philosopher shared the commonest Stoic view about dream-divination (which was favourable)."[109] Harris concludes "it is easy to see what the Aristotle of the *Parva naturalia* would have said about the Eudemos story: it proves nothing, because the sick sometimes recover and tyrants are quite often assassinated." And the third "fulfilment" was "merely a play on words." Harris' initial suggestion about the anonymous Stoic source may be too sceptical. Aristotle's ideas may well have moved on since his youth; and in any case the topic of the dialogue was not divination but the soul. Cicero seems not to have known quite what to make of the story. He begins:

φίλοι, of the late Dion; they now moved north from Syracuse to Leontini: Berve 1956: 124 [864]. For the identification of this battle as the scene of Eudemos' death see Hill 1940: 213.

106 Porter 1952: xx-xxi; Timonides is *FGrHist* 561, and T[estimonium] 1 is Plut. *Dio* 22.5, as in n. 103 above.

107 See e.g. Hdt. 5.56.1 (Hipparchos); Livy 21.22.6 (Hannibal).

108 Jaeger 1948: 39 wrote that "In this dialogue Aristotle immortalized the memory of his beloved friend and sought comfort for his sorrow."

109 Harris 2009: 162-64.

> What, is the singular, the almost divine, intellect of Aristotle in error, or does he wish others to fall into error, when he writes that his friend Eudemos ... (etc. as before)

All the above assumes that Cicero found the story of the dream in the *Eudemos*. It is true that Cicero does not say this in so many words. But the inference is made very likely by the combination of Cicero's evidence with that of Plutarch, and by Cicero's closing allusion to the journey 'home' of the soul (*anima* must translate ψυχή). From the literary point of view, Eudemos' mini-biography would make for a good opening to the dialogue, like that of Plato's *Theaetetus*. That may be a further reason not to press too hard the implications of the dream.

Eudemos' death in battle at Syracuse, fighting in the company of other friends of Plato's friend Dion, takes him and us back into the world of Plato and 'his' *Seventh Letter* (n. 47). But why, five years earlier, was Eudemos on his way to Macedonia? An intriguing destination. We have no idea and can only guess, but if he arrived there at all, it is tempting to wonder if he spoke to king Philip. A royal audience might even have been the purpose of the visit. If so, the visit might somehow intersect thematically with Aristotle's own later career, and Philip's invitation to Aristotle in 342 to tutor the young prince Alexander, born in 356, not long after Eudemos' journey. Did Philip subsequently remember having met Eudemos, and had he meanwhile been told about Aristotle's *Eudemos*? Or even perhaps read it for himself? If he bothered to read the *Protreptikos*, he took no notice of its philosophical content, to judge from his aggressive actions in Greece.[110]

With this last speculation I leave this often speculative inquiry into Aristotle's connections with an always important and interestingly complicated island. I would like to believe that Mogens, whose "rigidified Aristotelianism" has been judged so harshly (n. 4), might have unbent sufficiently to take some of it seriously.

110 Brunt 1993: 294-95: the *Eudemos* and *Protreptikos* would have "marked him [Aristotle] out as a man of distinction", but (cf. Brunt) Philip in the 340s violated the teachings of the latter treatise, at least.

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THE CATALOGUE OF SHIPS: A KEY TO HOMERIC POETRY

By Minna Skafte Jensen

Summary: The Catalogue of Ships in *Iliad* 2 is a special passage. It was clearly not composed for the context in which it has been transmitted, and a series of other peculiarities has made it a key to most of the basic Homeric questions. Over the years its aesthetic value has been very differently estimated by scholars. This paper offers a survey of the various opinions, a description and analysis of the text as a testimony to Homeric poetics, a report of its earliest reception, and a discussion of how it can be understood and read with pleasure.

Introduction

The Catalogue of Ships (*Iliad* 2.494–779) enumerates the leaders of the Achaean army which set out to conquer Troy, and the ships they brought. It is a special part of the poem for many reasons: it is by far the longest catalogue in Homer; it was clearly composed for the beginning of the war, not for the *Iliad* that takes place in its tenth year; in many details it differs from the rest of the poem; it gives a survey of Greece which does not easily fit into historical-topographical realities; and it has its own place in the history of the earliest reception of Homer. Added to this it has had a stormy history. Some manuscripts of the *Iliad* leave it out, and in modern Homeric scholarship it has been variously estimated. During the many decades when a conflict reigned between 'analysts' (scholars who argued that the *Iliad* and the *Odyssey* were composed by many poets) and 'unitarians' (those who insisted on a single poet, or perhaps two single poets, one for each of the two poems) the tendency was that analysts condemned it, while the unitarians defended it. In 1958 Günther Jachmann considered it an ugly representative of the latest, most degenerate period of ancient Greek epic, while in 1959 Denys L. Page argued vigorously for it being a venerable document preserved from Mycenean

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times.[1] In 1960 A.B. Lord's *The Singer of Tales* appeared, which became a game changer in Homeric studies as well as far beyond Homeric scholarship.[2] In that way the Catalogue is also a thought-provoking example of the changes brought about by varying scholarly approaches to an unchanged object. In addition, the invocation to the Muses introducing the Catalogue is unusually explicit about questions of Homeric performance, a topic which has been much discussed in recent years.

In the present paper I shall offer a general analysis of the Catalogue and its surroundings with a special emphasis on the information it gives of the rhapsode's concept of his art and of his working methods. (I use the name 'Homer' for the corpus of Homeric poetry, lost or surviving, and 'the rhapsode' for the composer/performer of a given Homeric text, in this case the *Iliad*.[3])

Description

The Catalogue of Ships is mentioned by this name by Thucydides (νεῶν κατάλογος, 1.10.4). It contains 29 entries, and each gives as a minimum the names of the region, its leaders, and the number of their ships. With two exceptions they also mention the men and the localities from where they came, and the description of each contingent is built with the same template. This strict monotony is softened by additions such as epithets or appositions to names of persons or places, small anecdotes about the origin of a leader or a happening that occurred in the region in question, descriptions of localities and characterisations of the men from there, and in some cases mentions of events from earlier in the Trojan war.

There are quite a few ways in which the Catalogue differs from the rest of the poem. The first entry and the one giving the most detailed list of localities concerns Boeotia, which plays a minor role in the *Iliad*. Similar problems exist concerning heroes such as Ialmenos (512) or Elephenor (540), who each appear only once outside the Catalogue, and

1 Jachmann 1958: 241; Page 1959: 118-77.

2 Jensen 2017.

3 I have discussed the Catalogue before (Jensen 1980; 2011) and am grateful to Museum Tusculanum and the Royal Danish Academy of Sciences and Letters for allowing me to draw on passages from there.

Thalpios (620) or Polyxeinos (623), who do not reappear at all, whereas Ajax, in the poem the most important warrior after Achilles, is mentioned in a single verse (557) in the briefest entry of them all, 2 verses in all.

Another problem is found in the comparison between the towns which Agamemnon rules over in the Catalogue (569-75) and those that he offers to Achilles when he tries to reconcile him; these are mentioned twice, first when Agamemnon gives his instructions to the envoys and next when Odysseus enumerates the gifts for Achilles (9.149-53, 291-95). The towns Agamemnon offers are not among those he has in the Catalogue, and of course, such problems made the analysts maintain that the same poet could not have composed the Catalogue and Book 9, a standpoint not easily answered by unitarians.

Across the differences towards the basic Homeric questions, almost all scholars agreed that the Catalogue of Ships was not originally made for the context in which it has survived.[4] The order in which the localities are mentioned, with Boeotia in the first place, suggests that it lists the participants of the Trojan war gathering in Aulis. The care with which the number of ships is registered makes more sense as a description of a navy preparing itself for an expedition than of an army making itself ready for battle. The fact that the verbs used for the leaders bringing the ships are in the imperfect tense as if they were just then arriving, is another sign that what is listed are the participants of a fleet. Add to this that in his tragedy *Iphigenia in Aulis*, Euripides made the chorus spend their first song on a catalogue-like description of the warriors and their fleet coming together in Aulis (Eur. *IA* 163-302). Such a survey is natural at the beginning of the war rather than in its tenth year.

The Catalogue of Ships is not the only passage of the *Iliad* made for another context. It is old wisdom that the poem has a kernel, the narrative of Achilles's wrath, which has been immensely expanded by various means.[5] Passages from other phases of the war have been inserted, such as most obviously the Catalogue, but also the *Teichoskopia* (3.146-244) in which Helen points out to the old King Priam the identities of the leading Achaean warriors as if they were new to him. Digressions may occur such

4 Sammons 2010 is a relatively recent exception.

5 E.g. Leaf 1900: xvii, a "kernel ... surrounded by a great deal of later additions".

as when Nestor relates a long, dramatic chain of events from his youth (11.655-803). Scenes may be doubled as is the case when first Paris and Menelaos fight a duel (3.76-120 + 245-382) and later Hector and Ajax do (7.37-310). Later on, when Achilles lets his friend Patroclus take his place on the battlefield, wearing his armour (16.1-100), scholars have shown that many details of Patroclus' fight, death, and burial have been taken from the story of Achilles's fight, death and burial.[6] This just to mention the most famous expansions. There is relative agreement on this; where opinions differ is over how, why, and by whom these expansions were made.

Geography

The many localities mentioned in the Catalogue have not all been easily found in the real world. Scholars have of course built on information from later authors, mainly Strabo; sometimes inscriptions have offered an identification, and sometimes archaeology. In 1873 Benedictus Niese published a study in which he marked the locations of the towns on the map and discussed the order in which they are mentioned. His idea was that somebody had made a geographical survey of Greece, probably in the late 8th century BC, into which the poet of the Catalogue had fitted the various heroes at some time in the eighth century. Niese also pointed out the strange fact that some of the best-known towns are not mentioned, such as Larisa, Krannon, Pharsalus and Thebes.[7] To those who held that the Catalogue describes Mycenaean Greece, this was a main argument, since Greece of the Catalogue appears to be pre-Dorian. In 1969 Adalberto Giovannini argued against both Page and Niese, maintaining that the Catalogue is a description of Greece in the archaic period; that some towns are missing is due to conscious archaism.[8] He underlined how complicated the historical topography is since many towns must have disappeared before the time of Strabo because of catastrophes, such

6 As shown by Neo-analysts, with Kullmann 1960 as their main representative.
7 Niese 1873: 30, 44.
8 Giovannini 1969: 42.

as wars, floods and earthquakes as well as general poverty between classical times and the 2nd century BC.[9] Still, out of the 146 localities mentioned in the Catalogue, 90 were city-states in the archaic period.[10]

Scholars have continued studying the detailed information of Greek localities found in the Catalogue; for instance, G.S. Kirk is careful with comments on the geography of both catalogues,[11] and the interest in its geographical reality is still remarkable. An inspiring paper from 2018 draws attention to the impressive knowledge shown in the Catalogue. The authors ask: "How does a poet working in an oral tradition, long before the development of maps, compose and organize such a detailed geographical tour of the Greek world?"[12] Jenny Strauss Clay has been identifying the places mentioned in the Catalogue, and via the link https://ships.lib.virginia.edu/ her results can be followed.

Changing scholarly approach

The great analysts based their interpretations on careful philological studies and felt certain that they knew what a genuine Homeric epic was; accordingly, they could decide what suited the genre, and what not. Especially, an epic was a narrative, and since catalogues break the narrative progress they considered them foreign to the genre. In retrospect, after so many decades, it is strange that such immense learning could lead to results that now seem misguided.

What really changed the opinion on catalogues was the oral-formulaic theory, made widely influential by Lord's *Singer of Tales*, published in 1960. Parry and Lord were focused on poetry as was natural considering that their point of departure was Parry's demonstration of the formulaic system in Homer. Their research was supplemented by the historian Jan Vansina's *Oral Tradition* from 1961, concerned with a broad selection of historical genres in prose as well as in verse. Vansina's work is built on experience from Africa, centered on the Kuba in Congo. Lists, that to

9 Giovannini 1969: 13-14.
10 Giovannini 1969: 33.
11 Kirk 1985: 178-237, 250-62.
12 Jasnow et al. 2018: 2.

Jachmann had been intruders in the narrative, "inconceivable in the heyday of the epic",[13] were realised as integral elements in oral traditions, well known from many times and places in the world. Catalogues, such as genealogies, lists of rulers, or enumerations of lands a tribe has passed through on its travel to its final location, are considered especially important parts of epics and other historical performances. A long, detailed, magisterial list as the Catalogue of Ships will have been the rhapsode's virtuoso showpiece; it has recently been called "Homer's masterpiece of memory".[14] In recent years lists and catalogues have been the object of intense research, with a mammoth discussion of the "poetics of enumeration"[15] as a climax for the time being.

Folklorists are familiar with the fact that epic singers can shorten or expand a song as circumstances demand. Lauri Honko described how singers who learn a new song work on it until it finds the form that they like and then keep this as a basic version of the song, a 'mental text'. Singers who belong to the same tradition build up a common 'pool of tradition', and the more experienced and talented they are, the richer their individual mental archives are. When singers want to expand a mental text they fetch what they need in their mental archive and either prolong the basic text, e.g. with adding further events or new generations of heroes, or they squeeze further details, dialogues, scenes etc. into the mental text.[16] The rhapsode of the *Iliad* chose the latter model.[17]

A further development found place when Homeric scholars realised the relevance of cognition science. In this approach Elizabeth Minchin was a pioneer. In her readings of Homer she applies cognitive psychology and linguistics, especially to understand the workings of memory. She points out that there are many forms of memory, and that it takes one form to remember a story, another to remember a list. She studies how epic singers learn their trade and comes close to understanding the epic art from inside. For instance, imagining how the poet decided to fit the Catalogue into his poem she can write: "In its celebration of the wider

13 Jachmann 1958: 167: "[ein Fehler] wie er in der Blütezeit des Epos undenkbar wäre."
14 Jasnow et al. 2018: 41.
15 Laemmle et al. 2021.
16 Honko 1998: 66-74, 92-99.
17 Jensen 2017: 8-11.

region and its resources, the Catalogue of Ships is to be a splendid creation in its own right", using the future tense.[18]

She has the following description of how singers and audiences feel about lists:

> As a list-song is performed, the audience's response is one of quiet attention and even, for sustained lists and catalogues, a subdued excitement. This excitement relates in part to the content of the list but also to its delivery. Both the singer and his listeners are anxious that the performance will be a success. Should the singer reach his list's end triumphantly – without faltering and without confusion – the audience's suspense is resolved. The longer the list, the greater will be the relief and delight of the audience once the end is reached.[19]

Opening

The rhapsode is explicit about the purpose of the catalogue, to describe how monumental the Achaean army was. It is introduced by an impressive list of six similes (455-83), describing the radiance and roar of the army, the large number of soldiers, and the competence of their leaders. Nowhere else in the poem is such a wealth of similes accumulated. At the end of the Achaean catalogue follows a final simile, again underlining the tremendous size of the army, its noise and weight, so enormous that it made the earth sigh (781-85). Later on, when the Trojan guard notices the deployment of the Achaean army, he reports to King Priam (in fact, 'he' is the goddess Iris) that he has never before seen such a huge army (799-801).

The introductory list of similes describes the movement of the army: the fire and the birds illustrate the men coming from ships and huts to the Skamandrian plain, the spring flowers and flies visualise how they came to a standstill there, the shepherds show how well the leaders functioned, among them Agamemnon, and the final simile concentrates on him, comparing him to a bull shining in the herd of cows. Thus, what

18 Minchin 2001: 85.
19 Minchin 1996: 16.

began as a movement of the men from camp to battle develops into a movement of the onlooker's sight from the soldiers via the leaders to the overlord, ending in two verses stating that on that day Zeus himself made Agamemnon excel among all others.

Invocation

The catalogue as such is introduced by an invocation to the Muses. Nowhere else in the surviving parts of the Homeric corpus are the Muses invoked in so much detail and over so many verses. Together with the similes the impressive invocation signals not only that the army was enormous, but also that the rhapsode's task in describing it was exceptional:

> ἔσπετε νῦν μοι, Μοῦσαι, Ὀλύμπια δώματ' ἔχουσαι -
> ὑμεῖς γὰρ θεαί ἐστε πάρεστέ τε ἴστε τε πάντα,
> ἡμεῖς δὲ κλέος οἶον ἀκούομεν οὐδέ τι ἴδμεν -
> οἵ τινες ἡγεμόνες Δαναῶν καὶ κοίρανοι ἦσαν.
> πληθὺν δ' οὐκ ἂν ἐγὼ μυθήσομαι οὐδ' ὀνομήνω,
> οὐδ' εἴ μοι δέκα μὲν γλῶσσαι, δέκα δὲ στόματ' εἶεν,
> φωνὴ δ' ἄρρηκτος, χάλκεον δέ μοι ἦτορ ἐνείη,
> εἰ μὴ Ὀλυμπιάδες Μοῦσαι, Διὸς αἰγιόχοιο
> θυγατέρες, μνησαίαθ' ὅσοι ὑπὸ Ἴλιον ἦλθον,
> ἀρχοὺς αὖ νηῶν ἐρέω νῆάς τε προπάσας (484-93).

> Tell me now, Muses, who have your homes on the Olympus –
> For you are goddesses, you are present and know everything,
> We only hear the fame and know nothing –
> Who were the leaders and commanders of the Danaans.
> The mass I could not mention nor enumerate,
> Not even if I had ten tongues and ten mouths,
> An unbreakable voice and a heart of bronze,
> Unless the Olympian Muses, daughters of Zeus
> The aigis-holder, mentioned all who went to Ilion.

But the captains of the ships and all the ships I will mention.[20]

The invocation is not absolutely clear, and it has been read in different ways. Felix Jacoby, for instance, emphasised the shift from plural to singular and understood the ἐγώ (488) as a sign of the poet making his distance from the Muses. Giovannini read οὐδέ τι ἴδμεν (486) as a statement that the poet could only mention all those that he *thought* had participated.[21]

I see mainly two problems: who are the 'we' of v. 486 – the rhapsodes? rhapsodes and their audiences? or all mortals? – and is the rhapsode able to tell all the names or is he not? These questions lead to the overall problem: what is the relationship between the Muses and the singer? Why does he declare the 'we' ignorant?

To begin with, the parallelism between verses 485 and 486 contrasts 'you' and 'we', ὑμεῖς and ἡμεῖς, and emphasises divine vs. mortal. Rhapsodes are a subset of the mortals, just as Muses are of the gods. Considering that the second halves of the two hexameters focus on the knowledge of the two parties, the 'we' must mean 'we, the rhapsodes'. What is at stake is the art of epic poetry, more specifically the truth of the tale. The overall goal of the epic genre is to preserve the memory of the community, and that is possible only when the Muses are gracious.

The immortal Muses were alive and present when the events rhapsodes sing of took place; being distant in both time and space, the rhapsodes have to rely on hearing with the uncertainties that implies. Compared to the Muses they are ignorant; still, they can listen to fame, and if it pleases the goddesses, they may teach the rhapsodes the truth.

The Muses invoked here are the same as those appearing in the Hesiodic *Theogony*, who said to that rhapsode:

ἴδμεν ψεύδεα πολλὰ λέγειν ἐτύμοισιν ὁμοῖα,
ἴδμεν δ', εὖτ' ἐθέλωμεν, ἀληθέα γηρύσασθαι (Hes. *Th.* 27-28).

We know how to tell many lies that resemble truths,
And we know, when we choose, how to sing reality.

20 Translations are mine unless otherwise stated.

21 Jacoby 1932: 583; Giovannini 1969: 42-43, note 4.

Like all other gods in the Homeric-Hesiodic universe the Muses are arrogant, and the highest a mortal worshipper can hope for is to attract their goodwill. With their words these rhapsodes do not issue a warning that they themselves should not be believed, but remind their listeners that the genre as such is dependent on divine help.

The way to receive the Muses' help is by listening to fame, κλέος ἀκούειν (486), and that is what rhapsodes do during their education and continue to do all their active life. It is not as efficient as to relate what you have experienced yourself, but it is as much as a human rhapsode can achieve. No singer of epic would call the truth of his own performance into question; but asked whether epic singing is always to be believed, he would admit that some singers make errors.[22] The invocation which opens the Achaean catalogue is not a warning, but rather a call for the listeners' admiration for the close relationship the rhapsode has with his gods. It manifests itself in the huge and brilliant catalogue which follows.

Even though the problem the rhapsode envisages is physical, the help he imagines he could have from the Muses concerns the content rather than bodily strength: they might give him all the names. This fact reveals that the power these goddesses have is to know the facts of the tales, just as the rhapsode described it in v. 485: they were eyewitnesses, therefore they know. Exactly the same opinion of poetic competence is found in Odysseus's praise of the Phaeacian bard Demodocus: you sang correctly

> ὥς τέ που ἢ αὐτὸς παρεὼν ἢ ἄλλου ἀκούσας (*Od.* 8.491).
>
> As if you had been present yourself or heard from somebody else.

This understanding of the Muses' sphere of operation is supported by the fact that in Homer the Muses are invoked especially when the rhapsode needs help for a catalogue.[23] Poetry, it appears, is a question of knowledge, and the ways to achieve it are either by presence or by listening to somebody else. The invocation is a prayer to the goddesses and

22 E.g. Parry & Lord 1954: 239-45.
23 Minton 1960; 1962.

also a statement of the purpose of the epic genre. In such an opinion of poetry it is easily understood why catalogues are treated with the greatest respect. They are concise lists of information of importance for the singing community, and a successful performance of a catalogue is the ultimate proof of a singer's capacity.

Is the rhapsode able to tell all the names? Homeric invocations contain a precise request; in the present case the rhapsode asks to be told who were the leaders of the Danaans. But then his mind wanders: was this prayer too modest? should I have asked for all the common soldiers, too? No, that would have been too demanding of my physical powers, only a monster could have had the strength to carry out such a performance. A further mental wandering gives him pause: of course, if it pleases the Muses, it would be possible. I must take care not to offend the goddesses, who are certainly able to mention all those involved if they feel like it; but problems of bodily strength do not belong to their province. Anyway, a full list of warriors is not what I ask for now. I shall mention only the leaders of the ships and all the ships. As a matter of fact, the rhapsode does end up mentioning not only the leaders, but also the men. Not individually, though, but as groups coming from named localities and now and then also having special characteristics.

The very flaw in logic reveals how overwhelmed the rhapsode is at the thought of the performance he is venturing into. Will my breath be strong enough? Will my voice be clear and will it manage performing the huge amount of names without breaking? The two hexameters of worries (489-90) bring us close to the rhapsode's feeling of his art in a way unparalleled in Homer, and they also bring him close to all singers of tales, before and after. In modern times, when sometimes a fieldworker asks an epic singer which qualities are the most important for his art, he answers: A big repertoire and a clear and unbreakable voice. The repertoire is what Homer's Muses are responsible for, and our rhapsode hopes that they will be gracious. The voice is what worries him. When I attended an epic singer's performances in Albania in 1974, Mirash Ndou, he was disappointed to hear his voice on the tape recorder. "You should have come when I was younger", he lamented.

When in the modern world singers tell how they were educated, the emphasis is mostly on training the memory. The same was the experience the Arabist Dwight D. Reynolds had when he made his fabulous emic fieldwork in Egypt in the 1980s and was accepted as a pupil with an old master, Shaykh ʻAbd al-Wahhab.[24] First he was taught to play the *rabab*; but next the teaching consisted in learning how to memorise songs in order to build up a repertoire. Performance was learned by attending gatherings when the master was singing to audiences.

The invocation to the Muses and, more generally, the relationship between Muses and singers have been eagerly discussed over the years.[25] The wealth of subtle interpretations suffers, however, from underestimating how pointedly the focus is on information of data when it is mentioned what the Homeric singer expects from his Muses. Nowhere are they asked to give inspiration. The closest we come to a verb that might mean 'inspire' is ἀνῆκεν in *Odyssey* 8.73, when Demodocus began his song and the Muse started him. However, that the Muse's task also here was to give the singer eyewitness information, is clear from the content of his song, heroic epic, κλέα ἀνδρῶν, as well as from Odysseus's just quoted praise of him specifying presence or listening to somebody else. Accordingly, ἀνῆκεν must be translated 'set him going', not 'inspired him'. It is a divine miracle that rhapsodes can sing of what happened many generations ago, and this distance in time is comparable to the spatial distance that makes Odysseus wonder how a Phaeacian bard, living far away in fairyland, can be well informed of what happened in Troy. Modern readers, who have some millennia and not least Plato between themselves and Homer, take for granted that Muses are there to inspire, a much more abstract and spiritual help than what the down-to-earth daughters of Mnemosyne offered.

Underlining Homer's fact-oriented approach to the Muses is not an attempt at maintaining that he saw them "just as a useful mnemonic device",[26] but that what rhapsodes felt most demanding was actually the

24 Reynolds 2000: 267-69.

25 Friedman 2024: 34 offers a survey.

26 Haubold 2021: 214.

handling of big amounts of story.[27] Perhaps they felt that the poetic wonders which their audiences, then and now, have admired, came naturally? At least, it is worth noticing what they say of them, including what they do not say. The greatest of all wonders was that it was possible to know so much of events that happened long ago, and there was no contrast between memory and poetic resources in the mental archive.

When we look at the introductions to the *Iliad* and the *Odyssey*, the two are made over the same pattern: a quest for information and an instruction of where to begin. This reveals that the story of the Trojan war – or whatever the story being called for – exists as a chain of events among which the rhapsode can choose a specific episode. Such an organisation of an epic story is what folklorists call a cyclic tradition.[28] In the *Iliad* the chosen episode is Achilles's wrath, and the Muse is asked to begin from the point when Apollo caused the conflict between the two heroes, a proper starting place when the subject is this conflict. In the *Odyssey* it is the hero's homecoming, and when the Muse is asked to begin from an arbitrary point, ἀμόθεν, the audience is warned that the narrative will develop in an unusual way, and not take them from the departure in Troy to the arrival in Ithaca.[29]

Scholars have wondered why there is only this one invocation to the Muses in the *Odyssey*. Considering that much of the action is narrated by Menelaus and Odysseus respectively, both of them eyewitness narrators, that makes perfect sense: they need no Muse to supply them with data.

Minchin underlines that the invocation introducing the Catalogue is directed at the audience just as much as at the Muses; the rhapsode prepares his listeners for a huge, special event.[30] I think she is absolutely right and want to add that with bringing up the possibility that he could have set about rattling off the names of all the commoners he is provoking the audience: If I had had the stamina for such a performance, would you have endured attending it? The suggestion makes the catalogue which follows even more overwhelming.

27 I follow Gérard Genette in distinguishing between story, the signified, and narrative, the signifier, Genette [1972] 1980:27.

28 Johnson 2000; Reynolds 2000: 265-66; Jensen 2011: 101-6; 2017: 8-11.

29 Jensen 2011: 256-57.

30 Minchin 2001: 85.

Catalogue

Of the 29 entries three are broken by a correction. The original Catalogue described the army as it was at the beginning of the war, but in the meantime the situation has changed in some respects, and in these three cases an updating was needed: the men from Pelasgian Argos (681-94) had been led by Achilles who brought 50 ships, but they were not part of the army deployed here because of Achilles's wrath; the contingent from Phylake with 40 ships (695-710) had been led by Protesilaos, but he was dead and buried now, and the men had his brother as their commander; those from Methone had been led by Philoctetes who brought 7 ships (716-28), but he had been left on the island of Lemnos, and they had got another commander.

These passages offer us a glimpse into the rhapsode's way of handling his poem: He has in his mental archive this enormous catalogue, ready for being performed as a solo piece or inserted in another poem. In her studies of the way singers train their memory, Minchin shows that remembering a narrative is different from remembering a list, and that the effort to fix the two kinds of mental text differs (she prefers the term 'script'). Events following each other in a meaningful sequence can relatively easy be modified, whereas a list of data simply has to be correct. It finds its fixed form through training and repeated performance, by the singer and his forerunners, and exists as an established text in his memory.

That is exactly what we see in the Catalogue of Ships: the rhapsode performs the list of contingents coming together in Aulis in the form he has in his mind, only adding what is necessary for bringing it up to date. The result is especially harsh in Protesilaos's case, where the rhapsode introduces the new verses by means of an unperiodic enjambement without any effort of adapting his text to the narrative 'present':

τῶν αὖ Πρωτεσίλαος ἀρήιος ἡγεμόνευε
ζωὸς ἐών· τότε δ' ἤδη ἔχεν κάτα γαῖα μέλαινα (698-99).

They were led by warlike Protesilaos
While he was alive; now black earth already covered him.

In all three cases the updating sums up well-known events from the war: Achilles's wrath and withdrawal, Protesilaos's having been killed on arrival, and the importance of the archer Philoctetes for the capture of Troy. Such use of ana- and prolepsis within the Troy-myth gives hints to the audience that there are still many tales to be told, and that the rhapsode is able to deliver them should they be called for.

Another sign that a catalogue is not easily adapted to a new context is the entry of Athens (546-56). It contains the demanded minimum in three single verses, two framing the content, v. 546 mentioning the name of the city and v. 556 the number of ships, and one, v. 552, giving the name of the leader, Menestheus, of whom it is said that he was the best in the world to arrange horses and shield-bearing men. However, the narrative which fills in the remaining verses is unusual. Instead of a long list of localities sweetened by some little anecdote we are told an event from the founding of the city: Athena herself brought up the mythic King Erechtheus and established him in her own shrine, where young Athenians every year bring him sacrifices. Within five verses, 547-51, the rhapsode succeeds in both underlining the city's religious importance, its close connection with the goddess Athena, and a contemporary cultic practice, linking myth with the time and space of the rhapsode and his audience. Nowhere else in the *Iliad* is a cultic practice from the real world of the rhapsode and his audience brought into the poem. Next follows a praise of Menestheus, who in warlike qualities is only surpassed by Nestor. What has Nestor to do here? He is mentioned in his own entry just like other leaders. Why would not that be sufficient? Because the Athenian tyrant Pisistratus and his sons led back their family to Nestor. It would have been complicated for the rhapsode to mention that in the Pylos entry; instead, he brings in Nestor here, quietly reminding his audience of his importance for Athens.

I have argued elsewhere that the dictation process to which our texts of the *Iliad* and the *Odyssey* go back took place in Athens in August 522 BC.[31] Mogens Herman Hansen supported my dating of the poems to the 6th century and used to compare the date of a traditional epic with that of a hoard of coins: the youngest coin fixes the date.

31 Jensen 1980; 2011.

At that time Athens was at war with Megara over the ownership of Salamis, and that, of course, presented a special problem to the rhapsode. The fact that the Catalogue was the most authoritative passage of the poem made the question of how to handle Athens and her neighbours sensitive. Vansina long ago stated that catalogues such as e.g. genealogies were both the most carefully preserved genres and those most exposed to purposeful change, exactly because of their importance as authoritative concentration of data.[32] The truth of a catalogue was evaluated by how well it was confirmed by the reality in which people lived.

The rhapsode solved the problem by simply skipping Megara and in the case of Athens and Salamis keeping the minimum data and besides that substituting the entries in his mental archive with new ones. This procedure left the great Ajax with an absurdly short mention, two verses in all, while Athens was honoured by a description that was completely different from the strict template with which all the other entries were formed.

The solution is characteristic for the way the demand for truth is handled in an epic tradition. To give wrong information is unacceptable, but a singer is not obliged to repeat what will not please his audience, and he can freely substitute a passage with something new as long as the new passage is felt to be true by the audience.

Closing

At the end of the Catalogue a renewed invocation appears, this time to just one Muse. The question is: Which man and which horse were the best? During the dictation, the audience will have been the scribes and perhaps the patron and other listeners, and whether the slower, less exciting 'performance' gave them the euphoric experience Minchin describes we cannot know. But when our rhapsode performed the Catalogue to a normal audience these people will have listened with quiet attention and subdued excitement as described by her, and the suspense will have been resolved after the last entry, the one of the Magnetes. At that point the audience will have exploded in enthusiastic applause.

32 Vansina [1961] 1973: 151-52.

In the passage that follows (760-85) the rhapsode carefully cools down the feelings to a more relaxed and thoughtful state. The question the rhapsode here puts to his Muse is brief and simple compared to the elaborate invocation at the beginning of the Catalogue, but it will certainly have affected the listeners. It is well known how much both competition and horses meant to the ancient Greeks in general, and the funeral games for Patroclus in Book 23 document that these interests were central to the singing community of the *Iliad*. The horses mentioned have their place in myth: Eumelos' father, Pheres's son Admetos, received his horses as a gift from Apollo, and Achilles's horses were immortal, with both individual names and parents' names. They play an important role towards the end of the poem (16.148-51, 19.392-424). It will have pleased the audience to be reminded of these famous horses.

The passage brings us back to the present time of the *Iliad*: The Achaean army is on the point of marching out to battle, but the greatest warrior is not there. We are reminded of the situation and there is no need of updating; the narrative follows the story. The statement of the quality of men and horses adds a pleasant, peaceful touch to the war-theme, as if the impending battle were a sports competition, and the playful Myrmidons passing the time on the beach reinforce this impression. Just for a moment, though, for the situation is, of course, terribly wrong and the idyll misleading. The wonderful horses are idle, emphasised by the verb ἔστασαν in enjambement (777), they just stood there, marking the end of the peaceful scene. The following lines describe how the chariots were ready, but the soldiers lacked a leader; οὐδ' ἐμάχοντο, so they did not fight, are the closing words (779).

Was the Muse really necessary here? Yes, the special details about the horses belong to the kind of knowledge the rhapsode has from the Muse. Besides, she is there to signal to the audience that the virtuoso event is brought to a dignified end and that the Muses have been present all the time. The scene is rounded off with a simile: the army marching out was like a violent fire and made the earth sigh under the soldiers' feet. In connection with the brief invocation it makes a chiastic ring composition: At the beginning the long chain of similes and the invocation, at the end another invocation and a simile.

The Trojans

The final part of Book 2 is concerned with the Trojan side. Zeus sends Iris to deliver a message to Priam about the Achaean army in the form of Priam's son Polites. The Trojans were gathered for an assembly, but make themselves ready for fight immediately; the gates are opened, and the army rushes out. The Trojan forces are enumerated in a catalogue resembling the Achaean one, but much shorter, vv. 816-77, 62 verses in all, compared to the 266 verses of the Catalogue of Ships.

When Zeus sends Iris it is a reminder to the audience of his promise to Thetis: all that happened in Book 2 was arranged by him in order to make the two parties join battle. The *Iliad* begins at a point when the Achaean army was tired of fighting; so much is clear from the fact that the soldiers immediately embraced the idea when Agamemnon proposed to give up the whole project, and also here from the detail (794) that the Trojan watcher was looking out in the hope of the enemy's withdrawal.

The Trojan catalogue contains 16 entries, built up much like the Achaean ones. Each has as a minimum two bits of information, the names of the region and its leaders. No ships, of course, and no updating; the narrative follows the story, and what we are being informed of is the army hurrying out into battle. Nine of the entries have just the minimum. The others have similar additions as the Achaean ones such as small anecdotes about the origin of a leader or descriptions of localities and characterisations of the men from there, and in some cases prolepses to what would happen to the warriors during the fighting.

Agamemnon and Hector lead the biggest contingents (577-78 and 817-18). That singles them out as leaders of the two armies.

This catalogue is clearly modelled over the Achaean one, but it is meagre. The rhapsode could have had good use for the Muses, we might feel, but he did not call for them. A catalogue of Trojans and their allies is not their field of expertise. The Muses are representative of Greek tradition of which the Trojan royal household is a part. But the allies of Troy and especially all the soldiers who occur just to be killed seem not to have had the Muses' interest. The rhapsode uses the well-known story of Aeneas being the son of Anchises and Aphrodite, and later in the poem he has much to tell about Troy and its earlier history; but except for Glaukos and Sarpedon he has little to find in his mental archive for this catalogue,

and even they, who have important roles later on, are just briefly mentioned.

Of the big cities along the coast, he includes only Miletus and states that it was inhabited by Carians and that they were βαρβαρόφωνοι, not Greek-speaking (867). In this case as in the question of the unmentioned cities in the Achaean Catalogue the reason must be that the rhapsode takes care to represent the geography as he imagines it was long ago, during the War of Troy;[33] in his own time these cities were Greek. It has been stated in vv. 803-4 that Priam's allies were speaking various languages even though normally the communication in the poem does not suffer from linguistic problems.

The fact that the Trojan catalogue is so short and has so little to say is actually astonishing when we remember that the rhapsode probably was an Ionian from this area.[34] It underlines that catalogues as a genre are not just created out of nothing; the rhapsode needs a tradition, or, you might say, he needs the Muses.

Another reason why the Trojan catalogue is so short may be found in the very virtuosity of the Catalogue of Ships. After his master performance, the rhapsode simply was exhausted. A similar sequence is to be seen in the rhythm of his other special achievement, Hephaestus's forging of new arms for Achilles (18.478-613). The god uses 131 hexameters to create the shield, after which he spends 4 verses on making cuirass, helmet, and greaves. The making of the wonderful shield, which is not unlike a catalogue with its reiterated ἐν δ' ἐτίθει, "and he put in", must have been a performance that demanded just as intense concentration as the Catalogue.

Reception in the 5th century BC

Among the writers preserved to us Herodotus is the first to mention the titles *Iliad* and *Odyssey*. He also mentions *Cypria* and *Epigoni*, and he doubts

33 Kirk 1985: 263 also calls this a result of archaising.

34 West 2011: 15-27.

whether these poems can have been composed by Homer. His way of arguing shows that it builds on reading.[35] In Herodotus the first steps are taken towards making Homer the poet of only the *Iliad* and the *Odyssey*.

Herodotus has a story in which the Catalogue plays an important role. He tells of an event taking place in 480 BC, when the Persians were invading Greece. Athens and Sparta sent a legation to the tyrant Gelon of Syracuse in the hope that he would join them in the war. Gelon held out the prospect of a very considerable force consisting in both navy and infantry of various kinds, on the condition that he himself would be the leader of the total army. The Spartan envoy was furious: Should the descendants of Agamemnon be subordinate to a Syracusan? The Athenian insisted that since his people was alone in Hellas to have always lived in the same place, and since the epic poet Homer maintained that an Athenian had come to Troy as the best to arrange and organise an army, the Athenians were obvious for the leadership. Gelon was not impressed, and the envoys returned without his support.[36] The story shows how Herodotus has both envoys basing their arguments on the Trojan War. The Spartan Syagros refers to Agamemnon and the Trojan war in general, whereas the Athenian refers to a specific passage, the Athenian entry of the Catalogue. The incident is described as if only in Athens a written text was known. When Syagros does not question the Athenian's speech he seems to accept that Athens was somehow the authority as to what Homer said. Syagros does not suggest that alternative versions of the Catalogue were around.

Various other sources confirm that Menestheus was famous in Athens. He was celebrated in the public space: A *herm* erected after a victory in Thrace in 475 BC had an inscription maintaining that Homer called him the best in the Trojan War to arrange an army for battle.[37] Besides, it is told that a huge bronze statue of the Wooden Horse in which this same hero was shown crawling out of the horse was put up in the Acropolis.[38] So here we have on one side an inscription clearly referring to the Athenian entry of the Catalogue, and on the other a statue just as clearly

35 Hdt. 2.116, 4.29, 4.32.

36 Hdt. 7.157-62.

37 Aeschin. 3.183; Dem. 20.112; Plut. *Cim.* 7.

38 Paus. 1.23.8.

referring to a story different from what is found in the *Iliad* or the *Odyssey*. In these two poems the story of the Wooden Horse is told only in *Odyssey* 4.266-89 and 8.492-520, and there Menestheus is not participating. As mentioned, except for the Catalogue the Athenian hero is no important warrior in the *Iliad*, but he may have played a role in other Homeric poems, or he may owe his fame to the Catalogue and from there have made his way into performances of episodes from the Trojan War.

Thucydides opens his work with the statement that right from the beginning of the war (the so-called Peloponnesian War) he realised that it would be the largest and most important of the Greek wars, involving almost all Greeks and even some of the barbarians. His opening chapter (1.1-22) discusses the difficulties he had in finding reliable information because human memory is faulty and because Homer, being a poet, probably tended to exaggerate in order to embellish his poems. Thucydides's only named source is Homer. Otherwise, he mentions e.g. οἱ τὰ σαφέστατα Πελοποννησίων μνήμῃ παρὰ τῶν πρότερον δεδεγμένοι, "those of the Peloponnesians who have taken over by memory from their predecessors the clearest information", and he speaks of "the poets" or "the old poets" and once of οἱ λογογράφοι, "those who write stories". He may write Κορίνθιοι λέγονται, "it is said of the Corinthians", keeping the statement anonymous, or ὅσον οἵ τε ποιηταὶ εἰρήκασι καὶ ὁ λόγος κατέχει, "as the poets have said and the oral account has it", making a difference between poems and people's talk. He underlines the uncertainty of it all by using verbs like φαίνεται, it appears, and δοκεῖ, it seems.

Thucydides knew the Catalogue in its entirety, and evidently in the form we have in our *Iliad*. He was arguing that the war he was describing was the largest ever, and with this purpose he carefully evaluated the data given in the Catalogue. When he mentions Homer, it is as the poet of the Catalogue and of another passage in *Iliad* 2 (100-8) which he calls τοῦ σκήπτρου ἡ παράδοσις, the transmission of the sceptre. He knows other events from the Trojan War such as the oaths given to Tyndareos and the heroes' returns from Troy, but gives no poets' names to them. He does not use the titles *Iliad* and *Odyssey* or any other titles of Homeric epics.

Except for *Iliad* 2, Thucydides's sources for the early history are φήμη and λόγος, fame and talk; books or reading do not occur. He is himself

pointedly a writing author. The first words of his monumental work are Θουκυδίδης Ἀθηναῖος ξυνέγραψε, "Thucydides from Athens wrote". At the end of his methodical introduction he concludes of his work: κτῆμά τε ἐς αἰεί μᾶλλον ἢ ἀγώνισμα ἐς τὸ παραχρῆμα ἀκούειν ξύγκειται, "and it exists as a possession for eternity rather than a competition for momentary listening" (22.4). The competition for momentary listening must mean an oral performance. What makes his history of the Peloponnesian War a possession for eternity is the fact that it is written, as already Eric A. Havelock stated.[39]

Since Thucydides does so evidently know the Catalogue of Ships in all details, and since he is so focused on the difference between writing and speaking from memory it is an intriguing fact that it is just as evident that he did not know the whole of our *Iliad*. This is clear from the way in which he describes the beginning of the war: ἀφικόμενοι μάχῃ ἐκράτησαν (δῆλον δε· τὸ γὰρ ἔρυμα τῷ στρατοπέδῳ οὐκ ἂν ἐτειχίσαντο), "when they [the Greeks] arrived they were victorious in the battle (and that is clear, for otherwise they would not have built a defence for their camp)" (11.1). However, in Book 7.327-43 of the *Iliad* Nestor is originator of a plan of fortifying the until then unfenced camp with a wall, a plan which is immediately realised. Nestor's proposal is not just an insignificant detail but plays a major role in the action that follows. Nevertheless, Thucydides takes for granted that it is common knowledge that the Greeks fortified their camp immediately after arrival, so well-known that it can be an argument for stating that they must have won the first battle.[40]

In short, as far as the sources for the 5th century BC go, the written *Iliad* and *Odyssey* were first known in Athens, the written Catalogue was known before the rest of the texts, and of the Catalogue only the Athenian entry was widely known. The public at large knew the war from flexible oral performance, a situation which is confirmed by visual representations.[41]

Between them, Herodotus and Thucydides offer a glimpse into the reception of Homer in the last decades of the 5th century BC in Athens.

39 Havelock 1963: 54, n. 8.

40 Jensen 2011: 270-78.

41 Cf. Jensen 2011: 237-44.

Homer was considered author of the stories of the Theban and Trojan wars in general, and they were known from oral performance, while at least the Athenian entry in the Catalogue and perhaps the entire Catalogue had become accessible in written form. Herodotus had begun doubting Homer's authorship of some of the epics ascribed to him, but his few remarks do not reveal exactly how much of the poems he knew. Thucydides read the Catalogue, and perhaps the whole of Book 2, but not the full *Iliad*. Since he was arguing about the scale of the Trojan war it was essential to him to have the precise numbers. He must have known that a written text existed and that it contained a detailed statement of the size of the army, and he made sure to get access to it. As for the rest, he had a layman's interest in Homer, enjoyed attending epic contests, felt that he knew the story of the Trojan War, but considered it probable that the poets had exaggerated its grandeur.

During the following decades the picture changed rapidly, with references to Homeric passages turning up here and there and in forms more or less as they are in the transmitted texts. Again, the Catalogue was in focus: two Megarian historians, Hereas and Dieuchidas, protested against the way Salamis appeared. Only with Plato it is clear that he knows the whole of the *Iliad* and the *Odyssey* in detail,[42] and to him Homer is the author of the *Iliad* and the *Odyssey*. Aristotle is the first to call attention to a difference between *Iliad* and *Odyssey* on one side and other epics on the other.[43]

Conclusion

The folkloristic-cognitive approach may enable a reader to envisage how the rhapsode and his audience felt about the Catalogue of Ships. He/she may accept that what may seem boring on the printed page will have been exciting to a listening audience. In a context of oral epic with its respect for potent memory, precise transmission, and competent performance, it is easily understandable that audiences may react as described above.

42 Lohse 1964-67.

43 For a more detailed argumentation, see Jensen 1980: 96-111; 2011: 268-80.

In antiquity, not only listeners, but also readers will have been impressed. There is, of course, a national aspect. Greek audiences must have felt a pleasure at imagining such a huge gathering of contingents from so many parts of Greece; it must have had an effect comparable to the many festivals where representatives of city-states from all over the place came together. Edzard Visser emphasises that the plot of the *Iliad* was considered history, of importance for national identity.[44] The stories of Menestheus and how he was used in Athens show that not only the Catalogue as such was nationally important, but that individual city-states were careful to keep the connection with former generations alive. Attending performances of the Trojan War and not least of the Catalogue, listeners might feel that they were descendants of the epic heroes and enjoy hearing their state or home region mentioned, even if it was small. An inhabitant of Boeotia will have been waiting with long ears to hear if his village would come up.

Millennia later we find a similar feeling in a poem by Giorgos Seferis, saying how he and a friend looked around for those who once lived where they are now and finding, with some frustration, just a single name:

Ο ΒΑΣΙΛΙΑΣ ΤΗΣ ΑΣΙΝΗΣ
Ἀσίνην τε...
ΙΛΙΑΔΑ

...Ὁ βασιλιὰς τῆς Ἀσίνης ποὺ τὸν γυρεύουμε δυὸ χρόνια τώρα
ἄγνωστος λησμονημένος ἀπ' ὅλους κι' ἀπὸ τὸν Ὅμηρο
μόνο μιὰ λέξη στὴν Ἰλιάδα κι' ἐκείνη ἀβέβαιη
ριγμένη σὰν τὴν ἐντάφια χρυσὴ προσωπίδα.
Τὴν ἄγγιξες, θυμᾶσαι τὸν ἦχο της; κούφιο μέσα στὸ φῶς
σὰν τὸ στεγνὸ πιθάρι στὸ σκαμμένο χῶμα
κι' ὁ ἴδιος ἦχος μὲς στὴ θάλασσα μὲ τὰ κουπιά μας.
Ὁ βασιλιὰς τῆς Ἀσίνης ἕνα κενὸ κάτω ἀπ' τὴν προσωπίδα
παντοῦ μαζί μας παντοῦ μαζί μας, κάτω ἀπὸ ἕνα ὄνομα·
"Ἀσίνην τε ... Ἀσίνην τε ..."

44 Visser 2021: 209.

THE KING OF ASINE
Ἀσίνην τε
...
ILIAD

...The king of Asine, whom we've been trying to find for two years now,
unknown, forgotten by all, even by Homer,
only one word in the *Iliad* and that uncertain,
thrown here like the gold burial mask.
You touched it, remember its sound? Hollow in the light
like a dry jar in dug earth:
the same sound that our oars make in the sea.
The king of Asine a void under the mask
everywhere with us everywhere with us, under a name:
"'Ασίνην τε ... Ἀσίνην τε ..."

(Translated by Edmund Keeley and Philip Sherrard.)

Ἀσίνην τε, "and Asine," is fetched from *Iliad* 2.560, in the Catalogue's entry of Argos.

So far, so good. Still, it can be frustrating to have to content oneself with a historical appreciation of a passage of the *Iliad*, which is otherwise so immediately enjoyable across the distance in time and culture. Johannes Haubold expresses that feeling beautifully: "We do not on the whole enjoy catalogues as much as ancient readers seem to think we should"[45] – as if hit by a kind of bad conscience for not appreciating the virtuoso pieces.

Again, Minchin offers help. She makes her own rather long list of what it is that can make catalogues in an epic context so engaging to audiences, and some of her points are relevant for both listeners and readers. Two are especially useful for a modern reader: "A traditional list ... may appeal to an audience because of its integrity and relevance", and "it may in some way contribute to or evaluate the ongoing narrative".[46]

45 Haubold 2021: 224-25.
46 Minchin 2001: 97-98.

The scholars who study the way the Catalogue succeeds in mapping Greece are good at communicating their excitement of reading it with the real landscapes in mind; in this case the millennia-long history is, of course, part of the excitement, but a feeling of integrity and relevance may still move a modern time-reader.

Minchin's other suggestion of studying how the Catalogue contributes to the ongoing narrative is especially fruitful, because it brings us back to normal literary close-reading. Actually, the rhapsode himself offers the key: the overwhelming amount of names of heroes and localities make the reader understand how great and important and terrible this whole enterprise was. Thucydides may be sceptic as to the numbers, but his very reaction reveals that the rhapsode was successful in overwhelming him. To bring in the Catalogue as part of the intricate opening of the expanded epic is one of the ways in which the rhapsode made his poem live on two levels, as performance of the song of Achilles's wrath and of the whole Trojan War.[47]

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PLAYING THE VICTIM IN EURIPIDES' *MEDEA*

By Marcel Lysgaard Lech

Summary: This article argues that in Euripides' *Medea*, suffering functions not as an inner emotional state but as a performative and rhetorical resource. By tracing Medea's repeated deployment of the language of suffering, it shows how she claims and monopolizes victimhood to control the play's moral economy. Building on Levett's account of verbal self-restraint and Zerba's conception of Medea as *hypokrites*, the article contends that Medea does not simply manipulate language strategically but actively performs victimhood as a theatrical role. Euripides thereby exposes tragedy's dependence on staged, persuasive suffering.

In Aeschylus' *Agamemnon,* the chorus sings the famous words πάθει μάθος (*Ag.* 177), that it is through suffering that we learn about the proper order of the world, if that is indeed how the words should be understood.[1] Although many suffer in the *Oresteia,* it is hard to see who really learns anything from the murder and the suffering, other than the spectators perhaps, although what they might learn still seems rather unclear. In Aristotle's terminology, suffering (πάθος) is the third plot element in a tragedy, and *pathos* is "when the action is destructive or painful, e.g. death on the stage, severe pain, injury, and the like."[2] However, because of the Attic theatre's convention of not showing violence on stage, which is why messengers report the gory details, very few people actually experience physical suffering on stage; Sophocles' *Philoctetes* and Heracles in *Trachiniae* are probably the best examples of staged physical suffering. Conversely, the suffering a person undergoes when losing loved ones (e.g. Antigone, Electra) or the actions they have performed (e.g. Aias, Orestes) are numerous, and watching the suffering of these

1 See Hall 2024 *ad loc.*

2 Arist. *Poet.* 1452b.

Marcel Lysgaard Lech: 'Playing the Victim in Euripides' *Medea*' C&M Supplementum 4 (2026) 615-628.

characters on stage makes the audience engage emotionally with them.[3] Similarly, the most 'pathetic' moment for the audience watching Euripides' *Medea* was probably when the children are murdered backstage. Euripides is aware of this and rubs salt in the spectators' emotional wounds by having the children sing themselves to death, only to be cut short, leaving the antode to the chorus (1270-1293).

However, *pathos* can also be used rhetorically, as I shall demonstrate by tracing the verb πάσχω in its different instantiations in Euripides' *Medea*.[4] In *Medea*, πάσχω is found 19 times (not counting an instance in an obviously inauthentic passage (38-43), which is twice the average in Euripides' other tragedies.[5] πάσχω does not necessarily refer to *pain*, as the verb can also just refer to an effect of some kind, and I will show where and when the verb appears in Euripides' *Medea* and discuss the reasons for its uses. The analysis developed here converges with Brad Levett's account of Medea's verbal autonomy and verbal self-restraint in its emphasis on Medea's control of language,[6] while diverging in how it conceptualizes the nature and implications of that control. This convergence can, I believe, be sharpened into a more comprehensive account of Medea as a figure who does not merely manipulate speech or suffering but actively performs identities, including that of the victim if we use Zerba's conception of Medea as *hypokrites* – actor, interpreter, and dissimulator.[7] Thus, we may reframe Medea's rhetoric as fundamentally performative rather than psychological or ethical. Levett argues that Medea's power derives from her acquisition of verbal self-control: she learns to resist persuasion and to restrain her own speech, especially lamentation, thereby achieving a form of heroic autonomy traditionally coded as masculine.[8] This analysis explains how Medea can deploy suf-

3 Arist. *Poet*. 1453a.

4 The same strategy can be found in forensic speeches (e.g. Lys. 1.1, 3.9, 3.38, 3.48, 7.13, 8.2, 9.20.).

5 The average number of occurrences is 10,7.

6 Levett 2010: 55: "The complete autonomy, self-control, and strength she develops in her use and response to language results in her decision to kill her children, and she thereby proves herself resistant even to her own better judgment."

7 Zerba 2002: *passim*.

8 Levett 2010: 55.

fering selectively, rather than impulsively. Building directly on this insight, Medea's repeated use of πάσχω is neither incidental nor purely descriptive, but rhetorical, and thus she casts herself as the one who suffers most in order to dominate the moral economy of the play. Using Zerba's line of thinking complicates Levett's argument by suggesting that Medea's manipulation of πάσχω is not merely strategic but performative, and thus according to the argument of this paper, Medea does not simply use the language of suffering strategically and rhetorically; she plays the role of the sufferer, adopting and discarding it as one of several theatrical postures available to her as *hypokrites*,[9] while performing the victim within the framework of Athenian culture.

During the conversation of the Nurse and the Tutor in the prologue, it emerges that Creon wants to exile Medea and the children, and the Nurse is astonished that Jason will allow the children to suffer this fate (75: πάσχοντας) simply because he and Medea are at odds, but it is the Nurse's fear of Medea that most clearly suggests that the children's lives are in danger.[10] That the Nurse believes that Jason is the villain is clear from the prologue (17-23, 26, 33, 74-75, 82-85), but we must remember that she is not an objective voice: she clearly sides with Medea, though she does not understand or acknowledge the paradoxical nature of the situation, namely that Jason has betrayed his family, Medea and the children (16-19), and now seems indifferent to the children they share. Medea, on the other hand, has betrayed *her* family in Colchis (31-33), and having been betrayed by Jason, she now hates their children (36). The nurse understands the pain of being without her homeland (34-35) but fails to recognise that Jason is in the same situation as the prince of Iolcus, because Medea had Pelias murdered by his own daughters (9-11), resulting in the couple going into exile in Corinth: Medea and Jason are

9 Zerba 2010: 317-19.

10 See Ruffell 2014 and Blankenborg 2022; the latter argues (57-59) that the Nurse in the prologue of Euripides' *Medea* is deliberately constructed as a figure who exceeds the conventional boundaries of a tragic servant. Her prologue resembles those delivered by omniscient or influential figures - such as gods in Euripidean drama - since she frames the causal background of the play and signals the exceptional level of transgression that will follow.

more alike than the Nurse is prepared to acknowledge.[11] Most strikingly, she is the only character who anticipates Medea's infanticide from the outset (36-37, 89-95), a form of foresight that Blankenborg (2022: 59-60) interprets as epic-style providence rather than mere psychological insight. At the same time, the Nurse remains powerless to prevent the catastrophe she foresees, embodying a paradox of knowledge without agency that mirrors epic patterns of double motivation, where human action unfolds in accordance with an already determined trajectory (2022: 60). This advance framing shapes the audience's emotional alignment and conditions their later responses to Medea's claims of suffering.

When in the prologue Medea finally screams her song from the back of the stage, she first wishes for her own death, then for the end of her children, Jason, and their whole family, because she has suffered what she herself says causes her great grief (111-112: ἔπαθον τλάμων ἔπαθον μεγάλων | ἄξι' ὀδυρμῶν). What Medea is thinking about is not specified here,[12] and it is this ambivalence that Medea uses with rhetorical skill to manipulate the people around her, and which Euripides uses to capture the attention of the audience. Medea works systematically to portray herself as a victim, not only to the characters in the universe of the play, but also to the audience. Euripides makes the rhetoric of Medea strike at two levels at once.

Medea's emotional state as performed from backstage has disturbs the Nurse, who fears what the children will suffer (118: πάθηθ'), but Medea brings the suffering back to herself in her plea to Themis and Artemis: Do you see what I suffer? (161: λεύσσεθ' ἃ πάσχω); note that she now speaks of her situation in the present tense. More generally, Euripidean characterization depends on externally mediated perspectives rather than privileged access to the characters' interior states. As van Emde

11 On the function of the Nurse and Tutor in the prologue as providing a sympathetic perspective on Medea before she appears on stage, see Van Emde Boas 2018: 359.

12 The audience will however notice that the τλά-stems are connected solely with Medea's murder of the children (796, 865, 1274, 1328), while the τλή-stems are used of Creon (1204) and Jason (1306), having both unknowingly lost their children, and with the emphasis on the daring of the child murder (797, 1067-1068, 1326, 1340). At 115 the nurse unwittingly echoes Medea's use of the word.

Boas 2018 emphasizes, tragedy lacks a primary narrator and instead presents motivations and emotions through intradramatic speech, which is "therefore open to questioning."[13] Medea's insistence on making her suffering visible should thus be understood as a necessary rhetorical act, rather than a transparent disclosure of inner pain. According to Levett, Medea has already begun to discipline her speech, shaping her emotions rather than being overwhelmed by them.[14] Zerba, however, insists that this moment should also be read metadramatically. Medea is not only presenting herself as a victim within the fictional world of the play; she is also demonstrating her capacity to step into a role that the audience recognizes and is prepared to endorse as a victim.[15] The suffering that Medea performs is thus inseparable from the theatrical conventions that render suffering legible and persuasive in tragedy. Either way, the chorus and audience are called upon as witnesses to Medea's pain.

The chorus of women, who like the Nurse are sympathetic to Medea, sing that they have heard Medea's plea to Themis and now add a specification of Medea's suffering: it is unjust and it is Jason's fault (208: ἄδικα παθοῦσα), and therefore, after Medea's first monologue, the chorus can unhesitatingly support Medea in taking revenge on him (267-268), which is quite extreme considering that Jason is the future prince of the Corinthian girls: Medea has the chorus in the palm of her hand. Her story of the oath she and Jason swore, and Jason's breach of trust has convinced them, even though Medea may indeed have fabricated the oath[16] to hide

13 Van Emde Boas 2018: 355. He reads Medea's rapid shift from backstage lament to composed public rhetoric as "a first and forceful sign that Medea is able to subordinate her wildest emotions to her outstanding intelligence whenever it seems necessary for the achievement of her goals" (360). This observation supports my interpretation of Medea's language of suffering as controlled and strategic rather than impulsive.

14 Levett 2010: 58-61.

15 Zerba 2002: 321-24. I refrain from the idea of metatheatricality here, since even within the play, Medea acknowledges her rhetorical ambiguity (579 with Mossman 2011 *ad loc.* and Manuwald 2024 *ad loc.*). However, that she is performative in a cultural sense is essential to this paper.

16 On the ambiguity of the oath Medea claims Jason swore, see Allan 2007, who gives a detailed analysis of oath-making rituals and right-hand pledges in *Medea* and argues

the fact that in the eyes of the audience of Athenians, their oath may not be as valid as she would have us believe.[17]

When Creon tells Medea of her coming exile, she has to resort to a more violent use of πάσχω, emphasising to him that she is (in the present tense) suffering (280: κακῶς πάσχουσ'), while he defends his decision by saying that he does not want anything to happen to him or his future family (the princess and Jason) (289: πρὶν παθεῖν); he, like the Nurse before him, fears what Medea might do. Since Medea understands that Creon knows about her potential for mischief (282-288, 316-323),[18] she must reassure him that he will not be subjected to anything monstrous from her (306: μὴ τί πλημμελὲς πάθῃς). But this only reinforces the spectator's sense that Medea never intends to make amends, since Euripides (and Medea?) seem to be referring to the fable of the hyena's dual nature,[19] thus manipulating Creon into giving her a single day to get her affairs in order before going into exile. Medea's deliberate self-sacrifice is emphasised by the chorus's belief that Medea's situation is indeed terrible (358-363) – they have not heard her say otherwise, and, needing their complicity, she reinforces this idea (364). Although she has indeed exploited Creon's weakness to get revenge on him and the bride and groom (374-375), the chorus does not react with disapproval as we might

that Medea's accusations may represent a retrospective elevation of a weaker bond into an oath to strengthen her rhetorical position, rather than evidence of an actual oath violation by Jason.

17 Garstad 2006 shows that the oaths in *Medea* are neither marriage vows nor standard betrothal agreements, but irregular lovers' oaths whose cultural ambiguity would have been apparent to a fifth-century audience; Medea's rhetorical success therefore depends not on the oath's legitimacy, but on her ability to suppress that ambiguity.

18 On Medea's capacity to adapt her speech to different interlocutors, see van Emde Boas 2018: 360, who characterizes her as "supremely skilled at gauging and manipulating other people's desires" and acutely aware of others' perceptions of her.

19 Chambry 340: The hyenas. Hyenas are said to change sexes throughout the year, becoming male at one time and female at another. It is said that when a male hyena once treated a female badly, she replied: "Just remember that if you do this to me, you will soon be subjected to the same by me!" This is a reasonable thing to say to the one currently in power, if one suffers something unseemly (εἰ πλημμελές τι πάσχοι) and stands to gain power oneself (My own translation.). The notion of the double nature of hyenas is refuted by Aristotle (*Gen. an.* 757a3-12.9).

expect, for Medea uses her own suffering to propel herself (and the plot) forward (404: ὁρᾶις ἃ πάσχεις;).

What is interesting about Euripides' Medea is the way she exploits others while still appearing as a victim, even when she reveals that she is overtly manipulating them and has obviously sinister intentions (368-409). This time she is not addressing the higher powers, but herself (402) – she is, after all, of the lineage of Helios (406) – and her suffering becomes her catalyst for revenge, for one must never be laughed at (404: ὁρᾶις ἃ πάσχεις; οὐ γέλωτα δεῖ σ' ὀφλεῖν). Note also how she again describes suffering as something to be seen, be it the gods (161: λεύσσεθ' ἃ πάσχω) or herself (ὁρᾶις ἃ πάσχεις), while the chorus and the audience stand as witnesses; she creates her 'self' as an object of pity, the victim, while plotting the death of others. At this point, the chorus endorses Medea's victim narrative to such an extent that they do not even listen to Medea's crude generalisation about the woman's capacity for evil (409-410), for in their subsequent choral singing they sing not only of the woman's reputation turning from evil to good, but also of Medea's victimhood, ignoring Medea's record of sins and her desire to do evil again. The chorus' judgement of Medea is based solely on what she has told them and on the scene between Medea and Creon, that is, the present and the future. This is in stark contrast to Medea's own narrative in her first meeting with Jason, in which she tells *her* version of their shared past adventures. In this narrative, Medea is the active party, and Jason is the passive one in the fight against the oxen and the dragon. It is worth noting that Medea tells her story from an adventurous angle with herself as the hero, while Jason sees their shared past from an emotional angle, where she was in the clutches of Eros, and not the heroine herself. In Medea's account, however, she is also the active agent in betraying her family (483). She killed Pelias in the most painful way possible, by letting his own children do the killing (486-487). Furthermore, she deftly omits to mention that by destroying Pelias' house, she also destroyed her own and Jason's opportunity to settle in Iolcus, but it may be that her accusation against Jason contains precisely this ambivalence (488: ταῦθ' ὑφ'

ἡμῶν ... παθὼν): "After all I have done for you".[20] It is relevant, then, that Euripides allows Medea to use πάσχω about Jason, not because she wants him to appear as a victim, but because it defines him as passive, while she is the active party in their adventure together. For the spectator, however, the whole sentence is coloured by her betrayal of her own family and the murder of Pelias; after all, it is Medea who causes the fall of families (113-114, 487,[21] 794, 1130, 1268-1270). She recognizes having caused the most painful death to Pelias (486: ἄλγιστον) and calls Jason the most evil man (488: κάκιστ'), yet she fails to see the obvious moral parallel between herself and the Jason that she presents to the chorus and the spectators:[22] women, according to Medea, are the craftiest in all kinds of evil (409: κακῶν δὲ πάντων τέκτονες σοφώταται).

Medea's own victimhood is underlined by the chorus' next song, where they sing first of the power of jealousy (636-645), which they hope will never strike them, not realising that it already *has* struck Medea,[23] and then of Medea's lack of shelter and friends (Aegeus is 'fortunately' on his way[24]) despite her terrible suffering (656-657: παθοῦσαν δεινότατα παθέων). The chorus again agrees with Medea's point of view that ingratitude is punishable by death and is thus completely in her power. The audience certainly is too. Euripides makes us all accomplices because we sympathize with a murderess, who, we know, is planning another murder; though which one, we do not know yet.

In the following scene, Aegeus arrives in Corinth and meets Medea. He is, overall, sympathetically portrayed and realizes that Medea, whom he respects as a sensible woman, is in trouble. She replies that Jason is unjust to her without her having done anything to him (again Jason appears as the passive one): οὐδὲν ἐξ ἐμοῦ παθών (692). This is a slightly ironic statement, given her remark to Jason earlier, where she recounted

20 Literally, "this you suffered from me". Note the explosion of p- and k-sounds in 486-490, as well as the implicit threat to Jason by Pelias being killed by his own children, just as Jason also has children (see 487 and 490).

21 See Mastronarde 2002 *ad loc.* and Mossman 2011 *ad loc.*

22 Note the double passive construction in 487 (παίδων ὑπ' αὐτοῦ, of the murder Pelias) and 488 (ὑφ' ἡμῶν, of what she had done to Jason, *viz.* betrayed her own family and destroyed Pelias' family).

23 That Medea's anger is rooted in jealousy, is well argued by Sanders 2013.

24 On the significance of the scene, see Blankenborg 2026.

all that she had done for him (see above). Now, she has done nothing (οὐδὲν). The spectator knows this, but not Aegeus, whom Medea obviously wants to manipulate for her own purposes from the beginning.[25] According to Medea, Jason's greatest crime is his breach of the oath, a fundamental breach of trust that any Athenian would be able to relate to and therefore part of the narrative from which Medea stages her character as that of the victim. It is therefore also interesting that in the Aegeus scene we get a glimpse of what the original oath between Jason and Medea could have sounded like (731-755), or at least how she imagines it sounded,[26] and that Medea already here focuses on what Aegeus must suffer (754: πάθοις) if he does not honour their agreement. Aegeus' answer is clear to Medea, but not to the spectator: the punishment meted out to godless (δυσσεβοῦσι) people.[27] It is particularly interesting that this very word is used later, first by the chorus about Ino's murder of her children (1287), then by Jason about Medea's murder of the children (1328), and finally again about the murder of the children, but this time by Medea herself (1383).[28] Medea thus already knows that when Aegeus swears her oath, she will murder her own children (791-793) and then find shelter with Aegeus (757-758, 770-771). Rarely has "everything is all right now" (πάντα γὰρ καλῶς ἔχει: 756) sounded so bleak. As spectators and connoisseurs of the wider mythology, we know that Aegeus has his hands full when Medea comes to him in Athens, as Euripides emphasizes in the chorus of the Song of Athens (824-850). We have now seen Medea manipulating the men she confronts, as well as the women in the chorus. Medea admitted how she tricked Creon (368-375), and now she openly plots to trick Jason to murder the king's daughter (776-789). Yet she still plays the victim card in front of the horrified chorus, when she tells them that to avoid the jeers of her enemies, she must kill the children: but, she says, they, the women of the chorus, do not suffer pain as she does (815:

25 Blankenborg 2026: 106: "Medea presents an unprecedented show of feminine manipulation and power in this scene."

26 On the complexities concerning the oaths in *Medea*, see Allan 2007 and Garstad 2006.

27 Compare Medea's own words against Jason in 492-495.

28 At 796 Medea calls the murder τλᾶσ' ἔργον ἀνοσιώτατον, while at 1328 the chorus corrects it to ἔργον τλᾶσα δυσσεβέστατον. At the end Medea acknowledge that the murder is in fact δυσσεβοῦς (1383).

μὴ πάσχουσαν, ὡς ἐγώ, κακῶς.), and are thus, according to Medea, not in a position where they can understand her pain or actions. She is privileging herself as the victim, a strategy she likewise used in the conversation with Creon, to impose her will: who can say no to a victim?[29]

Now that we know that Medea wants to manipulate Jason, it comes as no surprise that the way in which she uses πάσχω is turned upside down. In an excellent performance of a fictional inner monologue, she tells Jason, with deep irony, that she has changed her mind, for now that the gods have bestowed good upon her (What is wrong with me? τί πάσχω, θεῶν ποριζόντων καλῶς;). Medea thus allows her suffering to be personal rather than Jason's fault: since psychology is not Jason's strength, this speech is something that he can understand (908-913).

We hear what is wrong with Medea but in a completely different and far more sombre context when she laments that she must kill her children (1019ff). Doubts nag, and it is suddenly not so easy to send the children off with the princess's death sentence, but in an echo of 404 (see above) it turns out that Medea's innermost nature has in no way changed (1049-1050: καίτοι τί πάσχω; βούλομαι γέλωτ' ὀφλεῖ etc.); revenge is the only thing that matters (see also 1260, 1333), and the children are the means to that revenge. They must not only bring the poisonous gift to the princess (murder by proxy, as in the case of the murder of Pelias), but by their own deaths they must embody the very act of revenge against Jason (1377-1381, 1398-1404).

After the macabre deaths of the princess and Creon and the killing of the children, Euripides shifts the role of the victim. Medea is no longer the weak woman, and the chorus, who tried in vain to talk her out of the murder, almost apathetically tells the desperate Jason, who wants to save the children not from Medea but from the Corinthians, that he has been wrong about the situation all along and that he is too late: The children are dead at Medea's hands. Jason's self-assurance has suffered a defeat:

29 Or as Kets de Vries so eloquently puts is: "Victims' talent for high drama draws people to them like moths to a flame. Their permanent dire state brings out the altruistic motives in others. It is hard to ignore constant cries for help. In most instances, however, the help given is of short duration. And like moths in a flame, helpers quickly get burned" (2014: 131).

No one wins in *Medea*. Jason's belated adoption of the language of suffering accordingly lacks persuasive force, not because suffering is absent, but because his rhetorical modulation comes too late to compete with Medea's established control of victimhood.[30] Medea may fly away on Helios' chariot, high above Jason, but she is not a *dea ex machina* in the traditional sense, for she does not untie the knot of tragedy; she merely carries it with her to the Athens of the spectators. Nowhere else in the surviving tragedies does a mortal, here Jason, criticize the god of the machine, in the form of Medea; nowhere is the god's motive to be mocked; nowhere is the god the problem itself and the cause of the tragedy. Just as Medea once played the victim, she now plays the avenger, but under these masks she is, after all, merely a mother who has murdered her children (1245-1250, 1397-1398).

After Jason's outburst of anger (1323-1350), Medea deftly puts all the blame on him, while calling Zeus to witness what Jason has suffered from her and what *he* has done to her (οἷ' ἐξ ἐμοῦ πέπονθας οἷά τ' εἰργάσω.). What Jason has suffered is the plainly visible revenge – the children's bodies can be seen on the chariot[31] – while Jason's betrayal becomes the explicit reason for revenge (1354-1369). The oath is no longer the real cause of her revenge, but simply her jealousy (1366-1369). Echoing Medea, but just as futilely, Jason calls Zeus to witness what he has suffered (1406: οἷά τε πάσχομεν) because of Medea. This is the first time he uses this verb, but he also emphasizes that Medea is the active one; she is the child killer (1393, 1407). Jason suffers in the present tense, but his future looks bleak too: He is no longer safe in Corinth and must once again go

30 Notice that he calls upon the gods (1410: μαρτυρόμενος δαίμονας) to no avail, just as Medea in the prologue did, according to the Nurse (22: θεοὺς μαρτύρεται). In both scenes, the call for witnesses is a sign of being a victim of the other part's transgressions *viz.* the oath breaking and the child murder. At the end of the agon (619) he calls upon the gods (δαίμονας μαρτύρομαι) to bear witness to everything he has done to Medea and the children, but at this point Medea's role as the victim is unshakeable. At the end of the play, he can call the gods as his witnesses, but only the chorus and the audience will see his suffering.

31 Notice that just as the bodies of the still living boys trigger Medea's feelings of motherhood (1071-1075), their dead bodies trigger Jason's fatherhood (1399-1402); φίλτατον ... στόμα (1071) - φιλίου ... στόματος (1399); μαλθακὸς χρὼς (1075) - μαλακοῦ χρωτὸς (1402).

into exile (1405) and as Medea tells him, his ship will become the cause of his death. Medea, on the other hand, now travels voluntarily to Aegeus in Athens, where she is to be his wife (1384-1385, even though Aegeus is already married, 673); the hypocrisy of Medea's revenge is striking (notice the emphasis on *my bed*, τἄμ' ἀτιμάσας λέχη, at 1354). The situation of the warring partners is turned upside down. The victim is the criminal, and the criminal is free to leave.

The final reversal of victimhood in the play shows that Medea achieves complete verbal mastery by the end of the play, rendering Jason's words futile and empty.[32] When Jason adopts the language of πάσχω (1406) for the first time, it is too late to reclaim agency or sympathy. By contrast, Medea no longer needs to claim this role explicitly. Having mastered the mechanisms of theatrical persuasion, she can abandon the mask of the victim and assume a position of godlike detachment without forfeiting the audience's uneasy engagement.[33]

Medea's resistance to persuasion – her refusal to heed Jason, the chorus, or even her own maternal impulses – marks a tragic excess of heroic self-control,[34] and allows Medea to monopolize victimhood by silencing rival claims to suffering, especially those of her own children. However, rather than embodying a coherent heroic or anti-heroic identity, Medea continually shifts ethical ground, adopting whatever posture – wronged wife, helpless exile, seductress,[35] calculating avenger, grieving mother – best serves her immediate rhetorical aim.[36] Victimhood, on this reading, is not Medea's essence but one role among many she performs, albeit one with exceptional persuasive power.

32 Levett 2010: 70-71.

33 Lawrence 1997 argues that Medea's appearance in the chariot of Helios does not resolve the play's ethical tensions but intensifies audience uncertainty, since the supernatural elevation preserves continuity with her earlier humanity and reifies the victim-agent ambiguity that has structured the audience's response throughout the play.

34 Levett 2010: 63-66.

35 See Blankenborg 2026.

36 Zerba 2002: 318-22.

To conclude. I have demonstrated that by delaying and regulating expressions of suffering,[37] Medea turns πάσχω into a tool against the people around her rather than being an uncontrolled response, and by postponing lament, she heightens its eventual impact and preserves the credibility of the role she is performing at any given moment.[38]

Thus, Medea is not a character whose suffering motivates action but a figure who understands suffering itself as a performative resource. The ethical disturbance of Medea thus arises not only from what Medea does, but from the unsettling recognition that tragedy itself – like Medea – depends on the audience's willingness to believe in suffering that is, at the same time, expertly staged.

In Euripides' play, Medea manages to control the emotions, sympathies, and antipathies of the audience, so Euripides, as easily as Medea, can manipulate us and reveal how gullible, self-assertive, and hypocritical we, the audience, are. This is, if anything, a learning (μάθος) that causes suffering (πάθος).

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GOING BACK TO THE BEGINNING: ARISTOTLE AND MACHIAVELLI ON MIXED GOVERNMENT*

By Amnon Lev

Summary: The article proposes a joint reading of Aristotle's and Machiavelli's conceptions of mixed government. It brings out the shared understandings of political life that inform their work and asks why they end up proposing diametrically opposed modes of government. The article relates this divergence to differences in how they view the relationship between citizens and polity. The article documents these differences in a comparison of Aristotle's and Machiavelli's conceptions of war and relates Machiavelli's doctrine to developments in late medieval reflection on civil order. In conclusion, the article interrogates Machiavelli's programmatic intention on returning political thought to its origin and concludes that his understanding of agency does not allow him to recover or reconnect to Aristotle.

For centuries few would have imagined that we would one day be using the work of Niccolò Machiavelli to shed light on democracy. And yet, this is what Mogens Herman Hansen did in his later years where the question of democracy moved to the forefront of his preoccupations. Machiavelli – not the cunning counselor of *The Prince* but the disabused republican of the *Discourses on Livy* – offered him a picture of democracy that was truer and more alive than that of liberal theory.[1] It is not surprising that Machiavelli's grandiose attempt to recover the lessons of Roman republicanism would appeal to an eminent ancient historian like Hansen. Still, the distance that separates the Florentine from Aristotle, who remained a lodestar for Hansen throughout his career, intrigues, enough to invite the enquiry that we shall undertake. We propose to use the theme of the mixed constitution, which Hansen studied in depth in relation to both

* I would like to thank Thomas Heine Nielsen for his insightful comments and suggestions for improvement.

1 Hansen 2007: 67-68; 2017: 47-49

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thinkers, as a way to measure the distance between them, and in the process, examine how the position one occupies in history conditions the attempt to recover what is past.

Almost two millennia apart, Aristotle and Machiavelli both work through a typology that divides the constitutions into three good (monarchy, aristocracy, democracy) and three bad forms (tyranny, oligarchy, mob rule), and both find that ultimately, the constitutional ordering of the polity is determined by the opposition between the few that have and the many that do not. But despite the similarity in how they frame the question of the constitution, and in what they see behind it, they come to very different conclusions. Aristotle transcended constitutional analysis in the direction of a moderate middle position, around which he proposed to resolve social conflict. Machiavelli insisted on the inevitability, indeed desirability, of social conflict. It is this divergence of outcome that we want to elucidate. The first part sets up the comparison between Aristotle and Machiavelli. We show how Machiavelli relates constitutional ordering to a choice between Roman expansionism and Greek autarchy. As we shall show, the push towards imperial expansion is tied to an inability to resolve social conflict *within* the polity We look for causes of this inability in the second part. We argue that a reconfiguration of government around the protection of the polity blinds Machiavelli to the social differences and distinctions contained in the citizen body, and so render him unable to find a point of anchorage for a moderate middle position. The analysis is continued in the third part where we situate Machiavelli's perspectival blindness to the past in the history of attempts to recover Aristotle. We shall show that what prevents Machiavelli from recovering the past is a desire to invest the present with the force that made it great.

1. From Six to Two

At no point does Aristotle formally introduce the six-fold typology of constitutions.[2] It frames his disposition of the extensive empirical data that makes up his *Politics*. The six-fold typology is never abandoned, but

2 On the history of the typology, see Bleicken 1979, especially 160-62; Nippel 1980.

as the different layers of the work reveal, he gradually develops a different understanding of political reality that the typology does not capture. Constitutional forms are no longer seen as discrete configurations of offices and powers but as different instantiations or figures (εἴδη) of a fundamental constitutional binary that opposes democracy and oligarchy.

> It follows therefore that there are as many forms of constitution as there are modes of arrangement according to the superiority of the parts. But the forms mostly are thought to be two – just as in the case of the winds we speak of some as north and some as south and regard the rest as deviations from these, so also of constitutions there are held to be two forms, democracy and oligarchy. Men reckon aristocracy as a sort of oligarchy because it is oligarchy of a sort, what is called constitutional government (πολιτείαν) as democracy just as in the case of the winds they reckon the west wind as a kind of north wind and the east wind as a kind of south wind. [...] For the most part therefore they are accustomed to think in this way about the constitutions; but it is truer and better to class them as we did, and assuming that there are two well-constructed forms, or else one, to say that the others are deviations, some from the well-blended constitution and the others from the best one, the more tense and masterful constitutions being oligarchic and the relaxed and soft ones demotic.[3]

Aristotle invests a political metaphor – the constitutions as the southern and northern wind – with a new meaning. Where the idea of contrary winds focuses attention on difference, he embeds that difference in a spectrum. Constitutions are seen as points of crystallisation between two constitutional extremes (democracy/oligarchy) that Aristotle links to the opposition of rich and poor. The telescoping of this economic binary onto the idea of a constitutional spectrum provides the basis for the development of a series of strategies to maintain equilibrium between the parts of the *polis*. These strategies are presented in chapter 9 of the first

3 Arist. *Pol.* 1290a11-30 (transl. from Rackham 1998). For an analysis of Aristotle's reduction of constitutional plurality, see Hansen 2013: 98-99.

book of the *Politics*, and include remuneration for juror duty, the imposition of fines for absenteeism, the use of sortition to distribute offices, and property requirements for holding public office. The ideal towards which these strategies tend, and the test of whether they have been successful, is that the polity can be described indifferently as an oligarchy and a democracy.[4] As Aristotle notes, the *politeia* constitution, which combines elements from the other constitutions, is the species that more than any other realises what is common to them all, which is why the term proliferates in the *Politics* as he extends its meaning to cover the other well-constructed forms.[5]

This method of constructing a mixed constitution by combining elements or practices from different and sometimes competing regimes proceeds on the intuition that ultimately, the nature of a polity is determined by the balance of power that obtains between the factions that compete for a share, or a greater share, in the government of the polity. We might say that constitutional classification expresses the presumptive primacy of a specific faction, and we should not be surprised that the concern with constitutional balancing carries over into a concern with the social substrate of political stability. If constitutional mutation is caused by shifts in the balance of power within the polity, combining elements and practices from the involved parties will contain conflict but will not resolve it. In addition to this approach, Aristotle develops another approach that goes beyond containment. The second approach does not focus simply on the relative strength of the different factions of the *polis*, or the truth of the claims they make to justify their bid for power. Instead, he connects political instability to the unilateral nature of the conceptions of government that the competing factions advance. Each wants to remake the *polis* in its own image, to the exclusion of all others. As a result, there is no-one to represent the viewpoint of the *polis*. This is what Aristotle wants to create: a citizen segment that can occupy the space between factions.[6]

4 Arist. *Pol.* 1294b13.15.

5 Arist. *Pol.* 1294b11, 1307a7-16 (aristocracy); 1297b24-25 (democracy).

6 On this point, I refer to the analysis in Lev 2008: 121-25.

Underlying this second approach is an intuition that ultimately, political conflict reduces to the binary opposition of democracy and oligarchy. If that is so, conflict can be resolved by strengthening, or creating, an intermediary segment, the members of which have enough that their actions are not determined by want, but not enough to constitute a polar opposite to the *demos*. Where this middle segment is small, the extremes – the rich and the *demos* – will conduct the affairs of the *polis* according to their own interests. They will deviate from the middle and transform the *polis* into an oligarchy or a democracy. Where the middle is strong, it acts as a supplement to the constitutionalist strategy of combining elements drawn from different regimes. We see how Aristotle envisages the deployment of the two approaches in book V of the *Politics* where he considers how to address political instability that is caused by letting some factions in the *polis* prosper more than others:

> And the way to avert this is to always entrust the affairs (πράξεις) and the offices to the opposite segments (I mean that the men of quality are opposite to the many, and the poor to the wealthy), and to endeavour to mix the multitude of the poor and that of the wealthy or to increase the middle (τὸ μέσον) (for this dissolves party factions due to inequality).[7]

In describing the two strategies (institutional/sociological), Aristotle does not explicitly juxtapose them as to their effect, but the fact that only the mixing of rich and poor and strengthening of the middle is said to dissolve, rather than merely contain, party factions shows that he is aware that the strengthening of the middle invests political space in a different way. It is the movement towards an incarnate middle that we do not find in Machiavelli's work, despite his attention to the material conditions of government, and despite his acute awareness of the need to intercept social discontent.

Unlike Aristotle, Machiavelli refers to the six-fold typology as a theorem, which he introduces in the context of a succinct exposé of Polybius' theory of constitutional mutations.[8] Polybius hides behind the reference

7 Arist. *Pol.* 1308b25-31 (transl. from Rackham 1998 (modified)).

8 The theory that Machiavelli references is expounded in Plb. 6.3.1-9.14.

to "wiser men [who] hold the opinion that there are six kinds of government": three bad and three good joined in a cycle, which begins with kingship as the distress of living scattered like beasts drive men to subjugate themselves to a king so as to better defend themselves. As Hansen notes, Machiavelli does not actually make analytical use of the six-fold typology.[9] No sooner is it introduced than it is abandoned. At the same time as Machiavelli affirms that this circle (*cerchio*) is one that all republics past and present must pass, he goes on to reveal the existence of a binary opposition of social forces that the Roman republic found a way to intercept and contain in a mixed constitution:

> And fortune was so fortunate to Rome that although this city passed from a government of kings and aristocrats to a government of the people, through the same steps and for the same reasons that were discussed above, the kingly authorities none the less was never entirely abandoned to give authority to the aristocrats, nor was the authority of the aristocrats completely diminished in order to give it to the people, but since this authority remained mixed, it created a perfect republic, and Rome came to this perfection through the discord between the plebeians and the senate ...[10]

What we see here is the emergence of a mixed constitution, one that revolves around a social opposition very much like the one identified by Aristotle. Machiavelli does not define the concept of mixity but clearly understands it as the result of a competition of forces that hold each in check without cancelling each other out.[11] Mixity enabled the Roman republic to balance the different factions against each other. It did not, however, dissolve or even contain conflict, quite the contrary. What is new here, is not the idea that social conflict was endemic. This was a commonplace in republican theory, although not an uncontested one. The novelty of Machiavelli's approach lies in his affirmation that social

9 Hansen 2007: 68.

10 Machiavelli, *Discourses* I.2.27-28 (transl. from Bondanella & Bondanella 1997).

11 Machiavelli, *Discourses* I.2.26-27. For an inventory of the irresoluble paradoxes that arise out of the conjunction of the idea of mixity and *anacyclosis*, see Sasso 1986c: 30-37.

conflict was beneficial to the Roman republic: "It appears to me," he says, "that those who condemn the disturbances (*tumulti*) between the nobles and the plebeians condemn those very things that were the cause of Roman liberty".[12]

It might seem, then, that Machiavelli has a principled commitment to tumult as a political means of action, which would make him a radical or agonistic democrat, as an influential strain in contemporary political theory holds.[13] The matter may be more complicated. Machiavelli clearly has reservations about tumults. While they may have brought Rome to perfection, he notes that they only maintained her in that state for little more than three hundred years, from the overthrow of the Tarquins to the rise of the Gracchi, and even then he tells us, as if to excuse himself, that tumults "rarely led to exile and even more rarely to bloodshed".[14] More importantly, what Machiavelli hopes to achieve from giving free rein to the expression of discontent is more closely linked to territorial expansion than to the constitution of a body politic. In chapter 6 of the first book of the *Discourses*, which asks the crucial question whether the Roman republic could have been governed so as to put an end to tumults, he advocates giving free rein to tumult by reference to its use in mobilising the people for campaigns of conquest. A republic that wants to pursue a policy of territorial expansion will need to follow the example of Rome and "make room for the disturbances and widespread agreement as best one can, because without a large number of well-armed men, no republic will ever be able to grow or, if it does, to maintain itself".[15]

The implication of civil disturbance and territorial expansion already frames the previous chapter, in which Machiavelli considers whether the guardianship (*guardia*) of liberty should be attributed to the nobles or to the plebeians. True to form, he does not define the concept of guardianship but relies on the fairly determinate meaning that the concept had in early sixteenth century humanist publicism where it designated the

12 Machiavelli, *Discourses* I.4.29 (transl. from Bondanella & Bondanella 1997).

13 For this view, see Abensour 1997; Del Lucchese 2017; McCormick 2011; Negri 2002; Vatter 2000.

14 Machiavelli, *Discourses* I.4.29-30 (transl. from Bondanella & Bondanella 1997).

15 Machiavelli, *Discourses* I.6.36 (transl. from Bondanella & Bondanella 1997).

constitutional oversight of government.[16] The question Machiavelli asks involves a juxtaposition of polities: on the one hand, Sparta and Venice where the guardianship lay with the nobles, and on the other, Rome where it lay with the plebeians. At stake in the juxtaposition is more than the attribution of constitutional powers. To Machiavelli, the polities represent competing paradigms for how, and to what ends, a republic should be ordered; should it be ordered for maintaining itself within its boundaries, or should it be ordered towards territorial expansion? Machiavelli has considerable sympathy for the form of government found in Venice and Sparta. We have no reason to doubt his sincerity when he says that if it were possible to organise a republic to remain always within its own boundaries, "the result would be a true republic (*il vero vivere civile*) and true tranquillity in a city".[17] Chapter IV shows how Sparta and Venice removed the causes of civil disturbance.[18] Machiavelli notes that Rome could have set up as Sparta, but still he sees no alternative to the Roman way. The vicissitudes of human affairs are such that even if a republic could be set up to maintain itself, it would always be at risk of destruction from expansionist adventures it could not handle, which, as Machiavelli notes, proved to be the undoing of both Venice and Sparta.[19]

The reasons given by Machiavelli are so closely tied to the examples used that they are presumptive rather than analytical. But they are strong enough to force an unequivocal decision: "I believe it is necessary to follow the political organization of Rome and not that of the other republics, because I cannot believe it is possible to find a middle way between the one alternative and the other, and it is necessary to tolerate the enmities that arose between the people and the senate, taking them as a disadvantage necessary to attain Roman greatness".[20] There is no

16 For an overview of humanist literature, see Pedullà 2018: 118-19.

17 Machiavelli, *Discourses* I.6.37 (transl. from Bondanella & Bondanella 1997 (modified)).

18 Venice did so by reserving government for those who were present at the time of the foundation of the polity, Sparta by instituting an equality of poverty between aristocrats and commoners, which meant that the latter had no reason to fear or to desire power.

19 Machiavelli, *Discourses* I.6.37.

20 Machiavelli, *Discourses* I.6.38 (transl. from Bondanella & Bondanella 1997).

middle way, no middle. It might be objected that Machiavelli is juxtaposing different approaches to what we might call external relations, not different conceptions of political government. Be that as it may, the absence of a middle way shows that Machiavelli cannot carry to its completion a political strategy that much would seem to commit him to. Why does he opt for Roman expansion over Greek autarchy? The answer cannot simply be a commitment to political conflictualism, as Gabriele Pedullà supposes, because to Machiavelli, conflictualism is the price a republic must pay to indulge an imperial drive that itself needs justification. The answer is to be found in a set of causes that implicate all republics in war, leaving imperialism as the only viable option for a republic.

2. The Ways of War

In Aristotle, participation in government is filtered through the institutions of war. He reserves government for those carrying, and able to pay for, hoplite armour.[21] What most strikes a contemporary reader is not the interface between government and war but how deeply embedded this conception of war is in daily life, how perfectly mundane it is. With a self-evidence we cannot emulate, Aristotle associates war and hunting as means of acquisition, which ties both to the household.[22] Other passages confirm that warfare implicates the public and the private in equal measure.[23] In relation to war, man and *polis* move in sync. This synchronicity is kept in place by a community of values, or rather, of virtues that are connected to war:

> War compels men to be just and temperate whereas the enjoyment of prosperity and peaceful leisure tends to make them licentious (ὑβρισταί). Therefore much justice and much temperance are needed by those who are thought prosperous and enjoy the things we count

21 Arist. *Pol.* 1297b1-2.

22 Arist. *Pol.* 1256b23-24.

23 Aristotle tells us that while he disapproves of the warlike way of life "for what is private and for what is common to the citizens," yet it is necessary to seem frightful to the enemy not only when they have entered the territory but also when they have left it (Arist. *Pol.* 1265a25-28 (transl. from Rackham 1998 (modified)).

> as blessings, like those that inhabit the happy isles, of which the poets speak. The greater their leisure and their abundance, the more such men will need wisdom, temperance, and justice. From this it is evident that a *polis* which strives for felicity and righteousness must partake of those virtues. It is shameful to fail to make use of the good things in life; it is even more shameful to fail to do so in times of leisure; to show oneself to be a good man in a time of work and war, and no better than a slave in a time of peace and leisure. We must not, therefore, cultivate leisure the way they do in the *polis* of the Lacedaemonians.[24]

As we see in the above passage, war implicates different aspects of human life, or rather, it implicates different types of excellence. There is excellence in war as there is in peace, and the good man must develop both. But having excellence involves knowing that the activities the two types of excellence concern are not equally valuable. A good man values the activities and virtues of peace higher than those associated with war. This is what the Lacedaemonians, for whom everything reduces to utility or profit, have forgotten. In addition to its ethical function, war serves as a remedy for ills that Aristotle, like Plato, associates with Athenian democracy. War can serve that therapeutic function because the virtues it engages are shared by man and *polis*. Temperance, wisdom, and justice are necessary for man and *polis*, and the reflection on war therefore opens up to all of human life, including the higher pursuits that are connected with peace and leisure. Perhaps more importantly, the ethical conception of war implies that men are equals insofar as the virtues that war inculcates are virtues that all are equally held to develop. Aristotle is aware that waging a war requires leadership, and that military command involves political power. He tells us that commanding the Athenian fleet is like a second kingship.[25] But there is no sense that the designation of the commander of the fleet reflects a hierarchy between the involved people that would subsist independently of the conflict.

A different picture emerges from Machiavelli's study of the art of war. The main speaker, Fabrizio Colonna, is a fervent believer in the need to return to the ancient ways in the matter of warfare. One of his opening

24 Arist. *Pol.* 1334a25-40 (transl. from Rackham 1988 (modified)).

25 Arist. *Pol.* 1271a40-42.

reflections, sets the tone: "I say that I have never practised war as my profession, because my profession is to govern my subjects and to defend them, and, in order to defend them, to love peace and to know how to make war. And my king rewards and esteems me not so much because I understand war as because I can also advise him in peace".[26] At first blush, this view on war aligns with that of Aristotle. Like the Greek philosopher, Machiavelli sees the art or excellence of war as a necessary but secondary aspect of political life. This is why Colonna, an illustrious general, will not say that he practises war as a profession. War cannot be an end in itself. But where Aristotle makes war an enabling condition of the good life, Machiavelli casts it as an aspect of government. It would take us too far a-field to interrogate the motives of this move from the good life to government. What matters is that the arts mentioned by Colonna engage only those who *govern*. Colonna does not connect them directly to an individual but to a social position. The exclusive focus on the governing subject stands in contrast to Aristotle's idea of a political skill, *phronesis*, which he treats as the apanage of a citizen, every citizen. It is *phronesis* that enables a citizen to be a successful operator in the *polis*, for himself and for his friends, and while Pericles imposed himself as leader in Athens because he had more *phronesis* than anyone else, there is no sense that this elevated him into a higher, category of persons than that of citizen.[27]

We shall have more to say about the governing subject. What matters here is that its emergence goes hand in hand with a dis-articulation of the figure of the citizen-soldier. In the preface to *The Art of War*, Machiavelli speaks of the ideal soldier as a God-fearing, peace-loving patriot. One could easily construct an argument that these qualities, which make the citizen-soldier an example for all men to follow, imply the existence of the virtues – wisdom, temperance, and justice – that war taught a Greek man, but at no point in the exposition does Machiavelli address the moral personality of those who fight. The only qualities required of a citizen soldier are loyalty and obedience, which enable an army to act with decisive force. This analysis is echoed in the warning that Machia-

26 Machiavelli, *The Art of War* I.104.19 (transl. from Lynch 2003).

27 Arist. *Eth. Nic*. 1141b4-16. See Bodéüs 1991: 67-88.

velli issues to the prince against using mercenaries. Mercenaries are useless, indeed dangerous, because they are "disunited, ambitious, undisciplined, and disloyal," and as they do not keep faith with men, they do not keep faith with God either.[28]

The fragmentation of political skill into cunning on the one hand and the capacity for obedience on the other carries over into Machiavelli's response to political crisis. This response takes one of two forms: a wholesale reform of the regime of a corrupted city, or the more or less able manoeuvrings of a *condottiere*.[29] In both cases, what is done, is done by an individual who is unbounded by the laws of the city because he must do it all on his own.[30] In all other instances, individual agency is at best irrelevant, for the most part, a cause of evil. What corrupts a city is the insistence on acting outside the collective. Such action substitutes personal, or factional, interest for the common good, with the effect of introducing division into the body politic. Once division has been created in a city, orders and laws are not made for the public good but for private interests, which in turn generates new divisions:

> Whence it arises that always when one party is driven and one division eliminated, another emerges. For in the city that prefers to maintain itself with sects rather than with laws, as soon as one sect is left there without opposition, it must of necessity divide from within itself, because the city cannot defend itself by those private modes that it had ordered in the first place for its own safety. And that this is true, both the ancient and the modern divisions of our city demonstrate.[31]

Machiavelli succinctly states the self-perpetuating nature of civic division. We see a city destroying itself; we see no individuals, in marked contrast to Aristotle's *Politics* where the citizen, as we have seen, is no

28 Machiavelli, *The Prince* 12.43 (transl. from Bondanella 2005).

29 Machiavelli, *Discourses* I.10.50, I.18.70.

30 Individual citizen are seen as conspirators, so as negative forces, or as obstacles to the reform of a corrupted regime ("... men used to living in one way do not wish to change, and all the more so when they do not see this evil for themselves but must have it demonstrated to them through abstract argument" (Machiavelli, *Discourses* I.18.70 (transl. from Bondanella & Bondanella 1997).

31 Machiavelli, *Florentine Histories* 3.5.110-11 (transl. from Banfield & Mansfield 1988).

less real and no less distinct a figure than the *polis*. Between the faceless people and the wily prince, the latter has captured the attention of Machiavelli's readers. Where scholars have asked about the distension of the bond between people and prince, they have seen it as a function of the singularisation of the prince through his *virtù*.[32] In relation to the question that occupies us here, we need to ask what it is that binds the people so tightly together that any independent action on their part ends up destroying the city. This raises other questions. How, for example, does the insistence on unity align with the analysis of civil disturbance and the Roman Republic? One might object that the one concerns constitutional matters whereas the other concerns military organisation, only Machiavelli explicitly correlates the two, telling us that "where there is good military organization, there must also be good institutions".[33] It must therefore raise questions about his supposed commitment to political conflictualism when we read that whoever defends a territory must take care that nothing is done "tumultuously and without order; ... And things being ordered thus, tumults that disorder you arise with difficulty".[34]

The tension we have brought out between the military and the governmental organisation of a city may be irresoluble. But what is a conundrum is also an answer to the question we asked. If Machiavelli does not complete the turn towards the middle, if he does not throw in his lot with

32 See Senellart 1995: 224-25. For what seems to be a different view, see Pocock 2003: 212-14.

33 Machiavelli, *Discourses* 1.4.29 (transl. from Bondanella & Bondanella 1997). As James Hankins notes, the significance that Machiavelli attributed to the military organisation of the citizen body would have been perceived as eccentric by his contemporaries, for whom the use of professional mercenary armies was a given (Hankins 2023: 441).

34 Machiavelli, *The Art of War* 7.69-71.149 (transl. from Lynch 2003). Gennaro Sasso has shown how fears that a citizen militia, the creation of which would actuate divisions between the urban poor and the rural population, would be used against the city rendered urgent the question of military discipline (Sasso 1986a: 107-10). These complications, of which Machiavelli was acutely aware as he was drafting the ordinance for a citizen militia, assume a particular urgency for whoever wants to see Machiavelli as a thinker of democracy.

a moderate middle segment, even an idealised one that is yet to be constructed, one answer – no doubt not the only one – is that he cannot. He cannot because, between the prince and the people, there is no-one to turn to, no space to occupy. It is this void that pushed the Roman Republic towards imperialism. It was only in expansion that Rome found a way to release the political tension between rich and poor that beset the republic, as it had the Greek *polis*.[35] If Machiavelli opts for Roman expansion over Greek autarchy, it is because of this internal political void. But what prevents Machiavelli from taking the path that Aristotle took? What keeps him from sketching the profile of a middle segment, which he could do by introducing distinctions found elsewhere in his work – distinctions between trades, intermediary bodies, or between humors – into his conceptual construction of the polity? What explains the in-distinction of the citizen body, which is all the more remarkable when held up against the flamboyance of the prince who, as we know, is fox and lion? These questions interest us because whatever the cause of the in-distinction, it is an element of Machiavelli's inability to connect to, and recover, a key aspect of Greek political experience. To understand the nature of this impossibility, we shall ask what it is where the polity came from, and what constitutes its unity. As we pursue these questions, we are led from war to history, and beyond.

3. Ultimate Ends … and Beginnings

In Machiavelli's work, going back to the beginning – *ridurre verso il principio* – involves a dual movement that discloses, on the one hand, how a thing came about, and on the other, what defines it as the thing it is now. We find the same duality of temporal and conceptual primacy in Aristotle's thinking.[36] But if Machiavelli and Aristotle are both aware that the movement towards a principle must address the temporal and the conceptual aspect of the principle, they do so in very different ways in relation to political life. Taking Aristotle first, we might say that in his work,

35 See in this direction Lefort 1986: 553-54.

36 See Arist. *Cat.* 14a24-36. On the differences between the analysis of anteriority in the *Categories* and in the *Metaphysics*, see Aubenque 2013: 44-47.

conceptual definition dominates history. He notes that the *polis* – the first self-sufficient community and so the first that exists with a view to the good life – arises out of more rudimentary, and historically prior, forms of social organisation (*oikos*, village). However, once the *polis* has come into being, its development is driven by the internal dynamics of its constituent elements. This *political* account of the emergence of the *polis* is kept in place by the idea that man is a political being, which cabins off relations of domination (husband/wife, master/slave) within the *oikos* where they are naturalised. What the *polis* is, is not determined by what it developed from. Its pre-political past neither conditions nor intervenes in any way in its operation. The *polis* is anterior in nature to a family and to each of us individually.[37]

A different relationship to the past informs Machiavelli's reflections on the Roman Republic. This appears when he considers how polities came about:

> ... in the beginning of the world, when its inhabitants were few, they lived for a time scattered like beasts; then as the generations multiplied they gathered together, and in order better to defend themselves, they began to consider carefully who among them was stronger and braver, and they made him their leader and obeyed him. From this arose knowledge of things honourable and good as opposed to those which are pernicious and evil, for noticing that when someone did harm to his benefactor it aroused hatred and compassion among men, since they condemned the ungrateful and honoured those who showed gratitude, and thinking that the same injuries could also be inflicted upon themselves, they set about making laws in order to avoid similar evils and ordained punishments for whoever violated them: from this arose the knowledge of justice. The result was that later when they had to elect a prince, they did not support the boldest but, instead, the man who was most prudent and just.[38]

As we see in the passage above, the initial state of the world, a state of scarcity and danger from external attack, leaves an imprint strong

37 Arist. *Pol.* 1253a18-19.

38 Machiavelli, *Discourses* I.2.24 (transl. from Bondanella & Bondanella 1997).

enough to determine not only the institution of social order but also the nature of its government. People band together under the leadership of one man so as to better defend themselves. In time, physical strength and bravery give way to justice and prudence as the chief virtues of a governing subject, but the discernment of good and bad is so intimately tied up with the relationship of protection ("... for noticing that when someone did harm to his benefactor it aroused hatred and compassion among men ...") that when men adopt proper government, they stick with the government of one man, although they have in the meantime made laws to regulate social interaction. If monarchy is the first form of government in the constitutional cycle, it is because it is closest to how the world was in the beginning. Aristotle does not rank the six constitutions in order of temporal priority. But in noting that monarchies have become a thing of the past because they require the existence of a socially dominant individual – something his own time with its relative social equality does not provide for -, he situates monarchy in the infancy of government.[39] And yet, the explanation he gives for its invention is wholly political and makes no reference to anything that precedes the institution of the *polis*. Kingship, he tells us, was invented to protect the distinguished citizens against the *demos*.[40] Its origin lies *within* political community and so is political in nature.

In tying the constitution to the beginnings of society, Machiavelli makes the protection of the polity the chief task of government, with the effect of changing the nature of both war and government. We saw how Aristotle was able to integrate war into his theory of political life, in the context of which it served as a remedy for ills that attend on peace and leisure. By tying the existence, and constitutional configuration, of the polity to its capacity to protect its citizens, Machiavelli divests war of its function as a political therapeutic. What is at stake in war is more primordial than civil life. At the same time it is less important, as reflected in the refusal by Fabrizio Colonna to own war as his profession. But if war cannot be allowed to define government, the art of war nevertheless precedes and, in a very basic sense, enables government. The art of war secures the space, over which government reigns. Perhaps surprisingly,

39 Arist. *Pol.* 1313a4-10.
40 Arist. *Pol.* 1310b8-10.

given his reputation, Machiavelli wants to ensure that the influence of the art of war on government did not extend further; that it remain only a condition, and not a component, of government. Maurizio Viroli has shown that he rigorously distinguishes the art of the state, which includes the art of war, from government so as to avoid any contamination.[41] At the same time he admonishes princes that they must have no object and no thought for anything but war, its institutions, and its disciplines; the art of war, he tells us, is the only art befitting one who commands.[42]

To understand the dis-aggregation of political life, we must place Machiavelli's work against the backdrop of a turn to this present life that takes place in the work of a late medieval thinker like Marsilius of Padua. His recovery of Aristotle's philosophy of the *polis* produces an account that anticipates Machiavelli's theory of government in certain respects. As it did in Aristotle's *Politics*, Marsilius' city emerges out of more rudimentary forms of social organisation, but the search for self-sufficiency, propelled by easing social differentiation, unfolds in a continuous movement.[43] The transition from the household to city is gradual, a movement from the less to the more perfect, as Marsilius puts it.[44] And self-sufficiency, once attained, does not inaugurate the good life as it did in Aristotle, because the good life, the advent of which signalled a conceptual hiatus, is for another time, another life. Living and living well engage man in two modes, one temporal or worldly, the other eternal and heavenly.[45]

Two centuries before Machiavelli resolved to recover the political teachings of antiquity, Marsilius' attempt to return to Aristotle establishes something like a template for a history of civil order where what was present at the outset continues to condition the movement through time, and where the polity comes together around the necessary things in life. The transmission, and transformation, over time of this historio-

41 Viroli 2010a: 154.

42 Machiavelli, *The Prince* 14.50.

43 See the analysis in Lev 2020: 32-41.

44 Marsilius, *The Defender of the Peace* I.3.2.14.

45 Marsilius, *The Defender of the Peace* I.4.3.19.

graphical template is a complex process. From our vantage point, Machiavelli's decisive contribution lies in the way he situates theory in relation to the polity. In Marsilius, the position of theory remains indeterminate. In the first discourse of *The Defender of the Peace*, Marsilius argues that the highest authority in a polity is constituted by its body politic (*universitas civium*), which comprises the body of the faithful (*universitas fidelium*), making its authority civil *and* religious. But in the second discourse he reverts to a much more traditional viewpoint, according to which ultimate authority lies with the universal church of the faithful. The inversion suspends authority between the city, seat of the body politic, and the empire, seat of the universal body of the faithful.[46] The indeterminacy is lifted in Machiavelli's work where counsel aims at the good of the polity it concerns, and so adopts its vantage point.

What this means is that theory is situated *within*. Not only that. The *positionality* of theory combines with the effective dependence of government on the art of war to direct attention outwards. A prince must first survey the external sphere, not because it concerns what is most important in *il vivere civile*, but because the threats that emerge within that sphere pose a more immediate and direct danger to government. This way of seeing the world informs Machiavelli's observation that "[internal] affairs will always be stable when external affairs are stable, provided that they are not already disturbed by a conspiracy".[47] In taking note of the curvature of political space Machiavelli gestures towards a time, in which violence is distributed along clear boundary lines that separate armed force from intrigue.[48] Here, he turns away from a Christian doctrine that saw war as inherently sinful, equally sinful for all participants, and therefore required of a belligerent that he show just cause.

46 Marsilius, *The Defender of the Peace* II.2.3.145. See the analysis in Lev 2020: 64-69.

47 Machiavelli, *The Prince* 19.63 (transl. from Bondanella 2005).

48 Machiavelli dedicates the longest chapter of the *Discourses* to conspiracies, telling us that many more princes have lost their lives and their states through conspiracy than through open warfare because it is only given to very few to wage open warfare, whereas the possibility of conspiring against a prince is open to everyone (Machiavelli, *Discourses* III.6.256). But to Machiavelli, a conspiracy is not something you fight with violence. It is something you prevent by magnifying the glory and the majesty of the prince, which convinces conspirators that others will rally around their cause, or which even holds back the hand that is about to strike (III.6.257, III.6.268-69).

He also bars the way back to the ancient world that Aristotle describes. In that world, war was an aspect of political life. Its oppositions were parallel to those found within the *polis*, with the effect of making the inner and the outer reversible, as we see in the *Politics* where local disturbances, often over trivial matters, spread across the greater world of Hellas through bonds of kinship that linked elites within city states, and where the outcome of conflicts like the Peloponnesian War would occasion constitutional changes in the defeated city states.[49]

From the position that Machiavelli occupies, it is not possible to set limits to the means a prince can employ to secure his reign. The balancing of means presupposes the existence of a moral space. That space must first be secured. Morality comes after. We are used to explaining Machiavelli's willingness to postpone moral reasoning by reference to his psyche, or his personal ambition, but as already indicated, the causes may run deeper. In a study of Machiavelli's God Maurizio Viroli relates his theory of government to a current of thought that was pervasive in Florence till 1530, a *republican Christianity* that taught that the fatherland was the supreme good, to the point that it could do no wrong, even where it fought unjust wars.[50] The resonances between the Machiavelli's work and the city, of which he was a citizen, open a window onto his time. Beyond its inherent historiographical interest, such disclosure is valuable because it shows us how Machiavelli constructs a theory of government from an intuition of historical time. The thing that grabs his attention is the rise of professional armies, which he associates with the dominant power of the time, the French kingdom.[51] The paradox is that he will attempt to recreate the ancient ways that were lost because of mercenary armies by working through what destroyed them. In line with the teachings of Savonarola, Machiavelli insists on the need to regenerate the body politic.[52] But in indexing regeneration on the capacity of the citizen body to defend their city, he confirms, indeed radicalises, the process of concentrating political skill in a governing subject. The attempt

49 Arist. *Pol.* 1304a5-10; *Ath. Pol.* 34.3. On the proximity between war and civil war in Greek culture, and the evacuation of same, see Loraux 2005: 84-87.

50 Viroli 2010b: 59-60.

51 Machiavelli, *The Art of War* I.78-79.16, I.104.19.

52 Jones 2022: 82-85.

to recreate the ancient ways closes off the present to what those ways were about. We see how this plays out in passage from the *Discourses* where Machiavelli considers how to reform the Christianity of his age, which had made the world an easy prey for evil men:

> This way of living seems, therefore, to have made the world weak and to have given it over to be plundered by wicked men, who are easily able to dominate it, since in order to go to paradise, most men think more about enduring their pains than about avenging them. Although it appears that the world has become soft and heaven has been disarmed, without a doubt this arises more from the cowardice of men who have interpreted our religion according to an ideal of freedom from earthly toil and not according to one of exceptional ability (*virtù*). For if they would consider how our religion permits us to exalt and defend our native land, they would see that it also wants us to love and honour it, and to prepare ourselves in such a way that we can defend it.[53]

Machiavelli proposes to turn Christianity into a fighting faith. When reading the passage, our first thoughts are likely to concern the sincerity of his commitment to "our religion," given that devotion and political expediency cannot be separated. It might be heaven that Machiavelli wants to arm, but the benefits of armament are to be reaped here and now. If Christian princes knew how to use religion for civic ends, the republics of Italy would be "more united and happier" than they are.[54] However, in focusing on the sincerity of Machiavelli's belief, we run the risk of overlooking another crucial development, which concerns the use he makes of history. The question is not whether the all too obvious expediency of marrying religion to statecraft should make us rule out that Machiavelli is guided by an experience of transcendence; the question is

53 Machiavelli, *Discourses* II.2.159 (transl. from Bondanella & Bondanella 1997).
54 Machiavelli, *Discourses* I.12.54 (transl. from Bondanella & Bondanella 1997).

whether the considerations that he proposes to join together can be contained in the same history.[55]

Isiah Berlin alluded to the question in arguing that we should think of Machiavelli as a pagan thinker, as someone who sought to recover earlier, more virile ways of life.[56] And the considerations that motivate Machiavelli's project of invigorating "our religion" do indeed have a distinctly non-Christian feel. But Machiavelli's belief that Christianity could serve the same function as pagan religion (which Berlin notes) tells us that what he is looking for is not, in his mind, something other than Christianity properly understood. We might say that Machiavelli's juxtaposition of meek Christianity and virile Antiquity, around which Berlin constructs his reading, is thought from within the moment of writing, and has no diagnostic validity outside it. Machiavelli is not giving us an analysis of the political morality associated with two kinds of religion (Christian/pagan) but an appraisal of the political morality that is needed here and now for the good of the fatherland. If we insist on the difference, it is because it opens our eyes to the fact that Machiavelli does not think in terms of causation that could propel a historical narrative; he thinks in terms of situational efficacy, in relation to which all epochs of history are available as points of reference, and where the truth of what they have to teach us is found in a specific way of life that is itself impervious to change.

We see how this approach structures his work in the preface to the second book of the *Discourses* where Machiavelli considers how men assess history. If they live in a well organised body politic, they may well be deceiving themselves in praising ancient times more than their own time, not so where they are born after the decline of the polity set in. These commonsensical considerations are followed by a somewhat abrupt conclusion: "As I reflect upon how these affairs proceed, I conclude that the world has always been in the same state, and that although there has always been as much good as evil in it, this evil and this good vary

55 We leave aside the question, raised by Gennaro Sasso (1980: 510-12), whether we can distinguish between faith as an experience of transcendence and as belief in the efficacy of a system of tenets that happen to be religious in nature.

56 Berlin 2013: 56-57.

from province to province; this can be seen from what we know of ancient kingdoms that differed from one another according to the variation in their customs, while the world remained as it had always been".

The passage surprises by its willingness to dispense with, indeed foreclose on, historical enquiry. The thesis of the constancy of good and evil makes *virtù* a matter of differing social customs, of differences in space rather than time. If history teaches us something, it is as an archive, not as a narrative that inserts us in a continuous historical trajectory. Machiavelli goes on to enumerate a list of ancient empires, in which *virtù* was lodged (*allogata*). In this world that remained as it had always been, the shifting assignation of *virtù* was, he tells us, the only difference. The point is clearly not to indicate the stages in what would be a history of *virtù*; it is to indicate sites of a domination, which gives political space its curvature, and from which political reasoning must depart. This domination is the basic fact of history, no matter when, and from which vantage point, we engage with it. As we read on, we find that the basic fact, which frames Machiavelli's engagement with history, is a specific way of life. He continues the list of sites of domination past antiquity. While none of the modern sites of *virtù* equals Rome, we are told that *virtù* was still to be found among nations. In this context, Germany occupies a special place. It alone escapes the general corruption of the world that eats away at the strength of kingdoms such as France and Spain, which have lost the goodness and religion, on which the strength of a polity rests:

> It is quite evident that in the province of Germany this goodness and religion are still strong among the people; that causes many republics there to flourish in liberty and to obey their laws in such a fashion that no one outside or within these republics dares to occupy them. [...] Such goodness is all the more to be admired in these times since it is so rare; indeed, it is clear that this practice has survived only in that province. This arises from two causes: the first is that they have no extensive contacts with their neighbours, for their neighbours have not gone to visit them, nor have they themselves visited anyone else, because they are content with these goods – to live on the foods, and to dress themselves with the wools the country produces; in this way,

> the reason for any contact and the beginnings of any kind of corruption have been eliminated, since they have not been able to take up the habits of either the French, the Spanish, or the Italians, nations which taken together constitute the corruption of the world. The other reason is that these republics, where an uncorrupted body politic has been maintained, do not tolerate any of their citizens acting or living like noblemen: on the contrary, they maintain among themselves a clear equality; they are the mortal enemies of those lords and noblemen who live in that province, and if by chance some of them fall into their hands, they are killed as the source of corruption and the cause of every conflict.[57]

The exceptional ability that enabled a small city on the Italian peninsula to rise to become the greatest empire in history survives in Germany, and no place else. Strangely, given the expansionism and inclusivity of Rome, what keeps *virtù* alive in Germany is the isolation of its people, which has only limited contact with the outside world. Their neighbours do not seek them out, presumably because they have little to offer. For their part, the German people do not seek out their neighbours because they are content with their rustic life, content "to live on the foods, and to dress themselves with the wools the country produces". Their isolation keeps them pure, unsullied by the refined habits of the southern nations that constitute the corruption of the world. The reference to the rustic introduces a *primitivism* that stands against refinement and social distinction, granting immediate access to what is most fundamental in life. The hatred of nobility that Machiavelli attributes to the peoples of Germany implies a commitment to the common people, but it is not clear that the commitment is political in nature. What concerns him about nobility is not that its introduction would entail a violation of the people's rights, but that difference would be introduced into an otherwise in-distinct body politic, with the effect of splintering it.

In this passage which connects Machiavelli's enquiry into the Roman Republic to his own time, he posits a dimension of human life so basic as to be unchanging. It is from this vantage point that he can assure us that

57 Machiavelli, *Discourses* I.55.135-36 (transl. from Bondanella & Bondanella 1997).

men "are always born, live, and die in the same way".[58] It is an open question whether this assurance is compatible with other key intuitions that inform his theory of government. What matters for our purposes is that the in-distinction of the body politic is tied to his decision to invest that body with the very same force that made antiquity great. As our analysis shows, the desire to make the past come alive again is what prevents its recovery. In a time that is concerned with making past empires great again, it is perhaps worth remembering that primitivism does not open a road back to what once was. It only makes us lose sight of where we came from, and where we need to go.

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MOGENS HERMAN HANSEN'S CONTRIBUTION TO THE STUDY OF GREEK LAW

By Alberto Maffi

Summary: Hansen was not a legal historian by academic background. However, his research on the nature of the *polis* represents a fundamental contribution to the study of what we might, to some extent anachronistically, call Greek public law. He presented a paper only twice at the *Symposion* on Greek Law, namely at the Third *Symposion* (Chantilly 1977, Hansen 1982) and the Fourth *Symposion* (Aegina 1979, Hansen 1983a). In both cases, these were *parerga* related to previously published works (respectively, the book on the *Apagoge* from 1976 and *Aspects of the Athenian Society in the Fourth Century B.C.* (1975, in collaboration with S. Isager). After the 1977 *Symposion*, his interests were increasingly centered on Athenian politics and political institutions, rather than law.

Interestingly, while his contribution to the 1977 *Symposion* explicitly addressed private law relationships, it already highlighted a grey zone between the private and public spheres that would be a key theme in all his subsequent research on the *polis*. The blurred boundary between public and private is also reflected in two articles (Hansen 1981b and Hansen 1983b) that, in the early 1980s, explored another theme that had formed Chapter IV of the book on the *Apagoge* (Hansen 1976): the *apagoge* concerning murderers (*androphonoi*). My essay is therefore divided into two parts. In the first, I discuss these two articles which both concern criminal law. In the second part, I shall focus on some aspects of Hansen's central research theme, namely the *polis*, understood both as a historical phenomenon and as a political model to be compared with the modern state. In both parts of the essay, I shall also attempt to account for the reactions that Hansen's ideas have gradually elicited in scholarship, and, in turn, I shall express my own perspective on both Hansen's theses and those of his interlocutors.

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I
Studies on judicial procedure and criminal law

In his 1983b article, Hansen reiterated the thesis he had already supported in the appendix (pp. 108-12) to the chapter on the *apagoge phonou* in Hansen 1976 and Hansen 1981b, namely that a considerable number of sources attest to the existence of a *graphe phonou* alongside the more common *dike phonou* that can be brought by the relatives of the deceased, as stipulated by the law of Dracon. I shall begin by examining two of the aspects considered by Hansen 1981b, and shall continue by giving a critical assessment of the opinions expressed by some of the scholars who have addressed this issue since the publication of his article.[1]

Trauma ek pronoias

The first point concerns the scope of the crime of *trauma ek pronoias*. In Hansen 1976: 110, he had already argued that this was a type of homicide on a par with those listed in *Ath. Pol.* 57.3, namely *phonos* itself, poisoning, and arson. Now, in the first part of the article, Hansen reiterated that "if *trauma* was a subspecies of *phonos*, the implication is that *trauma* was not simply 'wounding' but rather 'assault with intent to kill'", as is clear from Lys. 3.41-43 and 4.5-11 (Hansen 1981b: 15). If one of the four categories of homicide, that is, *trauma ek pronoias*, was prosecutable with a *graphe*, the logic of the system dictates that a *graphe* was also permitted in the other three cases. In fact, Hansen asserts the coexistence of *dike* and *graphe* only for *phonos* and *trauma*, in addition to theft.

In 2007 David Phillips devoted an article to the subject of *trauma ek pronoias*. Phillips attributed to the act of wounding (using a weapon) not the intention to kill, but rather merely the intention to injure. However, he also concluded that the perpetrator of the crime was to be prosecuted by means of a *graphe*, and he even questioned the existence of a *dike*. In my opinion, the question remains open, because it involves interpreting the meaning of *pronoia*. If it refers to the intention to kill, attempted murder can be prosecuted, and Hansen's position would be justified. If it re-

1 It is somewhat puzzling that Hansen responded to an opinion different from his only on *trauma ek pronoias* (Hansen 1983b) but not on homicide.

fers to the intention to injure, its assimilation with homicide loses its justification, and the use of a *graphe* (as underlined by Hansen 1983b: 317) cannot be readily explained. Moreover, the reason given by Phillips (2007: 98) do not appear entirely convincing, i.e. that the injured person might be unable to appear in court: yet, even Ariston in Dem. 54 prosecuted his assailant, Konon, with a private *dike*, presumably after he has recovered from his injuries. It should also be noted that the law attributed to Solon, reported in Dem. 24.113, allows killing or wounding a thief caught committing a theft at night (τοῦτον ἐξεῖναι καὶ ἀποκτεῖναι καὶ τρῶσαι διώκοντα): therefore, it refers to two distinct behaviors.

Apagoge phonou *and the meaning of* ep' autophoroi

The second part of Hansen 1981b concerns the *apagoge phonou*: this procedure was admissible only if the killer was caught in the act. As its etymology reveals, the Greek expression *ep' autophoroi* originally refers to theft, but it was extended to categories of perpetrators liable to *apagoge kakourgon*. According to some sources, these also included murderers, as confirmed (according to Hansen 1976: 52) by Aeschin. 1.91 and *Ath. Pol.* 52.1. As regards theft, Hansen (1976: 48-49), observed that the original meaning of 'catching the thief during the theft' (48) could be extended to 'catching a thief oneself during the discovery of the theft' (49). This second meaning referred to the person in whose home the owner discovers the stolen goods, through the procedure of *phora*. It follows that the flagrancy is prolonged over time (as in the case of *furtum manifestum* in Iust. *Inst.* 4.1). This makes possible a broader interpretation of the expression in question, albeit in a metaphorical sense when applied to homicide, given the differences between homicide and theft.[2] At this point it is appropriate to quote the passage from Aeschines (1.91):

> τίς γὰρ ἢ τῶν λωποδυτῶν ἢ τῶν μοιχῶν ἢ τῶν ἀνδροφόνων, ἢ τῶν τὰ μέγιστα μὲν ἀδικούντων, λάθρᾳ δὲ τοῦτο πραττόντων, δώσει δίκην; καὶ γὰρ τούτων οἱ μὲν ἐπ' αὐτοφώρῳ ἁλόντες, ἐὰν ὁμολογῶσι, παραχρῆμα θανάτῳ ζημιοῦνται, οἱ δὲ λαθόντες καὶ ἔξαρνοι

2 However, see Thür 1983: 606 n. 11: "Für Delikte ohne Sachentzug, wie Ehebruch und Mord, scheidet die Haussuchung als Ersatz für das Ergreifen auf frischer Tat von vornherein aus."

> γιγνόμενοι κρίνονται ἐν τοῖς δικαστηρίοις, εὑρίσκεται δὲ ἡ ἀλήθεια ἐκ τῶν εἰκότων.[3]

According to Hansen, Aeschines here cites the *nomos ton kakourgon*. On Hansen's interpretation, "an *apagoge* is permitted, even though the offender escapes undetected (λαθόντες)" (1976: 52) and the accuser is only able to provide circumstantial evidence of guilt (ἐκ τῶν εἰκότων).

The other fundamental source for the study of the question is Lys. 13.85-87 (examined by Hansen 1976: 48 and 51). In Hansen 1981b: 29, the passage from Lysias is again discussed. Hansen states that the scope of *ep' autophoroi,* which The Eleven asked to be specified in the indictment, is susceptible to two possible interpretations, between which it will be up to the court to choose. On one side Agoratos would have denied being caught (*lambanein*) *in flagrante*. On the other, the accuser argued that the murder attributed to Agoratos was committed *in flagrante* "and to persuade the jurors that the meaning is 'manifestly'" (Hansen 1981b: 29), although the murder accusation before the *Boule* and the assembly had taken place years earlier. Therefore, Hansen believed that, from a certain period (the fourth century? see 1976: 52) the *apagoge* was permitted "long after the crime had been committed, providing that the accuser was able to substantiate his charge and convince The Eleven that the person arrested was the culprit" (1976: 51).

MacDowell (1963) had in a certain sense anticipated the position taken by Hansen 1976 (although Hansen did not cite him), arguing that in Lys. 13.85-87 *ep' autophoroi* means "manifestly" (135), not "arrested in the act" (133). It should be noted, as Hansen had observed, that in Lys. 13.85-87, Dionysius, the one who carried out the *apagoge* of Agoratos, did not ask that he should be put to death immediately: the reason would be that "the accused was not literally caught *ep' autophoroi*" (Hansen 1976: 52). This means that *ep' autophoroi*, in the sense of 'in flagrante', is no longer

3 "For what mugger or thief or seducer or homicide, or anyone else who commits the gravest offenses but does so in secret, will be punished? For in fact, those of them who are caught with their guilt manifest are executed at once if they confess, but those who go undetected and deny their guilt are tried in the courts, and the truth is discovered on the basis of likelihood" (tr. Carey 2011)

"a condition for the arrest of the offender but only his instant execution without trial".

In my opinion, the hypothesis supported first by MacDowell and then by Hansen is unconvincing. A murder can be considered manifest only if the guilty party is arrested in the act. Maintaining, instead, that the *apagoge* "could be used only against killers whose guilt was beyond doubt", MacDowell (1963: 133) implicitly eliminates a qualifying feature of the procedure, namely the right of the arrested person to contest the legitimacy of the arrest. MacDowell (1963: 133) reasonably believes, given the time that has passed, that Agoratos cannot be considered 'arrested in the act'. But curiously, the problem of the change in meaning of *ep' autophoroi* from 'killer caught in the act' to 'manifest killer', which was later addressed by Hansen, was not raised by MacDowell.[4] MacDowell instead rightly asked whether "a person who merely made a denunciation can be called a manifest killer" (1963: 133). We can assume that, according to the speaker of Lysias 13, someone could have arrested Agoratos in front of the Boule or the assembly while he was publicly making his denunciations: it would then have been up to the court to decide whether the charge of murder was justified or not. The accuser here, having fled Athens when The Thirty were in power, would not have been able to arrest Agoratos in the act. However, he would have been able to do so now, during the trial: Lys. 13.30.[5] And, again according to the accuser, Agoratos had already been recognized as a murderer and as a result expelled from a religious ritual (Lys. 13.81), which seems to confirm (against Hansen 1981b: 28-29) that what Agoratos' accuser carried out was probably an *apagoge phonou*.[6]

We must therefore ask ourselves why the accuser had not, on his own initiative, specified that Agoratos had been arrested *ep' autophoroi*. The

4 See Gagarin 1979: 319 n. 58. MacDowell 1978: 122 had meanwhile proposed a reasonable solution (but one of which the oration makes no mention whatsoever), namely that Agoratos was arrested because he "since 403 (the period not covered by the amnesty) frequented sacred and public places although guilty of homicide." But, if this thesis were credible, how could one explain why the accuser had not included *ep' autophoroi* in his indictment?

5 See Hansen 1981: 28 with n. 30.

6 MacDowell and Gagarin (see Hansen 1981: 27) are of the same opinion, and likewise Phillips 2008: 187 n. 7.

only plausible explanation is that he was aware that, given the time that had passed, one could not technically speak of an arrest in the act. But then why did The Eleven require him to add this clarification, instead of simply rejecting the request as lacking an essential requirement? Probably because they considered that the circumstances justified a delayed *apagoge* and thus dispelled the accuser's probable doubts about the legitimacy of the procedure that he had set in motion.[7] As for Hansen's observation (1976: 52) that the accuser did not request the immediate death of Agoratos (see also Lys. 13.41-42), it seems to me that he does not consider the possibility of contesting the arrest, a right which Agoratos evidently availed himself of.

The point of view of later scholars on the theses of Hansen

Let us now look at some of the main comments and reactions to Hansen's 1976 and 1981b theses about the homicide's *apagoge*, and, in particular, the meaning to be attributed to *ep' autophoroi*. The first intervention in response to Hansen's opinion was that of Gagarin 1979. Regarding Lys. 13.85-87, Gagarin observes that *ep' autophoroi* should be understood "in a sense broad enough to mean that the killer was observed, but not necessarily arrested, in the act of killing" (1979: 319). Thus, Gagarin denies, at least regarding homicide, that there has been an extension of the scope of the requirement in question: simply, where there has been no proclamation against the homicide, the *apagoge* would always have been permitted "against ... those 'caught in the act' – that is, those clearly committing the homicide" (1979: 320 and n. 60).

D. Cohen 1983 (who does not engage with either Gagarin 1979 or Hansen 1981b) has the opposite opinion, according to which *ep' autophoroi* maintains the original meaning of flagrancy. And, in the case of Agoratos,

7 The verb *anankazo* (Lys. 13.86), in my opinion, does not mean that The Eleven imposed the addition against the will of the accuser (*contra* Hansen 1981: 29). As suggested by Gernet 1967: 188, the *apagoge* may have been admissible, even in the absence of the requirement of flagrancy, if the arrested person, was not a citizen, as in the case of the metic Agoratos. However, The Eleven would have deemed it necessary, for their own safety when rendering accounts, to uphold the requirements for the *apagoge* towards citizens. It can be observed that these two statements by Gernet are contradictory.

"the speaker really does argue that the defendant was taken in the act, because the Assembly saw him commit the acts that resulted in the death of the victim" (55). As regards Aeschin. 190-91, Cohen denies that οἱ λαθόντες "have been brought before the court by means of *apagoge*," contrary to what Hansen (1976: 52) believes. Ordinary actions will instead be taken against *kakourgoi* who have not been caught red-handed.

Next, we can mention Pepe 2004, who sides with Cohen, and Harris 1994: 129-46 (= 2006: 373-90). Based on a parallel with *fur manifestus* in Roman law,[8] Harris argues that *ep' autophoroi* "has the meaning of 'clear,' obvious, or 'manifest'" (1994: 175 = 2006: 380); consequently, it should never be understood as 'in the act'. I shall focus here on passages that have already been commented on by previous scholars. Harris (2001: 80 = 2006: 397) refers to Lys. 13.87, translating, consistently with his hypothesis, *ep' autophoroi* as 'clearly'. And he adds: "In his speech to the court (Lys. 13.87) the speaker replies to the objection that Agoratos did not 'clearly' (*ep' autophoroi*) kill his brother".

Aeschin. 1.90-91 deserves a few more words. In interpreting the passage, Harris underlines the fact that Timarchus' crimes cannot be proven with witnesses because they take place in the secrecy of homes (1.90). As a result, if testimonies are necessary to obtain the conviction of the criminal, "those who commit misdeeds without being detected will never be brought to justice" (1994: 180 = 2006: 385). Therefore, if the *halontes* of 1.91, which can be understood both in the sense of 'physically seized' and in that of 'detected', confess, they are put to death. Harris leans towards the first meaning: "Those who avoid detection and deny their guilt are tried in court ... *ek ton eikoton* ... not by the testimony of those who witnessed him committing the crime" (1994: 180 = 2006: 385).

Harris had already dealt with the passage from Aeschines in the appendix of Harris 1990: 376-377 (= 2006: 292-93), comparing it (as Hansen 1981b: 22-23 had done) with *Ath. Pol.* 52.1. According to Hansen, both passages refer to the *nomos ton kakourgon*, even if the inclusion of *androphonoi* and *moichoi* is probably not taken from the text of the law but is the result

8 Hansen 1976: 49 (cited by Harris 1994: 169 n. 1 = 2006: 374 n. 1) had already recalled the parallel.

of an interpretation by Aeschines. According to Harris, however, Aeschin. 1.91 does not allude to the *apagoge* illustrated in *Ath. Pol.* 52.1,[9] for the following reasons: the terms *apagoge* and *apagein* do not occur, The Eleven are not mentioned, it is not remembered that the arrested person can deny his guilt thus giving rise to a trial before the popular court. And above all, "those who avoid being caught in the act are not subject to the procedure" (1990: 377 = 2006: 293). In Harris 1994: 180 n. 25 (= 2006: 385 n. 25), Harris warns against using Aeschin. 1.91 "as evidence for the kinds of offenders subject to *apagoge* to The Eleven"; but it should be noted that in 1990 Harris interpreted *hoi lathontes* as those "who avoid being caught in the act", while in 1994 he considers them as those whose crime is discovered thanks to testimony. But above all (and in interpreting Lys. 13.87, this applies to both Hansen 1981b: 29, as we have seen, and to Harris), arguing that the accuser is referring to an *apokteinein ep' autophoroi* is misleading. Hansen (1981: 29) argues that "the jurors had no time to reflect, and they may have been persuaded". In fact, if one reads the beginning of Lys. 13.87, it is clear that arrest *ep' autophoroi* concerns not only those who kill with material means (a stick or a knife) but can also apply to those who have caused the death of others by reporting them. The rhetorical question with which 13.87 closes should be interpreted in the same way: how could you not be *ep' autophoroi ho apokteinas*? Here we simply have a reference to the requirement that The Eleven requested be inserted in the indictment. As Gernet (1967: 212 n. 4) notes, "Lysias cherche à transformer une analogie, qui serait discutable, en une véritable identité." Moreover, Hansen (1981: 29 n. 32) himself observes that "a criminal can be convicted of his crime *ep' autophoroi*, but he cannot commit the crime *ep' autophoroi*". It seems to me, therefore, concluding the summary examination of Harris' opinion, on the one hand, that to attribute different meanings to the expression *ep' autophoroi* depending on the context is not justified (if anything, it could qualify behaviors that are only rhetorically assimilated to those of someone caught *ep'autophoroi*, as in Dem. 19.121-23, on which see Harris 1994: 178 = 2006: 383); on the other hand, that the meaning of manifest act does not find real confirmation in the sources. As regards Aeschin. 1.91 in particular, it seems difficult to me to maintain that it does not refer to the *apagoge* discussed

9 Harris 1990: 376 n. 30 = 2006: 292 n. 30.

in *Ath. Pol.* 52.1. The most effective argument, which Harris relies on, namely that *hoi lathontes* cannot be the object of *apagoge*, can be considered persuasive (however, according to Hansen, 1976: 52, *apagoge* is also permitted against *lathontes* if it is based on convincing *eikota*); but the joint presence of 'those who deny', in my opinion, makes it clear that Aeschines is once again alluding to the procedure of *apagoge*. It would be entirely superfluous to specify the obvious, namely that those who have acted secretly are denying their guilt, whereas, as we know from *Ath. Pol.* 52.1, it makes sense in the case of being caught red-handed.

The next significant intervention is that of Phillips 2008.[10] Phillips also believes that "since the interval between act and arrest was undeniable ... the speaker argues that Agoratus qualifies as *ep'autophôrôi* because he publicly and manifestly made denunciations that led to executions" (187); conversely, "Agoratus advocates a traditional interpretation of *ep' autophôrôi* as referring to the proximity of the arrest to the act" (188). As regards the invitation by The Eleven to include the mention of the arrest *ep' autophoroi* in the indictment, it was a matter of respecting the rules regarding *apagoge*, even though The Eleven were convinced that it could now be interpreted (or that the judges would have interpreted it) as 'manifestly'. In my opinion, what The Eleven's conviction was on that occasion seems difficult to establish. The fact is that they felt they had to respect the rules regarding *apagoge*. Therefore, I believe that the meaning of 'arresting *in flagrante*' also applies to *apagoge phonou.*[11]

At the end of this analysis of Hansen's three works on criminal law, it seems to me that a common thread can be discerned, even though they deal with distinct cases. Hansen (1982) states that apparently private actions, the conviction in which could lead to *atimia*, must indeed be interpreted as public actions; in his 1976 book and his 1981b and 1983b articles, he postulates the existence, in certain circumstances, of a *graphe traumatos ek pronoias* and a *graphe phonou*. One thus gets the impression that Hansen tends to shift the protection of private interests by the victim (or his family) onto the level of the protection of public interests by

10 A brief mention is also found in Gagarin 2008: 212

11 See Thür 1983: 608. Todd 2020, 254, to my knowledge the latest intervention on the matter, limits itself to acknowledging the two possible interpretations of the phrase without taking a position about the interpretation of Lys. 13.85-87.

the fellow citizens of the person directly affected. This can indeed be interpreted as an indication of the primacy of the community over the individual, even though, as we shall see, Hansen was throughout his career an advocate of a clear separation between state and society within the structure of the *polis*.

II
Polis as City-State

We now come to the heart of Hansen's lifelong scientific interests. In some respects, the results of his research could be interpreted as a refined extension of the *Griechische Staatskunde*. Despite the customary tributes to a 'sacred monster', in recent decades several prominent scholars have taken a highly critical stance toward Hansen's approach to the study of the *polis*.[12] I am referring, in particular, to the considerations of some French scholars,[13] who have criticized Hansen's institutionalist approach, attributing him to the 'cité des juristes' (as opposed to the 'cité des anthropologues') and viewing him as an advocate of a narrow conception of politics based on the separation of state and civil society and limited to the participation of citizens alone. In my opinion, this criticism misses the mark. In fact, I believe that Hansen has always looked from a certain distance, so to speak from the outside, at the historical-legal approach to the reality of the *polis* (in 1998: 35, he writes that "the scholars

12 An incisive intervention can already be found in Ober 1989: 22-23, where Hansen is accused of having fallen into the "constitutional-law trap", an expression dating back to M.I. Finley (and often repeated by other critics of Hansen), and it is stated that "the laws ... may be less significant than the thought process that led to decisions about when laws should be enforced and when they should be ignored" (23). See also p. 42, where the "dead end" is mentioned.

13 See Azoulay-Ismard 2006: 273-75; Fröhlich 2010; Azoulay 2014; Ismard 2014. But see also Giangiulio 2004, and, recently, Barbato et al. 2025.

who have always been preoccupied with the concept of state are the professors of law").[14] For example, Hansen believes that the constitutive elements of the *polis* as a state (that is, of the city-state, as he believes it correct to continue to define it: see Hansen 1998: 123) are those made canonical by Jellinek, that is, population, territory and government. It is true that the German scholar is not even cited in Hansen 1999, which remains the cornerstone of Hansen's reflection on Athens in the fourth century BC; but he is cited in Hansen 1998, which constitutes the *summa* of his theorization of the *polis* as a state, and therefore not limited to Athens. Hansen's interests are not antiquarian, nor can it be said that he seeks to adapt the basic principles of the modern state to Greek reality. On the contrary, he seeks the specific nature of the *polis* by combining the anatomy and physiology of public institutions. In this sense, the extremely complex and multifaceted picture of the institutional reality of the *polis*, which Hansen has painted over the decades, also provides legal historians with material for their own specific investigations. Naturally, it must be assumed that the functioning of political institutions conforms, or rather must conform, to broadly legal rules: the very concept of the state, which lies at the heart of Hansen's reflection, presupposes a legal structure, even if defining the *polis* as a state governed by the rule of law (*Rechtsstaat*) probably sounds anachronistic (see *infra*).

The Polis and the modern 'State'

I therefore begin a review of the aspects of Hansen's thought that I consider most significant from the point of view of a legal historian. Listing the similarities between the *polis* and the modern state, Hansen 1998 observes that, on the political level, the *polis* is identified "with its principal political institutions"; but immediately afterwards adds: "On a more abstract level the ancient *polis*, like the modern state, is often seen ... as a

14 In this he can be compared to another leading exponent of the 'institutionalist' tendency, who was, albeit with a rather different attitude, Philippe Gauthier (who not by chance participated in the meetings of the Copenhagen Polis Center): for a reference in this regard see Maffi 2023 and Barbato et al. 2025: 1.

permanent public power above both ruler and ruled" (1998: 119 no. 7).[15] Thus, in Hansen 1998 we find two distinct paragraphs dedicated to illustrating the definition in question: § 2 of chapter III, "The Concept of State", 40-41; § 4 of chapter IV, "The Concept of *Polis*", 67-73. Regarding this last chapter, the one dedicated to the *polis*, Hansen finds confirmation of his definition in the sources in which an act actually performed by a citizen or by a "body of government" is attributed formally to the *polis* as an entity: they therefore act *hyper tes poleos*, that is, "for the sake of the *polis*" or "on behalf of the *polis*" (1998: 70)[16]. The conclusion is that the *polis* "in some contexts is close to becoming a juridical person" (1998: 72).

Hansen is clearly handling modern concepts of a purely juridical nature here. However, he does not seem interested in delving into the issue from the technical perspective cultivated by scholars of Roman law (in the notes to § 4 of chapter IV of Hansen 1998, cited above, we find no reference to specific studies on the subject). This is what Ismard (2014: 726 and n. 13) criticizes him for, referring to an illuminating article by Y. Thomas (Thomas 1993 = 2011). In this work, Thomas argued that, in principle, before the concept of legal person develops, only a physical person can be represented, which cannot be said, looking at Greece, of the *polis* or of the community itself (i.e., the *demos*), if we want to identify with it in particular the democratic state.[17] It should also be noted that Thomas was referring to the representation of the state, or in any case of a public body, in private affairs, while Hansen underlines how "we would describe as political and belonging in the public sphere" all acts attributed in the

15 This is a definition, taken from contemporary political theory (see Hansen 1998: 161 n. 95), which often recurs in his works: e.g., Hansen 2003: 265 no. 27, where he speaks of "*polis* as abstraction"; and Hansen 2006: 162. For a recent criticism of the qualifications of 'superpersonal and permanent' see Dreher 2024: 34, who however accepts Hansen's thesis on the separation between state and civil society (35); cf. Fröhlich 2010: 670.

16 Hansen returns to the meaning of this expression in Hansen 2010 (see below) and in Hansen 2013, 98, where he correctly denies that "the officials coming from different subdivisions of a *polis* or from different census classes were supposed to represent those who had elected them or from among whom they had been selected by lot."

17 It is not enough, therefore, to simply say that "representation, acting on behalf of another, implies distinction and not identity" (Hansen 1983c: 159).

sources to the *polis* (1998: 69). However, it remains to be clarified whether the *polis* also acts within the framework of private relationships, such as a loan, and through which legal instruments. The loan granted by Sparta to the Athens of the Thirty, to which Hansen refers (in 1998: 69) is not structurally different from the loans obtained from a private individual by the city of Arkesine, to which we shall return later. But even the loans, more or less forced, made by the temples in favor of their own city pose similar problems.[18]

Of course, beyond the distinction between public and private acts, one could and should ask whether the question raised by Thomas (1993 = 2011) for Roman law is relevant to the Greek world, where, by definition, legal reflection in the strict sense is lacking.[19] In my opinion, it makes sense to address it if the solution reached allows for a more adequate explanation of certain events and their outcomes. In any case, if, following Hansen's lead, one enters the debate on the nature of the *polis* and leans toward the analogy with the modern state, the question inevitably arises. The fact remains that, as we shall see below, the debate has continued, and, as far as Hansen is concerned, it concludes with his 2010 article, which I shall consider after discussing Hansen's own contributions that precede it.[20]

The question of representation

Let us therefore start again from the concept of acting *hyper tes poleos*, which constitutes, as it emerges from the comparison with the Roman conceptions, the legal knot to be untied. As we have seen, Hansen 1998: 70 underlines that the one acting can be either "a body of government" or a private citizen. As we shall see better later, Hansen identifies the

18 See especially Dreher 2014: 19-20, and Scheibelreiter 2019.

19 See the works of E. Stolfi, especially Stolfi 2020.

20 I cannot here list all the scholars who have contributed to the debate. Among recent positions, I recall that of Anderson (2009: 16): he proposed understanding the *demos* as a "fictitious corporate person", acting through "artificial persons", thus creating an "intra-action" between state and society. His conclusion, according to which the "unitary self", i.e., the community, is responsible for the "business transacted in its name" (18), remains, in my opinion, merely a statement of principle without addressing the concrete issues that arise from a strictly legal perspective.

latter with *ho boulomenos*, that is, the private citizen who presents a proposal for approval by the assembly or initiates a legal process in the public interest. As regards the government bodies, Hansen 1990 had already argued that, while the assembly does not represent the *demos*, but the *demos* "acting as a body of government", the *dikasteria* were "representative of the *demos*", since in various judicial orations it is declared that "the *dikastai* are assembled to act on behalf of the *demos*" (221), just as the *epistates* of the prytanes represented the *demos* for 24 hours (222). It should be noted, however, that, particularly with regard to the courts, the passages cited by Hansen (n. 29) are not formulated in legally rigorous terms and do not contain the expression *hyper tes poleos*: to say that "the citizens have entrusted the city to you judges" (Aeschin. 3.8) is a metaphorical expression that cannot be translated into the technical concept of representation (as confirmed by the fact that the sentence requested by Aeschines must benefit the judges themselves as well as the *polis*, while, according to the principles of representation, it should benefit only the represented). Regarding the acts performed by private citizens, Rubinstein 1998 remains fundamental, comparing the role of magistrates and private individuals acting for the *polis*. She defines the magistrate as "an instrument of the *polis* ... perhaps the closest Athenian parallel to our modern notion of the impersonal state" (134). Therefore, here, while also stating that magistrates are "the agents who administer power delegated to them by the *polis*" (129), Rubinstein seems to come very close to the modern constitutional theory which considers the holders of executive power as organs of the state. However, she rightly observes that Athenian magistrates (but the discussion could certainly be extended to other *poleis*) remain "visible, personally responsible and individually accountable" (134). An essential difference with the administrative structure of the modern state emerges here: for example, according to art. 28 of the Italian Constitution "The officials and employees of the state and of public bodies are directly responsible ... for acts committed in violation of rights. In such cases, civil liability extends to the state

and public bodies" (my own translation, as elsewhere). The *polis*, however, is not liable with its own assets for damages caused by magistrates.[21] As for private individuals who perform "quasi-magisterial functions" (139), such as trierarchs and ambassadors, they also act *hyper tes poleos* but cannot be considered organs of government. To these considerations of Rubinstein, it should be added that private citizens can assume public responsibilities even independently of their will, but only for the benefit of the city as a whole, for example for the payment of public debts. This is the case of Arkesine, already mentioned, where not only citizens but also foreign residents are held liable with their own assets in the event of non-payment of the capital and interest on the loan contracted by the *polis* (Migeotte 1984: 168ff.; note that, on the other hand, Roman citizens are not liable for debts contracted by their city: see Thomas 1993 = 2011). Hansen himself (2002: 27), cites a law of Chios with which the *polis* undertakes to assist and pay the debt of a citizen. See also, regardless of adherence to Bravo's thesis on the practice of *sylai* (on which see most recently Maffi 2023), the cases examined by Bravo 1980, chap. IX: "Droit de saisie d'un particulier contre une cité étrangère", chap. X: "Droit de saisie d'une cité contre un étranger", and the consequences for all citizens of the proclamation of the state of reprisals. From this perspective, the communitarian aspect of the *polis* appears to prevail over a hypothetical "superpersonal" aspect. Society, understood as the collection of individual free inhabitants regardless of their political status, appears to be an integral part of the debtor or creditor state (thus creating a peculiar blend of public and private). It is also noteworthy how even the gods become participants in the acts attributable to the *polis*: that occurs, for example, when they are beneficiaries of financial sanctions imposed by the *polis* itself.[22]

Initiative and Decision

Continuing to discuss the concept of the *polis* as a suprapersonal power, it will be useful to take a closer look at the actors through which the *polis*

21 Therefore, the statement in Hansen 1999: 78, with reference to Dem. 21.29-32, appears imprecise from a legal perspective: "Since the magistrate was held to embody the *polis*, private *euthynai* and other similar types of prosecution were litigation between a citizen and the *polis* ..."

22 On the rights of the gods s. Dreher 2014.

actually operates. I begin with a reference to the structure of the modern state. The Italian Constitution, Title III, entitled "The Government", is divided into two sections (Articles 92-98): the Government in the strict sense, composed of the Prime Minister and the ministers themselves, and the Public Administration, that is, public offices organized according to legal provisions (to which a Section III is added under the title "Auxiliary Bodies"). According to Hansen, even in the political-legal structure of the Greek *polis*, there exists a "basic distinction between 'politics' and 'administration', which corresponds to a dichotomy between decision-making and administrative institutions" (Hansen 2019: 337). In Athens the decision-making institutions were the *demos*, the *boule*, the courts, and, in the fourth century, the *nomothetai*. As for the administrative institutions, they were the 700 *archai* (Hansen 1980) and again the *boule*, which carried out both types of activity. It should be noted, however, that there are conspicuous traces of differentiated legal statutes within the scope of administrative functions, as is evident, for example, from Aeschin. 3.13ff.[23] The description of the work of the holders of power that we find in Hansen 2019b seems to modify to some extent the description of the functioning of the governing bodies of the *polis*, outlined in a famous article (Hansen 1981a), which we shall now consider.

Hansen 1981a begins with a statement of strong impact: "a basic form of separation of powers in fourth-century Athenian democracy consists in a separation of initiative and decision: a decision-making body of government is not allowed to take an initiative, and, conversely, a body of

23 See Hansen 1980 and Scafuro 2006. Still on the subject of the distinction between political activity and administration, Hansen 2019b has taken seriously Ismard's thesis (2015), according to which administrative activities were carried out in Athens by public slaves, while the activities of political bodies (including magistrates) were the prerogative of citizens. But, as Hansen notes – persuasively in my opinion – the magistrates' main collaborators, namely the various types of secretaries, were generally citizens. Note, above all, that as far as administrative activities are concerned, slaves who acted on instructions from the *polis* officials whom they served do not seem to have been individually accountable in a public procedure of *euthynai* (I owe this remark to the anonymous referee). Ismard's assertion that "if the slave is at the heart of the functioning of politics, then its existence permits it to conjure up any form of representation" (215) therefore appears exaggerated and essentially unacceptable, precisely from the perspective of an investigation of the *polis* as a state.

government empowered to take an initiative is never allowed to make a decision on any important issue". (345) To the traditional enumeration of the "bodies of government", that is *ecclesia, boule, archai* and *dikasteria*, Hansen substitutes a classification that only partially differs from it: he adds the *nomothetai* to the courts (because they are selected among the potential judges), includes the *boule* among the *archai*, and adds the *rhetores* among the constitutional bodies, although they do not form a 'body of government' as they have no official position and no authority. This interpretation of the exercise of political power in fourth-century Athens, certainly innovative, does not seem to have provoked great reactions among scholars.[24] However, it raises a series of questions. The first is linguistic: the separation of powers usually refers to state bodies, not to the transversal competences of the same body.[25] The second takes its cue from p. 345 n. 1 of the article: here Hansen observes that, in *Politics*, Aristotle deals with democracy in general, but shows little interest in fourth-century Athenian democracy. Now, Aristotle's analysis of *politeia* as *taxis ton archon* refers precisely to the three powers that characterize every *polis* and which we therefore also find in Athens.[26] Furthermore, the proposal to unify under the generic term "decision" (352) the sentences of the court, the resolutions of the assembly, and the laws approved by the *nomothetai* fails to account for the profound differences in nature and function of the three types of measures. Even with regard to the 'constitutionalized' category of initiative, it can hardly be applied to all the activities of the *archai*. Even the execution of measures taken by decision-making bodies involves decisions by magistrates (which will then be subject to review during the *euthynai:* see Arist. Pol. 1299a25-27). In the same way, for example, the archons entrusted with conducting the trial cannot be considered simple intermediaries (362, 364) with respect to the tribunal understood as a decision-making body: it is not they who, as a rule, at least in Athens, take the initiative of the trial. Nor, on the other hand, can the *boulomenos* who initiates a public trial (*graphe*) necessarily be designated as a *rhetor*: the *idiotes*, referred to in the well-

24 See however Bleicken's critical stance (1994: 505-6).

25 For a new attempt in a direction similar to that advocated by Hansen, see Esu 2024.

26 See Maffi 2018.

known passage from *Against Leocrates* (Lycurg. 1.79), covers a much broader range of interventions than the initiation of a legal action.[27]

We now ask ourselves whether Hansen, in his works after 1980, continued to use the initiative-and-decision paradigm to characterize the exercise of power within the *polis*. It is a question that takes its cue from this specific issue, but which arises throughout his work: one often gets the impression that he gradually deepened and broadened an original core of ideas to which he always remained faithful (with some exceptions, as we shall see later). Browsing his later works, one can see that the categories in question interact with different qualifications, which tend to describe the complex institutional realities more effectively. Consider, for example, Hansen 1999, the reference manual for the study of Athenian democracy. Within the framework of the One Hundred and Sixty Theses, which form a sort of appendix, no. 142 distinguishes the large decision-making bodies (i.e., the *ekklesia*, the *dikasteria*, and the *nomothetai*) from the *archai* responsible for executing decisions. In chapter 13, "The Character of Athenian Democracy," we find a section entitled "decision-making" (306-7); but within this, a distinction is made between active and passive political participation. The decision-making powers of the Boule underwent a series of limitations during the 5th century (chap. 10, 255), so much so as to induce Hansen to affirm: "It was the Council's probouleutic and administrative functions, not any power of decision-making, that gave it its central place in the democracy" (247). In chap. 11 ("The political leaders") the first paragraph is entitled "Political initiatives" (266). It begins with these words: "In Athens decisions were taken collectively (by the Assembly, the *nomothetai* or the courts). The preparatory work to the taking of a decision, and responsibility for its execution, lay with the magistrates, but the matter had first to be brought before them by an ordinary, individual Athenian citizen" that is, *ho boulomenos*. As can be seen, here Hansen applies the theoretical scheme outlined in 1981a (and it also re-emerges in other points of the discussion: see for example 1999: 228). In his main theoretical text, i.e., Hansen 1998, if I have seen correctly, the references are less explicit: however, in the chapter dedicated to the comparison between the concepts of *polis* and

27 See in this regard the fundamental study by Rubinstein (1998).

of state, Hansen writes that "the Athenian political leaders ... never took decisions, only made proposals" (115).

The nomothetai

The element of Hansen's proposal that has sparked the liveliest discussion over the past decade (particularly between Hansen and Canevaro) consists in considering the *nomothetai* as a constitutional body in its own right. The discussion began about the law included in Dem. 24.20-23, which Canevaro 2013 deemed a forgery. Hansen 2016 reacted by reaffirming its validity, and the back-and-forth continued without the contenders changing their minds (see Hansen 2019 and Canevaro 2020). It is not appropriate to follow the debate in its entirety here. It is instead important to summarize the conclusions. Based on the law included in Dem. 24.20-23 and other references in the sources, Hansen 2019a reiterates that the *nomothetai* were a selected body different from the *demos* in the *ekklesia*, recruited by drawing lots from citizens who had taken the oath required of candidate judges (cf. Hansen 1999: 167-69). According to Canevaro 2023: 13 (I quote from his last written statement with Esu), "the *nomothetai* were a special Assembly meeting with special legislative prerogatives."[28] Now, even if one does not wish to trust the content of the law reported in Dem. 24.20-23, and in the absence of sufficiently unequivocal sources on which to base one's thesis, in my opinion one cannot ignore arguments based on verisimilitude.[29] The epigraphic laws, the text of which is explicitly approved by the *nomothetai,* attest that it was a body distinct from the other deliberative bodies, in particular the assembly. It's true that the methods of convocation and voting (even according to Hansen 1999: 169 the *nomothetai* voted by a show of hands), being analogous to those we know for assembly resolutions, would seem to support Canevaro's thesis (and conversely, it is strange that people authorized to

28 Harris 2016 confirms his endorsement of Canevaro's thesis. Hansen 2018: 25 tersely reiterated that "the sources ... show that they were not the *demos*, but a selected body different from the *demos* in the *ekklesia* ..."

29 I personally find it rather irritating to argue, as is sometimes read, that Canevaro 'proved' who the *nomothetai* really were. Hansen 2019a: 452 judiciously observes that it is impossible to reach a certain solution on this question ("although definite proof is not possible").

judge decide in a different manner than the usual one for the courts). But then, one wonders, why convene a special assembly? Is it plausible that an assembly be named in accordance with the type of measure it is charged with approving or rejecting? Wasn't it enough to include the decision in the agenda of a normal assembly (see *Ath. Pol.* 43, 4-6)? If the entire procedure is carried out as if it were an ordinary assembly, the only reason for attributing the title of *nomothetai* to the participants seems to depend on the criteria applied in their selection: therefore, it does not include all citizens normally entitled to take part in the assembly.[30]

Acting on behalf of the demos

The time has now come to examine Hansen's 2010 article, with which he, at least as far as he himself is concerned, signalled the end of his own participation in the debate on the nature of the Athenian constitutional bodies. The article's starting point is Ober's review of Hansen 1987. Ober's thesis is that the Athenian constitutional bodies should be considered a "synecdoche" of the *demos*, understood as "the whole of the Athenian citizen body" (Ober 1996: 117). Therefore, each of the constitutional bodies can be considered representative of the whole, that is, of the *demos*. I note in passing that Ober transfers and resolves the legal problem on a linguistic level. Of course, law is also a language; but resorting to a rhetorical figure does not constitute a satisfactory solution because it cannot describe concrete acts, such as those that are legally relevant. Ober argues that "the *polis* cannot be characterized as a political agent distinct from 'the will of the citizen body'" (quoted in Hansen 2010: 517). Hansen reiterates, for his part, that "the Athenians often saw the *polis* as an abstract public power above the citizens" (517). We cannot follow here the arguments with which Hansen, on the basis of the sources, reiterates his

30 The most recent position known to me, that of Carawan (2020: 63-67), seems to move in this direction, according to which "only those who were eligible, who were of age, and who had sworn the qualifying oath would present themselves at that session of the Assembly" (65). For previous bibliography, see Dietze-Mager 2022: 36 n. 118. Harris 2021, with arguments of unequal persuasiveness in my opinion, takes a fierce stand against Hansen in favor of *nomothetai* such as "special session of the Assembly" (95).

convictions. We are instead interested in reading the Appendix of the article, entitled "The Idea of Representation" (535-36). Here Hansen writes: "In 1974 I argued that the Athenians did not see a *dikasterion* as a judicial session of the *demos* but rather conceived of the people's court as an institution that acted on behalf of the *demos* and in some way represented the *demos*". The three passages on which Hansen relies are Dein. 1.84; 3.16 and Aeschin. 3.8.[31] But at this point Hansen declares that he prefers a different interpretation: "the meaning of ὑπὲρ τοῦ δήμου is not 'on behalf of' in the sense of 'acting on behalf of another' but 'for the benefit of / in favor of'". It seems to me, however, that this interpretation faces some objections, especially in the sense that one meaning does not exclude the other. In the passages that Hansen (536) adduces to support the thesis that ὑπὲρ τοῦ δήμου should be understood in the sense of 'for the benefit of / in favor of the *demos*', that is IG II² 47.25-28, Dem. 21.145, and Andoc. 2.26, in my opinion the phrase can also be understood as 'in representation of the *demos*', understood however as democratic regime. But also, in the two passages of Deinarchus there is an oscillation between the two meanings: the orator hopes for a ruling in favor of the interests of the *demos* by those who are called to judge as the judicial body of the *polis*. As for Aeschin. 3.8, Hansen, (536) recognizes that "the verb παρακαταθέμενοι does suggest some form of representation but in this case the subject is not δῆμος but πάντες οἱ πολῖται, who in this passage are not all citizens but all the other citizens apart from the jurors." In my opinion here, as Hansen himself states above (502-3), "the term *demos* is used synonymously with πάντες πολῖται or πάντες Ἀθηναῖοι." Therefore, in Aeschin. 3.8 πάντες οἱ πολῖται alludes once again to the role of judicial organ of the *polis*, as I think is confirmed by Aeschin. 3.7, where it is the *nomoi* of the city that made the judges guardians of democracy. But above all, the thesis supported by Hansen 2010 in the Appendix misses the point, because the organs of the *polis* can only act in favor of the *polis* if they do not wish to violate the law and suffer the consequences: it would be redundant to say they act in favor of the *polis*. Therefore, 'in favor of' cannot identify the legal nature of the action of constitutional bodies towards the *polis*. One might wonder whether it might not instead describe intervention in the public interest of a private citizen; if that were the

31 An almost identical development was already present in Hansen 1990: 221-22.

case, however, its meaning would be too broad, as it would also include acts of euergetism by citizens and foreigners. Therefore, in my opinion, the problem of clarifying the legal meaning of ὑπὲρ τοῦ δήμου is not resolved by this proposal of the late Hansen, nor of the scholars he criticizes.

III
From the Rule of the People to the Rule of Law

Let us now turn to another cornerstone of Hansen's conception of the Athenian *polis*. Hansen 1990 outlines an evolution of the constitutional bodies between the fifth and fourth centuries, focusing on the relationship between the assembly and the courts: to use Aristotelian terms (*Pol.* 1278b8ff.), which is the *arche kyria panton*? According to Hansen, in the fifth century it was the assembly, while after the restoration of the democratic regime in 403 it became the court, as the body charged with enforcing the laws. This would have led to a shift from the sovereignty of the *demos* to the sovereignty of the law.[32] Hansen thus introduces an element of historical differentiation within the decision-making bodies that he has so far considered in a purely functional dimension.

To assess the significance of this thesis, which has sparked much debate, it is now appropriate to examine the role of the law in the functioning of the Athenian state.

To summarize the concept in Aristotelian terms, we speak of Rule of Law (RoL) when both rulers (*archontes* in the broad sense) and ruled (*archomenoi*) are required to respect the laws. This definition essentially underlies what Hansen writes in *Inventory* (Hansen & Nielsen 2004: 80): "The *polis* had a government, i.e., a set of political institutions (*politeia*) manned

32 Harris 2016 observes that the RoL was a principle that did not only emerge in Athens in the fourth century but was already in force in the fifth century. Hansen (2018b: 29), agrees, but adds: "A difference between the two centuries appears only if we ask: which persons were *kyrioi*?" This way of reiterating one's thesis, however, seems somewhat overblown: the Arginoussai trial demonstrates that all constitutional bodies were required to observe the laws.

by citizens (*politai*) in charge of political decision-making and enforcement of the legal order."[33] In Aristotle's *Politics*, the emphasis falls primarily on rulers. Alongside the tripartite classification of political regimes, Aristotle draws a contrast between regimes dominated by the law[34] and regimes dominated by the arbitrary will of men, whether of the individual, as in tyranny, or of the masses, as in extreme democracy. Even within the same regime, particularly oligarchic or democratic, there may be a gradation of this opposition.[35] Upon closer inspection, therefore, the sources do not attribute a univocal meaning to the prevalence of laws; in particular, they do not clarify whether there was awareness of the formal and substantial characteristics that modern doctrine connects to the RoL.[36] As regards the Greek *polis*, many scholars have referred to the RoL.[37] Here I shall limit myself to citing D. Cohen (1995) and E.M. Harris (2013). Cohen (1995: 35ff.) underlines that it is necessary to distinguish the formal RoL, that is, the binding nature of the law for rulers and ruled, from the substantial RoL, where one looks at the contents. For example, Aristotle is in favour of granting magistrates a power of control (defined

33 The definition of the modern state found, for example, in Hansen 1998: 40 is thus transferred to the *polis*: "The state's prerogative is the legitimate use of physical force, and for a specific purpose: viz., the enforcement of a legal order; and from this point of view the concept of state is inseparably connected with the legal system as such and with the rule of law as the end of the state." See, however, Hansen 1998: 118 n. 12, where he echoes the debate with Berent, which cannot be dealt with here.

34 See Hansen 1998: 118 n. 9, on the differences between the *polis* and the (modern) state: "The ... sovereign as a supreme legislator who stands above the laws is foreign to the ancient Greeks, who invariably emphasized the supremacy of the laws"; and 120 n. 11, on the similarities: "The widespread tendency in this century ... to take the sovereign to be the legal order as such, or, specifically, the constitution, is not far from the ancient Greeks' belief that the laws (*nomoi*) were the masters (*kyrioi*) of the *polis*." The content of the two statements is practically identical regarding the *polis*; what has changed in recent centuries is the term of comparison, namely, the modern concept of sovereignty (which, however, remains debatable: for example, Article 1 of the Italian Constitution attributes sovereignty to the people, who, however, "exercises it in the forms and limits of the Constitution").

35 See Maffi 2021.

36 A useful summary of these characteristics regarding the modern state can be found in Waldron 2016.

37 For a useful summary, again referring to Athens, see Gagarin 2020: chap. 8. Recent bibliographic references in Canevaro 2025: 198 n. 78

by Cohen as 'censorial') even over the private life of citizens to achieve *eunomia*. Conversely, democratic ideology is averse to concede such powers to its magistrates (Arist. *Pol.* 1317b12-38). Harris (2013: 5) distinguishes "thin definitions" of the RoL, which include "fixed rules in adjudication and administration, equality before the law, and the accountability of officials," from "thick definitions", which also include "requirements to recognize basic human rights." Hansen (1998: 91-97), in turn, in the paragraph entitled "The Notion of Rights", illustrates a list of privileges reserved for Athenian citizens: no one can be executed without first being convicted in court; the citizen cannot be subjected to torture; the citizen's home cannot be violated and his property is protected by the eponymous archon; furthermore, the citizen enjoys freedom of speech both public and private and can take action against the magistrates for both public offenses and private wrongs.

Written and unwritten laws

Here we are primarily interested in exploring Hansen's thinking regarding the role of law in the functioning of the *polis*.[38] Speaking of RoL with reference to ancient Greece, the first point to clarify is whether it concerns written and/or unwritten laws. The late Hansen has dedicated an interesting contribution to the notion of oral law (Hansen 2018a). The article begins by asking the question whether the Greeks of the pre-writing era knew oral laws in a technical sense or only "customs and traditions" (172). On the basis of comparison with texts of other peoples, even those distant in space and time from the ancient Greek world, such as, for example, the Icelandic Oral Code (178) or the English Constitution (185), Hansen argues that, even in Greece, alongside customs one must assume the existence of oral laws, particularly in constitutional matters and in the religious sphere (186). Hansen 2018a does not intend to address the issue of the relationship between written and oral laws in all its complexity (so much so that the bibliography he uses lacks fundamental

38 I shall leave aside Hansen's extensive work specifically on the methods of legislative production in Athens, also because it is mostly summarized in chapter 7 of Hansen 1999. M. Canevaro has contributed to the study of Athenian legislation in numerous works (some of which polemize against Hansen).

writings such as Wolff 1962 = 1968, and Talamanca 2008). I therefore specify that oral laws must be understood as texts transmitted orally in a fixed and immutable form; customs are understood as rules which, by definition, are not formulated and transmitted in verbal forms, but suggest how to resolve an indefinite series of concrete cases even independently of the emergence of a controversy. That in ancient Greece it was possible technically to distinguish between oral laws and customs seems difficult to demonstrate. Hansen himself notes that the memorizers, i.e., the *mnemones*, who originally exercised their function in a society which, with a few exceptions, ignored writing, carried out their task more in the field of justice than of legislation (182). This is not the place to fully address the issue of the relationship between written laws and *agraphoi nomoi*,[39] also because it is not a topic to which Hansen devoted particular attention. However, it is undeniable that there did not exist, neither in Athens nor presumably in other *poleis*,[40] codes of written laws comparable to the written constitutions and the codes of public and private law of modern states.[41] Therefore, one must adhere to Hansen's thesis that the functioning of the political institutions of the *polis* was largely governed by oral laws (and this regardless of the number of written laws that have reached us on the subject, both through literary texts and epigraphic documentation).[42]

39 In the extensive bibliography, I would also point to Poddighe 2019 for further references.

40 According to Ruschenbusch 1984, only the largest *poleis* had written legislation. In many cases, the literal content of the sources does not allow us to confirm or deny this assertion: see, for example, the so-called colonial law of Naupactus (Van Effenterre & Ruzé 1994-95: I.43), where l. 30 discusses the *nomoi* of each community in Hypocnemidian Locris.

41 However, it is necessary to consider the 'open texture' nature that characterizes many legislative formulations, particularly Athenian ones: see in this regard Harris 2013: chaps. 6-7.

42 For a list of laws known in Athens, see Harris 2013: 147-48. The prohibition on using an *agraphos nomos*, attested by Andoc. I.87 and much discussed in scholarly literature, should therefore be referred to written laws that had not been transcribed by the *anagrapheis*, not generically to hypothetical unwritten laws forming part of the legislative corpus. Moreover, the prohibition should also be addressed to citizens who intended to base a claim to be enforced in court on an unwritten norm. Hansen (1999:

This observation forces us to rethink one of the fundamental principles attributed to the RoL, namely the knowability of norms. It also invites us to consider in a different light Hansen's reconstruction of Athenian political and legal history based on the transition from the rule of the people to the rule of law after the restoration of democracy in 403.[43] The most significant institutional consequence of this constitutional change is the hierarchy established between *nomoi* and *psephismata*. The latter continued to be issued by the assembly but must not conflict with the laws approved by the *nomothetai* (see Andoc. I.89 and Dem. 23.87): compliance with this principle is ensured, as is well known, by the *graphe paranomon*. Hansen draws the corollary: the popular court became the most important governing body[44] (*panton kyrion*) in fourth-century Athens.[45]

Three critical observations on the relationship between the judiciary and the legislative power

Hansen's reconstruction has been criticized by much of the scholarly literature. Here I add my personal observations. First: The Athenian courts go against one of the principles recognized in doctrine as a characteristic of the RoL: the judicial body must be independent of the executive and legislative powers. Now, the Athenian *dikasteria* are composed of ordinary citizens (provided they are over 30 years of age), therefore by members of the assembly who are called upon to judge the legitimacy of the

170) had taken the opposite position. In fact, he wrote, commenting on Andoc. I. 87: "... in legal contexts the concept of a 'law' came to be restricted to a written statute". However, he adds that, in the fourth century, this prohibition applied only to magistrates, as they were "under the law"; while judges, "regarded over the law" could use "unwritten law and custom if there is no written law on a matter".

[43]This thesis, reiterated in particular in Hansen 1990, had already been taken up, as the title of his book itself indicates, by Ostwald 1986: 524 and passim. An original approach has been proposed by Wohl 2010 and Gowder 2014, who, albeit from different perspectives, tend to bring the two concepts together (see Gagarin 2020: 155).

44 Note that 'government' can mean either "the political structure at large", in which case it also includes the judiciary, or, more specifically, "the top of the power pyramid, i.e., the chief executive" (Hansen 1998: 64).

45 Hansen's thesis has been criticized in particular by Harris 2016, to which Hansen 2017 responded. See again Harris 2019.

decrees that they themselves have approved in the legislative body. Many scholars have underlined "an essential identity between jury and people" (Hansen 2010: 520).[46] Hansen himself (2010: 523) recognizes "that there was an enormous overlap in personnel between the different democratic political institutions". However, he argues, on the basis of a good number of sources, that "there was an important distinction which often led to a direct opposition ... between the assembly and the courts" (524-25). Proceeding with his reasoning, he asks: why should a decision of the assembly be re-examined by the court? One answer (which however does not seem to be confirmed by the sources) is that "the double consideration of a proposal allowed the possibility of coming to a better decision" (Hansen 2010: 531, who gives the example of the double resolution regarding Mytilene that Thuc. 3.42.1 informs us about).[47] Hansen goes on wondering why the Athenians did not resort normally to a renewed resolution of the assembly, as happened in the case of Mytilene. And he responds by listing five reasons that would have led to preferring a re-examination by a *dikasterion*: "(1) the higher age of jurors, (2) the heliastic oath taken by the jurors, (3) the form of debate practiced in a *dikasterion*, (4) the way the vote was taken, and (5) a reduction in the cost of having an issue debated twice" (2010: 531). In my opinion, however, it must be borne in mind that this is not simply a review of a decision by a deliberative body, but a judicial pronouncement aimed at resolving a dispute. It is therefore inevitable that entrusting the task of judging to the same people who, to a lesser or greater extent, had already voted for or against the measure in the assembly seems an anomaly (also because the need for impartiality in the judge was certainly felt in the Greek world, as evidenced by the Athenian Heliastic Oath). Of the criteria mentioned by Hansen, the only one that, in my opinion, can truly differentiate a member of the assembly from a member of the *dikasterion* is the Heliastic Oath. But is this sufficient to guarantee an objective and fair decision? The

46 See the authors cited by Hansen 2010: 520-21.

47 The example of the *graphe paranomon*, proposed by Hansen *ibid*., does not seem entirely pertinent to me, however: in an assembly resolution, two alternative proposals are addressed; in a trial for the illegality of a decree, except in special cases, the only request is the annulment of the measure.

speakers insist on this point, which raises suspicions about the effectiveness of that oath.

The second remark is that Hansen's thesis essentially applies to the issue of reviewing the 'constitutionality' of the assembly's decrees (since the *graphe nomon me epitedeion theinai* served primarily to verify the usefulness of a new law or its non-contradiction to a previous law). But the obligation to issue a law instead of a decree, or vice versa, is never raised in court: therefore, review can only be carried out on existing laws. As regards the application of laws in court, however, the change primarily concerns political processes, which are shifted from the jurisdiction of the assembly to that of the court.[48] But it should also be noted – and this is an aspect on which Hansen 1990, in his fundamental article dedicated to illustrating the powers of the popular court in the fourth century, does not dwell – that the RoL, even if we wanted to include oral law in the legislative corpus, was not considered complete and exhaustive.[49] Otherwise, it would be inexplicable that the Heliastic Oath provided for recourse to the most just opinion of judges in the absence of laws (see Harris 2013: 104-14).[50]

The third observation is based on the assumption that Hansen intends to refer to the *polis* in general: hence the need to broaden the investigation of the relationship between legislative and judicial power beyond Athens. This question concerns oligarchic regimes above all, given that in democracies, in accordance with the Aristotelian definition of citizen (*Pol.* 1275a22-23), courts appear as collegial bodies whose members, as in Athens, should be the same ordinary citizens who take part in the assembly.[51] Naturally, this does not necessarily mean that a hierarchy of norms like that established in fourth-century Athenian democracy was recognized in every democratic regime, with the consequent role of control entrusted to the court. In oligarchic regimes, as confirmed by the recent

48 *Contra* Harris lastly 2019.

49 See Liddel 2025 with reference to the rules governing the issuance of decrees by the Athenian assembly.

50 It is no coincidence that Waldron 2016: 10, observes that "rule by judges, too, can sometimes be seen as the very sort of rule by men that the Rule of Law is supposed to supersede".

51 See Hansen 1998: 119.

monograph by Simonton (2017), deliberative and judicial bodies, as well as magistracies, tend to be reserved for a small number of full citizens. In any case, at least according to the information Aristotle gives us in the *Politics* (1300b35-1301a15), these were collegial bodies, although it cannot be ruled out that judicial functions were also carried out by individual magistrates. It is difficult to say, however, whether these were the same people, as in the case of the Athenian assembly and courts.[52] It is equally difficult to say whether these were systems in which the *nomoi*, not the men, were *kyrioi*.[53] According to Aristotle, however, even oligarchies were governed by laws (albeit inspired by the values and objectives of this type of regime). Therefore, it is reasonable to assume that the courts applied the laws to resolve both public and private disputes.[54]

Ultimately, compliance with the RoL becomes a political weapon serving the interests the speaker intends to assert.[55] As D. Cohen (1995: 34) notes, referring to Plato and Aristotle: "Skeptical of radical democracy, they contrasted the RoL of the good society with the lawlessness and license of contemporary Athens. Athenian democratic politicians, on the other hand, ... reaffirmed that the rule of law was the bulwark of radical democracy," and, at the same time, argued that in non-democratic *poleis*, those in power did not respect the laws and the constitution.[56] On the

52 See the 300 of Thasos, or the 100 of Phlius: Simonton 2017: 111.

53 It is striking that in the analytical index of Simonton's book there is neither an entry for 'law' nor an entry for '*nomos*'.

54 Simonton's thesis that oligarchic regimes tended to curb litigation (among members of the ruling elite) and that in trials there was no debate characterized by a dialectical exchange between the parties, modeled on the Athenian example, does not appear to be based on solid arguments. It should be noted, in this regard, that voluntary accusers are also found in non-democratic constitutions: see Rubinstein 2018: 106. Simonton states that he does not deal with Crete. He therefore does not consider the Gortyn Code, which features a single judge, the *dikastas*, identified with a *kosmos* by several specialist legal historians, although they are unable to adduce decisive evidence to support their thesis.

55 See the recent contribution on the notion of *patrios politeia* and *patrioi nomoi* by Loddo 2025.

56 Without wishing to reiterate a long-standing controversy, it seems to me that this type of argument is in stark contrast with what we read in Ober 1989: 22-23: attempts "to enunciate a 'rule of law' that was exterior, superior, and in opposition to the will

other hand, both in democratic regimes, particularly Athens as we have seen, and presumably in oligarchic regimes, the judiciary, due to its very composition, constituted an independent power only in form, not in substance. It is curious that Hansen (1998: 117-18) does not identify this point as one of the essential differences between the *polis* and the modern state.[57]

IV
Conclusions

What Henri Van Effenterre once wrote about the ancient Cretans could be repeated, *mutatis mutandis*, for Hansen: "Il faisait du droit sans le savoir!", but, in Hansen's case, it would be better to say: "sans le vouloir". Indeed, I believe that the examination of certain aspects of Hansen's thought, which we have undertaken above, has shown that he was primarily interested in law, if we may use this metaphor, as the channel into

of the people" do not help us understand the nature of Athenian democracy, even though laws and constitutional forms "reflected and subsequently influenced the political attitudes of the Athenian populace". That institutions can, intentionally or by mistake, violate the laws (which happens daily even today) does not detract from the widespread awareness of the existence and validity of those same laws (similar considerations apply to what Ober (1989: 299-301) writes: in my opinion speaking of the "simultaneous sovereignty of the people and the law" is a subterfuge that confuses law and fact. In my opinion, what Hansen (1998: 116) writes about the distinction between the modern definition and ancient awareness regarding the concept of *polis*, also applies to the RoL. Hansen 2018b: 29, however, prefers to speak of *nomos kyrios* rather than RoL, as he considers it a modern concept.

57 This does not mean that "the juries did act in place of and on behalf of all the citizens", as claimed by Ober (1989: 145). As we have already seen above, maintaining that the judges represent the members of the assembly "at least indirectly" (145) is not legally correct. The cases, mentioned by Ober (1989: 146) in which the speakers address the judges evoking the (erroneous) decisions they would have taken as members of the assembly, in my opinion can be explained precisely as a "personnel overlap between courts and Assembly" (which Ober denies) and not that the judges "were regarded as standing in for the *demos* and as representing the *demos*' interests" (which Ober claims). In the 160 theses published in the appendix to Hansen 1999: 334 no. 58, it is reiterated that *demos* can mean "the Athenian people" in the sense of "the Athenian state".

which the river of political activity was channeled, not as a system of norms and principles to which political activity had to adapt or with which it had to confront itself (that is, with the RoL in the strict sense). Let us give some examples to illustrate this statement. In Hansen's "Introduction" in Hansen & Nielsen (2004: 80ff.), we find a paragraph entitled "Constitution." But we do not find a paragraph entitled "Law"; furthermore, if I am not mistaken, the name of the most important Greek legal scholar of the last century, H.J. Wolff, does not appear in the bibliography of any of the entries relating to individual *poleis*, and the most relevant legal documents (especially the epigraphic ones) are only mentioned without any examination of their historical-legal significance.[58] However, Hansen's "classifying spirit" (which Fröhlich 2010: 657 criticizes) provides scholars with material that, in a certain way, also prefigures the problems to be addressed on a historical-legal level. To give just one example, the question of dependent *poleis* (extensively discussed in Hansen 1998 and in Hansen's "Introduction" in Hansen & Nielsen 2004)[59] involves, from a conceptual point of view, legal solutions which cannot be overlooked.

I therefore mention here some lines of research that, in my opinion, are likely to develop insights from Hansen's work from a historical-legal perspective. One avenue still largely unexplored concerns the world of *poleis* outside of Athens. Hansen's study of the *polis* as a city-state is, in fact, explicitly or implicitly, strongly focused on Athens. The reasons, as is well known, are obvious, as the sources available to the historian, for the centuries Hansen deals with, largely come from Athens and concern Athens. However, it is striking, for example, that Hansen considers Sparta an exception to the principle, which he repeatedly reiterated, of the separation of state and society in the Greek *polis*. Another theme, which would be interesting to develop, is the comparison with Aristotelian writings, especially the *Politics* and the *Ath. Pol.* Hansen draws very

58 See, for example, Tegea (no. 297, p. 532); Delphoi (no. 177, p. 414); Abdera (no. 640, p. 874); Miletos (no. 854, p. 1086), and especially Chaleion (no. 159), Naupaktos (no. 165) and Oianthea (no. 166).

59 This is the question addressed extensively by Fröhlich 2010 and responded to by Hansen 2015b.

often on these texts,[60] sometimes taking them directly as historical sources (for example, in Hansen 1999: 228); he also made it the subject of a monographic work in Hansen 2013.[61] Another broad field of application of Hansen's method would be the study of the historical process through which the *polis* was constituted: this is a topic that Hansen always treats marginally, given that he focuses essentially on fourth-century Athens.

Regarding Athens in particular (but not only Athens), I believe a promising research perspective is the participatory conception of the *polis*. The relevance of this conception depends, in my opinion, on the non-representative nature of Greek political institutions: we usually speak of direct democracy, but it would also be correct to speak of direct oligarchy. The modalities of this participation, as mentioned above, are not limited to proposing legislative measures or pursuing public interests in court through *graphai* or other public actions by *ho boulomenos* (on which Hansen 1981a in particular focuses). In Maffi 2018, which is effectively only a first draft, I mentioned a broader notion of citizen participation in the management of public affairs (citing, for example, the new articles of the Italian Constitution on subsidiarity; but it would also be interesting to compare the citizen participation with the figure of the *de facto* civil servant, envisaged by the Italian administrative system: two themes that would certainly have interested Hansen). We are therefore not addressing the distinction between government bodies and civil society, as proposed by the doctrinal trend (which has found successful expression, for example, in Ismard 2010) that tends to recognize intermediate public bodies, or even private associations, as having a slightly inferior, if not equal, leadership role to the governing bodies of the *polis*. I am referring instead to private activities that interfere with the public sphere, determining the active or passive involvement of citizens in acts of common

60 In Hansen 1998, we have two and a half pages of quotations from Aristotle, making him the most cited source (especially the *Politics*); in Hansen 1999, there are as many as three pages (where *Ath. Pol.* and *Politics* are more or less equal and slightly less than the citations from Demosthenes).

61 See Fröhlich 2016: 93, although he does not cite Hansen 2013 in this article.

interest: we can recognize in them concrete manifestations of the concept of a self-administering political community[62]. This is a concept that does not contradict[63] but coexists with that of a *polis* as an embryonic subject of rights and duties, in which, however, the concept of a legal person is not yet recognizable: ultimately, it could be considered the explicitation of that enigmatic Aristotelian definition of the *polis* as κοινωνία πολιτῶν πολιτείας (*Pol.* 1276b1) (on which see Hansen 2013: 50-51). It can be added that the relevance of the private dimension in the public sphere goes even further: for example, according to *Ath. Pol.* 55.3, the *dokimasia* of the archons also includes the verification that the interested party has provided for his parents. A similar, more detailed assessment regarding behavior toward parents is also required for the *dokimasia* of *rhetores* in Aeschin. 1.28 (where other private behaviors acquire public relevance).

The perspective I just mentioned naturally counterbalances a continuation of Hansen's research on government bodies. In my opinion, it would be appropriate to explore in more depth his research on the role of magistrates, that is, the *archontes* of Aristotelian theory.[64] My impression is that, apart from Hansen 1980, magistrates do not occupy a space in his work commensurate with their importance.[65] It remains indeed to be explained how a constitutional regime, whether democratic or oligarchic, could function in the absence of a "monocratic 'sovereign' governmental agency". It should be remembered that government is a term that can be used both in the sense of a constitutive element of the State, as Hansen himself defines it (Hansen-Nielsen 2004, 80),[66] and in the sense of bodies responsible for exercising a power that, not coincidentally, is defined as 'executive' in constitutional law theory.

62 For documentation relating to the substitute participation of private individuals in the management of public affairs, see Fröhlich 2021

63 As Fröhlich (2010: 670) believes.

64 In the vast bibliography, I refer to the contributions published in Beck 2013, to which I may add Maffi 2018.

65 Note, for example, how Hansen 1999: chapter 9, "The Magistrates", devotes relatively little space to the 'Functions' and 'Tasks' of magistrates.

66 In the same way it is essentially defined in the long series of contributions published in Beck 2013

In conclusion, in my opinion, there is nothing 'old' about Hansen's work: his ideas on the nature and functioning of the *polis* continue to stimulate research both by historians *tout court* and by legal historians. Without wishing to diminish methods of inquiry that aim to create a broader and more nuanced picture of the political life of Greek communities,[67] the study of the institutions of the *polis sub specie iuris* remains a timely topic, one that cannot ignore the findings of Hansen's research, and above all his method, based on a fundamental premise: the study of the Greek *polis* is the study of the Greek state.[68] From this point of view, I declare myself *totus Hafniensis*.

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67 These tendencies were somewhat anticipated by Hansen when, on the last page of Hansen 1999, he wrote: "It is ... often, and justly, remarked that Athenian democracy was not just a constitution and a set of institutions but a way of life... Certainly; but, again to the Greek way of thinking, it was the political institutions that shaped 'the democratic man' and 'the democratic life', not vice versa: the institutions of the polis educated and moulded the lives of the citizens ..." (320).

68 Obviously, I do not agree with H. Beck (2013: 2), when he writes: "No one nowadays seriously subscribes to a concept of politics that reduces governmental action to the formalistic execution of laws or the interplay between state branches whose conduct is governed only by their place in the juristic domain of the constitution". The precious works of Lene Rubinstein would be enough (in particular Rubinstein 2010 and 2012) to disprove it.

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LOVE AND TITUS' MILITARY LEADERSHIP IN JOSEPHUS' JEWISH WAR

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Summary: This paper, inspired by the scholarship of Mogens Herman Hansen, identifies fatherly love as expressed by the Greek verb *agapaō* (ἀγαπάω) as a principle of transformational leadership that Titus developed and expressed in his evolution as the ultimately successful commander of Roman forces in the Jewish War as described by Josephus in his *Bellum Judaicum*. Twentieth-century CE instances of the employment of this theme in transformational military leadership in US and British forces are cited to support the enduring power of this principle in motivating troops facing grave dangers in war.

The theme of this contribution honoring Mogens Herman Hansen connects to his article 'The Battle Exhortation in Ancient Historiography: Fact or Fiction?' There, he posed the 'general question whether the Greek and Roman commanders did address their armies before battle in the way pretended by the historians.' And he gave a firm answer: 'The battle exhortation in ancient historiography is a literary composition and not the historians' report of a speech which had actually been made.' In short, 'the whole genre was a literary and rhetorical fiction, not a historical fact.'[1]

It seems fair to say that scholars today usually conclude at the very least that the reports in ancient historians of exhortation speeches, especially those delivered during action on the battlefield, should not be

1 Hansen 1993: 162, 172, 180. Boren 2018 discusses an acoustics experiment related to Hansen's doubts that such speeches could be heard by very large gatherings of troops. On exhortation speeches that were reportedly delivered in a diversity of chronological and physical settings, see Albertus 1908; Kagan 1987: 55-57; Pritchett 1994; Ehrhardt 1995; Marincola 2007; Zoido 2007; Anson 2010; Lendon 2017; Sanders 2021. On speeches in Josephus, see Runnalls 1997; van Henten 2005; Lavan 2007; Price 2007; Mason 2011; Mason 2013; van Henten & Huitink 2021; Mason 2022: 96-97 n. 670; Mason 2023; Duncan 2023.

Thomas R. Martin & Aidan T. Christman: 'Love and Titus' Military Leadership in Josephus' Jewish War' C&M Supplementum 4 (2026) 695-717.

taken as verbatim versions of what was said.[2] And it is certainly true that historians past and present often have reworked the material in their narratives, with battlefield speeches surely being no exception. At the same time, it is also true that effective military commanders over the ages have sought to motivate and discipline their troops not solely with coercive punishments but also with persuasive words advocating courageous action. Exhortation, however delivered, was and is an essential element of effective military leadership.

This contribution aims to supplement Hansen's work by discussing three exhortation speeches attributed to Titus in Josephus' *Bellum Judaicum* (hereafter *BJ*), with reference also to one delivered by his father Vespasian (*BJ* 4.39-48).[3] Hansen's article does not refer to Josephus and therefore does not report that Josephus was accompanying Titus as an assistant at the time of Titus' reported second and third exhortations. Josephus was therefore an eyewitness to whatever was actually said on those occasions. And though Josephus could not himself have heard the first speech because he was not present (see below), it seems likely that subsequently, when he began to accumulate material for composing his history of the war, he would have at least tried to learn whatever he could about its contents from those who had heard it. Given these circumstances, we hope to show that, even if it is likely that Josephus as author shaped the words and the length of Titus' speeches, the evidence from the Greek texts of Josephus' works strongly suggests that Josephus' report of Titus proclaiming his love for his troops at *BJ* 7.10 reflects the sentiment that Titus actually expressed and was not an invention by Josephus.[4] We in fact argue that Josephus was documenting Titus as employing a powerful technique employed by perceptive military leaders that has persisted through modern times.

2 See, for example, the summaries by Marincola 2007: 120-27 and Duncan 2023: 28-44.

3 For reasons of space, this piece will not cover other speeches in Josephus' *Jewish War* that might be deemed exhortations, nor can every point made by Titus in his exhortation speeches be discussed here. Perhaps the best-known exhortation speech in the *BJ* is that by Herod at *BJ* 1.373-79. See van Henten 2005.

4 At the same time, we cannot know with any certainty how faithfully Josephus' versions in Greek reproduce what Titus actually said, or whether he spoke to the troops

Of the three substantial speeches that Josephus presents Titus as delivering to his troops at crucial points during the Roman military campaign in Judea that concludes with the destruction of Jerusalem in 70 CE, the first two (*BJ* 3.472-84 and 6.34-53) are customarily categorized as exhortations because they are delivered in the midst of active battlefield action. The third speech occurs not on an active battlefield but instead immediately after Titus' forces have completed the razing of Jerusalem (*BJ* 7.6-12), but it can also be seen as an exhortation because the soldiers whom Titus is addressing are not on their way home to resume a non-military life – they are going to be posted to new locations in hostile regions where war could break out any time. These men therefore need to be exhorted to show continued valor in their continuing exposure to danger in the field.

In Titus' three speeches, Josephus reveals the approach that the Roman commander employs to try to motivate his troops to fulfill their duties as combatants on active duty in wartime. This motivation is crucial especially because Josephus' account also documents that a substantial number of men in the Roman army at the siege of Jerusalem could be undisciplined or even disobedient in action. The argument here is that Josephus depicts Titus as over time modifying his approach to exhortation of his troops in the course of his experience as a military leader who had become a commander in the Jewish War when he was still not yet thirty years old.[5] In sum, Titus' military leadership evolves

in Greek or Latin. Greek seems perhaps more likely because many of the men serving in Titus' force in Judea would have understood Greek, whether they were ethnic Romans or auxiliaries from the eastern Mediterranean, and Titus was fluent in Greek (Suetonius, *Life of Titus* 3). Josephus as an educated Jew of his era would also have had knowledge of Greek; see, for example, Hadas-Lebel 1993, 44-49. If Titus spoke in Latin, interpreters would have been necessary for many of those listening; see Speidel 2023. Josephus could have acquired some knowledge of Latin during his diplomatic mission to Rome in the time of Nero (*Vita* 13-16; *Antiquities* 20.189-95), but most likely he conducted that mission using Greek. On Josephus' knowledge of Latin over time, see Ward 2007.

5 Titus was born in 39 CE (Murison 2016: 76-77). Josephus, born 37/38 CE, was of the same age group. On Titus' poorly documented early career, see Jones 1984: 12-17, Murison 2016: 77, and Tarel 2016: 73-78. See Davies 2023: 143-53 on his career as a commander.

so that he employs to a significantly greater degree an emphasis on praise and encouragement for his troops in order to direct their behavior in battle, rather than relying predominantly on criticism and punishment for misbehavior and rewards for compliance with orders.

In terms of contemporary social science analysis of military leadership, these two contrasting approaches to motivation are categorized as 'transformational' and 'transactional'. Transformational leadership focuses on 'idealized influence, inspirational motivation, intellectual stimulation, and individualized consideration,' while transactional leadership depends on 'coercion through punishments and rewards contingent on meeting goals or standards,' meaning that 'in essence it relies on positional power.' Moreover, the transformational approach provides for the troops 'an example [i. e., a leader] to emulate.'[6]

The evolution in Titus' leadership presented in Josephus' history culminates in the final speech that the commander delivers at *BJ* 7.6-12. There, for the only time in the work, Josephus reports that Titus concludes his exhortation by telling his men that he 'loves' them (*BJ* 7.10).[7] While Titus in this speech does refer briefly to possible criticism of some of his troops, Josephus makes it unmistakable that now Titus chooses to try to influence them all going forward by expressing congratulatory and inclusive aspects of his leadership more than by using a threatening or 'payment for services rendered' approach. Above all, Titus' choosing to use such an emotionally charged concept as a source of motivation in war shows that he grasps the value for his leadership created by his declaration of love for his men.

The argument here will then culminate by describing two well-documented examples from 20th-century warfare, one from the US Marine Corps and one from the British infantry that reveal commanders explicitly expressing their love for their troops. This modern-era evidence suggests that Josephus representing Titus at the conclusion of the Ro-

6 Reilley et al. 2018: 40, 46-47; see Burns 1978 for the initial impetus for the much-discussed idea of transformational leadership and Manning & Robertson 2022: 119-23 for recent analysis.

7 See below on the particular context of 'love' that is expressed by the Greek verb (ἀγαπάω) used in this passage.

man victory at Jerusalem as using transformational leadership's emphasis on love in order to motivate his army to manifest loyal and courageous service is a depiction of a psychological technique of military leadership whose effectiveness has been recognized by commanders both past and present.

To turn to the *Jewish War*, Vespasian and Titus gain the positions of military leadership described by Josephus when previous Roman efforts fail to suppress the burgeoning Jewish rebellion in Judea that reaches full force in 66 CE. This situation leads Nero to appoint Vespasian as the overall commander in 67 CE; Titus' role at this point is to be a general leading missions ordered by his father (*BJ* 3.1-8).[8] In his descriptions of Vespasian and Titus as military commanders in Judea, Josephus from early on emphasizes the crucial role that emotion plays in motivating the Roman army. At *BJ* 3.236-39, for example, Vespasian's troops see him bleeding from an arrow wound in his foot during the Roman attack on Jotapata in 67 CE. They, along with Titus, are so distressed and scared that they abandon their posts for besieging the city to rush to their leader. The mass of the soldiers, Josephus explains, was distraught from their goodwill for Vespasian and the distress shown by his son at his father's injury. Vespasian rouses them to action, however, by overcoming his pain so as to show himself to them. In response, they rush back to battle encouraging one another to be the avenger of their leader. An unmistakable implication of this episode as narrated by Josephus is that emotion exerts great influence on troops facing mortal dangers. Effective wartime exhortation speeches, Josephus demonstrates, must address this salient aspect of leadership.

When during the Roman attack on Taricheae in that same year Vespasian instructs Titus to lead a band of cavalry against the enemy forces gathered outside the city's walls, Titus delivers his first exhortation speech (*BJ* 3.472-84).[9] Titus, having seen that the Jewish rebels outnumber his men, had previously sent a message to Vespasian asking for reinforcements. He then discovers that some of his troops are eager to

8 On the war, see Mason 2016; Price 1992; Sheppard 2013.

9 Josephus, captured at Jotapata (*BJ* 3.392-408), is at this point still a Roman prisoner and therefore presumably not present to hear Titus.

engage the enemy immediately despite the latter's numerical superiority, but others by contrast feel panic at the immense number of the Jews opposing them. Titus therefore finds a location from which he can give an exhortation that will reach all his troops.[10]

He begins by addressing them as 'Roman men' (ἄνδρες Ῥωμαῖοι).[11] This identification both expresses his emotional sense of belonging with them, while also setting up his following comments on the superiority in war of Romans over Jews. This claim immediately leads to the negative point that it would therefore be terrible if his men become weak. He then says that he sees some of them clearly displaying their zeal for fighting, but that he is afraid that some of them are experiencing a hidden terror. This latter point is a serious criticism of those troops who had motivated him to speak. In this way, Titus is employing transactional leadership, expressing his power of blame to imply the possibility of imposing punishment for failure to fight bravely.

Titus then stresses that his force's advantages begin with their excellence (ἀρετή), obedience to orders (εὐπείθεια), and nobility (τὸ γενναῖον), as compared to the emotions of the Jews in their daring (τόλμα), audacity (θράσος), and rashness (ἀπόνοια, *BJ* 3.479). As a result, he says, his men also have a greater motivation to win because their fame and their dominion over the local inhabitants mean that they cannot possibly want to be seen as equivalent to the Jews. He adds that although they can expect reinforcements from Vespasian, their success will be greater if they prevail without that help. Here then, in this speech at the start of Titus' experience as a commander in the Jewish War, he emphasizes transactional leadership by emphasizing shame as the outcome for his men if they fail to fight bravely.

What is now at stake, Titus next declares, is whether Vespasian will be regarded as still deserving of his past victories, whether Titus him-

10 *BJ* 3.471. This detail explicitly noted by Josephus is relevant to Hansen's concern (1993: 168-69) that an ancient general could not have successfully been heard while addressing all his troops at once on a battlefield. Josephus' narrative by contrast suggests that doing so could be feasible if the circumstances allowed, as described at *BJ* 7.6. On this issue of audibility, see Anson 2010; Boren 2018.

11 On the identity of legionary cavalry at this period, see Dixon & Southern 1992: 27-30.

self deserves to be recognized as his father's son, and whether 'You deserve to be my soldiers!' (*BJ* 3.482). Moreover, since winning is Vespasian's habit, Titus as his son could not bear to return defeated to his father, and they his soldiers would be ashamed if they lose the battle when their commander is braving the way into danger at their head. And lead them he will, Titus declares. He then concludes by beginning with a negative command to his troops that he immediately contextualizes with two positive contexts: 'Do not let me down, you being persuaded that God (θεός, *BJ* 3.484) as my ally encourages my initiative, and you clearly anticipating that we will have more success than only in this battle outside the city's walls.' In his conclusion, therefore, Titus adds aspects of transformational leadership by declaring himself an example to his men and encouraging a positive attitude about their anticipated success. In this way, he has now combined aspects of both approaches to military leadership, but transactional statements still predominate.

This speech succeeds: immediately following, a 'demonic zeal' (προθυμία δαιμόνιος) possesses Titus' cavalry as they follow him into battle; his men even regret the arrival of the predicted reinforcements because they do not want to share the victory (*BJ* 3.485-96). Titus keeps his promise by leading the way on the battlefield, and once his forces break through the fortification walls and the town's residents begin to show their enmity toward the rebels, he shouts out to his original force that they must hurry to victory before necessity unites their enemies and prevents them from taking the city by themselves. During this critical situation, Titus shows that he has a sense of belonging with his men by calling them 'fellow-soldiers' (συστρατιῶται, *BJ* 3.494). He then again leads by example by being the first to enter the enemy city, thereby sparking the Roman victory. This dramatic success, Josephus' readers can conclude, therefore enables Titus to realize clearly the value of the transformational leadership that he so successfully displays.

Josephus in his following narrative of the battle for Gamala later in 67 CE shows that the course of events in the war continues to present challenges to Vespasian's and Titus' leadership (*BJ* 4.11-48). Indeed, during the siege, the Roman forces struggle so badly that Vespasian barely escapes with his life from the battlefield. Realizing that his army feels

disheartened and ashamed, Vespasian himself then gives an exhortation speech (*BJ* 4.39-48) – the only one by him that Josephus includes in the *BJ*, and one that is shorter than either of Titus' two battlefield exhortation speeches.[12]

Vespasian's goal in his speech is to offer his troops consolation and encouragement, which he attempts to do by telling them to bear misfortune manfully and by blaming them for undisciplined initiative. They need, he adds, to rely on their own excellence (ἀρετή) and 'show fury' (θυμοῦσθαι, *BJ* 4.46). Following this criticism of his troops, Vespasian in his conclusion changes the tone of his exhortation by telling them he will in every battle advance toward the enemy ahead of them and will be the last one to leave the field. This pledge from their commander to lead from the front revives his troops' spirits to fight on until the town is captured.

Vespasian in his speech therefore expresses both transactional and transformational leadership. While he criticizes his men for not acting bravely or showing initiative, he also stresses their qualities for combat. Above all, he motivates them by leading from the front. This tells his men that, by making himself an example of courage in the face of danger, he cares more about inspiring them than about his own safety. And this transformational leadership approach brings success for everyone, troops and commander alike.

As mentioned previously, Titus was not present to hear his father's speech at Gamala because Vespasian had sent him on a mission to Syria, and Josephus does not report whether Titus was subsequently informed of the precise contents of his father's speech.[13] But given Titus' concern to be supportive of his father's goals, it seems likely that he would have sought to hear reports of what his father had said by querying officers who had been present. In any case, he would certainly have been cognizant of the ongoing necessity of knowing how to motivate and discipline his troops. Overall, it seems quite likely that Titus would have heard reports of how his father had successfully used transformational

12 See Mason 2022: 33-40 and 2023: 9-14 and 25-26 for discussion and English translation of this speech.

13 *BJ* 4.32 and 70. Josephus also likely could not have heard Vespasian's speech because he was still a prisoner.

leadership by leading the attack that secured victory in a perilous situation.

Josephus' account proceeds to demonstrate how soldiers in the Roman army in the Jewish War continue to require this high level of effective leadership. In fact, Josephus emphatically reports how the troops can not only show a lack of discipline, they can even be disobedient to the point of threatening violence against their leaders. This latter dramatic incident occurs in the context of the chaos created by the violent struggle that erupts over who would become emperor of Rome after the downfall of Nero in 68 CE (*BJ* 4.585-605).

According to Josephus, Vespasian becomes enraged at Nero's would-be successor Vitellius, but in the end he cannot bring himself to put Fortune to the test by seeking imperial power for himself. When his officers and troops learn of his decision, they vigorously urge him to pursue that goal. He nevertheless refuses to change his mind, even when his officers keep insisting that he take the risk to preserve Rome's dominion. The soldiers at this point draw their swords, threatening to kill their supreme commander if he fails to 'be willing to live worthily' (ζῆν ἀξίως, *BJ* 4.603). When Vespasian's repeated reasons for not seeking to become emperor fail to convince these potentially murderous troops, he finally gives in.[14]

Although this is by far the most startling instance of the possible level of defiance of the Roman force in Judea to their leaders' decisions, Josephus goes on to provide still more examples following Vespasian's departure to start his journey back to Italy to pursue ruling power. Since Vespasian is leaving the war in Judea, he sends Titus as commander to take Jerusalem (*BJ* 4.630-58). This decision turns out to be a severe test of Titus' military leadership. For example, soon after beginning this campaign, he castigates his troops for their unmanliness (*BJ* 5.81). Despite this rebuke, they run away when the Jewish rebels attack, abandoning their commander with only a few men left to help defend him. Finally, when Titus does not retreat from the battle, shame (αἰδώς) motivates those who had fled to return to the fight (*BJ* 5.94).

Next, when the rebels trick the Roman forces at Jerusalem, some soldiers rush to the attack, thereby getting themselves into deep trouble

14 Mason 2022: 275 n. 2315 implicitly accepts this startling account as true.

(*BJ* 5.115-29). Shame and fear motivate them to fight, but they still retreat under heavy fire. Titus, in furious remarks to his officers, angrily rebukes his troops for the whole army abandoning their position, lamenting over what Vespasian will think of this episode and preparing to punish his disobedient men. When some of them beg him to spare their 'fellow-soldiers' – thereby using the same term of belonging that Titus had employed in the final successful charge at Tarichaeae that he led – he grants their request, while also warning them to be more thoughtful.

This instance of transactional leadership in action, however, is matched and even exceeded at crucial points by Titus' use of a transformational approach. Above all, Titus always comes to help his troops when they face special dangers, especially when the Jews' daring and rashness prove superior to the discipline of the Romans (*BJ* 5.281-287). In fact, Josephus goes on to show that Titus' successful leadership in motivating his troops to act with manliness results from his 'always being present everywhere for everyone' (*BJ* 5.309-16). Indeed, Titus once even prevents his soldiers from being killed by calling for archers and standing his ground with a legionary tribune while the arrows fly; he subsequently launches a successful new attack, leading 'nobly' (γενναίως, *BJ* 5.340-46). And once the Roman attack focuses on figuring out how to ascend the Temple Mount by scaling the massive Antonia Tower fortification, when Titus reprimands his troops severely for having put themselves and their fortifications in jeopardy by thoughtless actions, the troops now obey, motivated by their regard for glory, their army's honor, and especially for Titus, who puts himself foremost in danger (*BJ* 5.488).

As the siege of Jerusalem continues to grow in intensity, Josephus is therefore describing Titus' leadership as relying on both transactional and transformational aspects: to deal with the continuing unreliability of his soldiers' conduct under pressure, he on the one hand presents himself as his troops' superior who can both denounce thoughtless initiatives and also bestow commendations for valor, while on the other hand his soldiers cannot bear to be weak when he leads by example by fighting alongside them, demonstrating how greatly he values their safety.

Titus' second exhortation speech then takes place in the context of his evolving leadership during a crucial episode at the beginning of the final attack to take the Temple Mount (*BJ* 6.1-33).[15] When the Romans complete their earthworks in preparation for this assault, the defensive wall built by the rebels to protect the Antonia tower suddenly collapses, but this accident reveals that the rebels had providently erected a hidden second wall that the Romans now see standing behind the fallen ruins of the first wall. This unexpected impediment so deeply stuns the attackers that no one from the Roman army dares to climb the new wall because the first to ascend will surely die. To respond to his troops' refusal to do their duty, Titus decides to address a group of specially chosen troops (ἄλκιμοι, *BJ* 6.33).[16] Josephus explains that Titus believes he will motivate his men by hope (ἐλπίς) and reason (λόγος) as well as exhortation (προτροπαί) and promises (ὑποσχέσεις, *BJ* 6.33).[17]

This combination of leadership techniques appears clearly in Titus' speech (*BJ* 6.34-53). He begins by addressing this elite group with the same term 'fellow-soldiers' (συστρατιῶται) that repeats the sense of belonging that he shouted to his men on the battlefield at Tarichaeae and that members of his force used in appealing to him for leniency to their comrades at Jerusalem. He then explains that he realizes delivering an exhortation is disgraceful both for troops and their commander when no great danger is present; it is only fitting for difficult situations such as the one they now face in having to get over the wall blocking their path up the Antonia. Therefore, he says, he has three points to make: that dealing with obstacles is what men do who aim at achieving excellence (ἀρετή), that it is a fine thing to die with renown (εὐκλεία), and that the nobility (τὸ γενναῖον) shown by those leading the charge will not be 'unfruitful' (ἄκαρπον, *BJ* 6.36).

15 Josephus, having previously been freed by Vespasian (*BJ* 4.622-29), is accompanying Titus at this point. See den Hollander 2014, 139-99 on the relationship between Josephus and Titus.

16 Herod's men selected for especially difficult missions are also described with this term (*BJ* 1.267, 311).

17 On this occasion, Josephus does not mention that Titus seeks out a position from which he can be heard by all, perhaps because he is addressing a select and therefore smaller group, in contrast to his first and last speeches.

His first point, in keeping with what he had said previously about the implications of lineage for his troops, stresses that it would be contemptible to be outfought by those of less quality than themselves, especially now that God has come over to their side. It would definitely, he adds, bring great shame for Romans to be outdone by Jews. Titus' further elaboration of this strong criticism characterizes the majority of the initial section of his speech, expressing a form of transactional leadership in its emphasis on the negative consequences of failure. At the end of this section, however, he does tell these men that they can succeed in everything and that by reaching the top of the tower they will win a total victory in a short time. Titus therefore concludes this portion of his exhortation by attempting to inspire his subordinates, an approach consonant with transformational leadership principles.

In the next part of the speech, Titus offers a striking description of the favorable fate of those who are killed in battle and how it is much to be preferred over that of those who die from illness in peace. (He makes no reference to the possibility that fatal diseases can be painful.) The souls of these warriors, he says, are lifted up into the ether among the stars and transformed into good supernatural beings and kindly heroes that show themselves to their own descendants. Those dying of sickness, by contrast, fall into oblivion. Therefore, he asks, would it not be ignoble not to give to duties what we must give to what is required? These remarks intended to spur the men to action despite the peril of the mission align with the goal of transformational leadership to inspire rather than to coerce.

The final section of Titus' second exhortation speech switches to the possibility of surviving the assault on the Antonia if the soldiers encourage each other and summon their courage. Titus concludes by promising to reward whoever leads the assault by promoting him over the others of his current rank, while also repeating his point that those who die in the effort will receive monuments of valor. These pledges of recompense for valor from the men's commander therefore reflect a tenet of transactional leadership.

This speech combining elements of transactional and transformative leadership at a supremely critical moment in a dangerous military situation nevertheless fails to motivate the great majority of the army

– here evidently meaning the ethnically Roman soldiers – but a member of an auxiliary company does rise to the challenge (*BJ* 6.54-67).[18] Josephus takes care to describe this man carefully: 'Sabinus by name, Syrian by lineage, a man in hand and soul manifestly the best.' However, Sabinus' appearance makes him seem not even qualified to be a soldier, as his skin is black in color and his body is thin and shrunken – but he is heroic in his soul (*BJ* 6.54-55).

Sabinus makes clear that he will head up the assault because Titus has inspired him; no mention is made of the effect of tangible rewards on offer: 'I enthusiastically give over myself to you ... I pray that your luck (τύχη) will accompany my strength (ἰσχύς) and resolution (γνώμη) ... If nemesis should begrudge my initiative (εἰ δὲ νεμεσηθείην τῆς ἐπιβολῆς), know that ... I on purpose choose death on your behalf' (*BJ* 6.56-57). These impassioned comments by Sabinus clearly stress that he is going to expose himself to the ultimate danger because his commander's actions and words are inspirational. Once in action, Sabinus awes the rebels with his power and the courage of his soul, but his luck (τύχη, *BJ* 6.66) nevertheless causes his death as he leads eleven companions who, we can assume, are similarly inspired to follow Sabinus up the Antonia. Josephus therefore in his presentation of this dramatic episode emphasizes that the response to his commander's exhortation is literally motivated by inspiration – and therefore in modern terminology the result of transformational leadership.

This conclusion in turn prepares the way for the unique way in which Titus uses the same approach in his third exhortation speech in Book 7, his final one of the *BJ*. *BJ* 7 is usually studied today for its descriptions of the triumph in Rome celebrating the victory of Vespasian and Titus and of the siege of Masada that leads to its defenders' massive suicide. It is the very start of Book 7, however, that presents the evidence generating the title of this essay: Titus' reference to love in his words to his troops as reported in *BJ* 7.6-12.

The setting for this speech is the immediate aftermath of the Roman army's victory over the Jewish rebels at Jerusalem and Titus' order to complete the razing the city and the Temple; all that he leaves erect are

18 See Martin 2024 on this episode.

three towers and a section of the city wall (*BJ* 7.1-2).[19] This is the only one of Titus' exhortation speeches that Josephus presents entirely in indirect discourse, but, given the inevitable uncertainty about the *ipsissima verba* of all speeches presented in ancient historians, this choice does not rule out using Josephus' version of Titus' words as evidence of his having employed the special theme of love as exhortation. And we should remember that Josephus was present on this occasion to hear what was actually said.

Josephus introduces this speech by stating that Titus aims to praise the entire army for its success and bestow fitting rewards on those who had performed the best. Accordingly, Titus has a platform built so that everyone in the army can hear him.[20] He then opens his remarks in a transformational style by telling the men how grateful he is for their goodwill towards him, as a result of which they show obedience to his command and manliness. Indeed, he adds, they show everyone that Roman excellence overcomes all and any obstacles no matter how fearsome. It is a fine thing, Titus goes on to say, to have won such a war, but even better is the all-encompassing support they express for those whom they had propelled to become the leaders of the rule of Romans – meaning, of course, Vespasian and himself.

As his climax of these words of praise, Titus declares to the troops that he admires (θαυμάζειν) them all – and that he loves (ἀγαπᾶν) them (*BJ* 7.10)! He explains his feelings by saying he knows that none of them in the fighting fell short in their zeal (προθυμία) for what each one is capable of achieving. The love that Josephus reports Titus as declaring for his men is the special type of love expressed by the Greek verb *agapaō* (ἀγαπάω). This term specifically indicates the strong attachment

19 Josephus explains that the wall section was to be retained for the camp site of the garrison Titus was leaving in place in Jerusalem, while the towers were kept to remind people what sort of city Jerusalem had been and what sort of defenses the manly quality of the Romans had overcome.

20 As with Titus' first exhortation speech, this detail included by Josephus addresses the issue of audibility of battlefield speeches that Hansen raises in his article and that Boren 2018 considers.

and affection that should bind family members; it does not usually apply to sexual or romantic love.[21] Its power to convey the notion of an especially 'marked' category of love in Josephus' era is vividly documented by its use in the Septuagint and the New Testament to express the concept of fatherly love, both by human beings and by God.[22]

In this case, Titus is therefore expressing fatherly love for his soldiers regarded emotionally as his sons. It is significant to point out that, of the multiple uses of this verb in the *BJ*, this is the only instance of its being expressed by a military commander to his troops.[23] This unique usage seems to suggest that Josephus here is actually recording that it was Titus who expressed this striking sentiment and that Josephus as author did not subsequently invent it for use in his narrative of the speech. Further support for this suggestion also seems possible from the striking fact that, according to a search of the *Thesaurus Linguae Graecae* database for *thaumazō* and *agapaō* used together to express 'admiration' and 'love', this is the first attested example in Greek literature of this collocation of these words in the context of military leadership.

As his remarks continue, Titus adds that those troops who performed especially strongly in the conquest of Jerusalem, thereby showing their excellence and also making his generalship more brilliant, will be rewarded and honored. Indeed, no one who did better than his colleagues will be overlooked. Titus ends by stressing that he himself will take special care to confer awards for bravery on those who are 'fellow-soldiering', and that he is much more focused on that than on punishing those 'falling short of the mark'.

In this final exhortation, Titus' language of praise and affection therefore reveals that he is aiming to exploit the inspirational motivation that comes from transformational leadership, leading to his dramatic culmination of expressly proclaiming his familial-type love for his fellow-soldiers. It is of course also telling in the context of Josephus' nuanced depiction of Titus' leadership that even when Titus seeks to

21 Unlike English, Greek has other verbs that indicate sexual or romantic love, such as *eraō* and *phileō*.

22 See, for example, Genesis 22.2 and John 3.35.

23 See Rengstorf 2002: vol. 1, 5 for the references in the *BJ* (and 5-6 for Josephus' later works).

motivate his troops through inspiration rather than his power over them as their commander, he cannot completely divorce himself from the transactional criticism of soldiers who in his view fall short in the execution of their military duty. Indeed, the final words of his exhortation refer to those who falling short in their duties. Nevertheless, Titus' evolution toward preferring transformational leadership seems unmistakable in Josephus' representation of this speech, above all in Titus' choice to say that he *loves* his men – a unique instance in the *BJ* of a Roman using this term to express the kind of strong love that is the ideal of a relationship between father and sons.[24]

Following the conclusion of his speech, Titus bestows material rewards and promotions on the men judged to have achieved something distinguished and celebrates with them (*BJ* 7.13-20). He offers prayers for the entire army and oversees thanksgiving sacrifices for the victory amid cheers from his troops, with meat from sacrificed oxen supplying a feast that lasts for three days before he re-assigns the various legions to their new posts.

While the prizes and promotions that Titus gives out after his speech conform to the dictates of transactional leadership by a commander demonstrating his power to reward or to punish his subordinates, his exceptional reference in the conclusion to his exhortation to his fatherly love for his men markedly associates his approach to military leadership with the tenets of transformational leadership. This emphasis in the final exhortation that Titus delivers in *BJ* accordingly shows that Josephus is describing an evolution in the young commander's approach to leadership following the harrowing violence and danger to his troops during the siege of Jerusalem. Aligning in his actions with what Onasander wrote in his manual for the instruction of generals finished perhaps some fifteen years before Josephus' *BJ*, Titus now understands the exceptional benefit of leading by building troops' inspiration and group spirit and not simply by stressing rewards and punishments.[25]

In a remarkable demonstration of the exceptional advantage created for military leadership by this approach, this same association between

24 For non-Romans and this term in the *BJ*, see 1.71-72, 211, 544, 581, 2.359-60.

25 Onasander, *Strategikos (logos)* aka *The General.* 14.3-4, 33.6, 34.1-5, 36.3-6.

the meaning of 'to love' that ancient Greeks expressed with the verb *agapaō* and the tenets intrinsic to transformational leadership receives significant emphasis in modern military leadership in the United States military, specifically in the Marine Corps.[26] Key points in this association emerge distinctly from the leadership of the famous 13th Commandant of the Corps, Major General John A. Lejeune (1867-1942).[27] As the Marines' Commandant, General Lejeune was in charge of the entire corps following the end of World War I, a transitional period for this special segment of US military forces. Lejeune sought to transform the Marine Corps into an organization distinguished by high trust among its members and effective leadership so that it could function in a new environment of war involving fast-paced and autonomous amphibious assaults.[28] Otherwise, its small, independently operating units had little chance of succeeding in their missions.

In seeking to build a close relationship between officers and troops, which is especially necessary for small-unit operations, Lejeune had been influenced by his experiences in World War I. When he took command of his division in France, he remarked that 'Miracles must be worked if victories are to be won, and to work miracles men's hearts must needs be afire with self-sacrificing love for each other, for their units, for their division, for their country'.[29] On another occasion when Lejeune was visiting a military hospital, an injured soldier told him the dramatic story of how their Captain had told his men that he was going to lead an attack that required them to expose themselves to danger by crossing a river. The soldier added, 'What could we do but go across too? Surely we couldn't let him go by himself; we love him too much for

26 '*Agapaō* leadership', as it is called, also features prominently in contemporary Christian discussions of transformational leadership. See, for example, Winston 2008 and Winston 2025. On love in 'servant leadership', see Patterson 2010. Love as part of leadership can also feature in leadership in contemporary professional sports. See, for example, https://www.barstoolsports.com/blog/3543432/joe-mazzulla-explained-he-was-just-trying-to-convey-love-when-he-screamed-for-jayson-tatum-to-get-up-after-his-hard-fall-in-game-1.

27 Bartlett 1991 provides a concise modern biography of Lejeune; Lejeune 1930 is his autobiographical memoir.

28 Hemler 2023.

29 Lejeune 1930: 307

that'. Lejeune later wrote that he had always felt that this story 'gives one a better understanding of the meaning and the practice of leadership than do all the books that have been written, and all the speeches that have been made on the subject.'[30] Like Titus, Lejeune learned on the field of battle the power of expressing *agapaō* as a leadership principle, both on the part of the officer and the enlisted man, and implemented his changes for the Corps accordingly. As Maurice Buford has said, 'For Lejeune, the above story epitomizes the essence and the practice of leadership – love'.[31]

These experiences clearly informed Lejeune's goals in instituting a series of measures for leadership by Marine commanders. Especially significant in this context was Marine Corps Order Number 29, an official directive setting out standards for the duties and behavior of Marine officers.[32] Still taught to Marine leaders in training at Officer Candidates School (OCS), this order functions as a foundational leadership doctrine in the Marine Corps. In this order entitled 'Relations Between Officers and Men', Lejeune sets out new expectations for officers, from lieutenants to generals. He stresses that the relationship between officers and enlisted men should not be that of 'superior and inferior' but instead 'should partake of the nature of the relation between father and son, to the extent that officers, especially commanders, are responsible for the physical, mental, and moral welfare, as well as the discipline and training of the man under their command'. In this way, Lejeune is directing Marine officers to exercise transformational rather than transactional leadership, especially in terms of what, from the perspective of Josephus/Titus, can be called the type of love appropriate for a military 'family' of commander and troops. This standard indeed still underpins the leadership of Marine officers today. At Officer Candidates School, the first lesson in leadership comes directly from Order Number 29, and officer candidates are tested on their understanding of what is thereby expected of them as leaders of Marines.

To give a second example of the expression father love as documented in modern US military leadership, the continuing importance

30 Lejeune 1930: 406.

31 Buford 2019: 17 [e-book].

32 Lejeune 1920.

of this particular transformational leadership approach is explicitly underlined by the speech, well known in the contemporary Marine Corps, that Captain Ryan Cohen of Lima Company, 3rd Battalion, 7th Marines – an infantry regiment frequently deployed to combat – delivered to his troops in 2010 in anticipation of a very dangerous foray in the war in Afghanistan.[33] As the company commander, he gave the speech to a group of approximately 150, a number that recalls Titus addressing a select group of soldiers at the foot of the Antonia Tower (*BJ* 6.33). Like Titus, Cohen had to motivate his marines to fight insurgents who used surprising guerilla tactics, as had the Jewish rebels at Jerusalem who at times confounded their Roman opponents with their unexpected actions in battle.

Captain Cohen's exhortation focuses on duty, violence, and – expressly – love. Like Titus, he fully acknowledges the dangers his men face in following the command to 'Kill the enemy!', but he reinforces their resolve through expressions of confidence and emotional solidarity: 'You will feel fatigue, you will feel fear ... at the end of the day, you will continue to breathe fire, good to go!' He emphasizes the mutual responsibility of comrades-in-arms, urging them to 'protect those who need to be protected' and 'protect and serve the Marine on the left and right flank of you 24/7', and reassures them that they 'will always be supported.' His promise that 'we will all come home together' expresses a powerful sense of belonging, while his declaration that they will make both their unit and country proud reflects his use of transformational leadership to inspire unity and self-sacrifice under fire.

Cohen's insistence on transformational exhortation then climaxes with his declaration reminiscent of Titus' expression of fatherly love in *BJ* 7: 'I love you, and I mean it when I say I love you as your parents love you'. This direct expression of love in Cohen's leadership encapsulates his embrace of the approach to command demanded of him by the 21st-century US Marine Corps – a transformational leadership approach that Josephus portrays Titus as having learned from his wartime experience in Judea that he needed to embody in his development as a successful military leader.

33 Cohen 2010.

The instances of the expression of fatherly love by Lejeune and Cohen as manifested in military leadership in the modern era of war are not unique to US forces. To conclude with another moving example, we cite the poem *In Memoriam*, composed by Lieutenant Ewart Alan Makintosh of the British army in the First World War, who died at the age of 24 during a battle in 1917.[34] After having led a raid on a German position, he dedicated the poem to 'Private D. Sutherland killed in action in the German trench, May 16, 1916, and the others who died.' In the poem's second stanza he says 'You were only David's father/But I had fifty sons/When we went up in the evening ...' A bit further on, Makintosh refers to the men as "More my sons than your fathers' ', and he concludes the poem with the explicit description 'For they were only your fathers/But I was your officer.'

These final words declare Makintosh's belief that the depth of love of a commander for his troops surpasses even the familial love of a genetic father. This emotional declaration of love as a crucial component of combat leadership dramatically underlines the power of Lejeune's directives to US Marine leaders that they must show love for their men if they are to be effective commanders. In a certain sense, then, Titus' declaration of love for his troops in the *Bellum Judaicum* proclaimed a principle of transformational leadership that the bloody experience of battle clearly reiterated two millennia later for Lejeune, Cohen, and Makintosh—and that has no doubt influenced countless other successful military leaders over the centuries from then until now.

As said at the start, it is impossible to establish with certainty the degree of literalness of Josephus' account of the words and physical settings Titus used to exhort his troops in the Jewish War. At the same time, the remarkable overlap between the depiction by Josephus as historian – and, crucially, eyewitness observer – of the nature of Titus' evolving military leadership and the ideal of leadership embodied in the directives to modern US Marine Corps commanders encourages us to contemplate the millennia-long persistence of fatherly love expressed by military commanders who have come to understand the value of transformational leadership as an effective motivation for their troops when terrifying danger threatens.

34 Makintosh 1917: 40-42.

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SOLON THE ATHENIAN AND DEIOCES THE MEDE: THE POLITICS AND POLITICAL THEORY OF THE ANCIENT ARBITRATOR

By Josiah Ober

Summary: The traditions concerning Deioces, King of the Medes, and Solon of Athens, preserved in Herodotus, [Aristotle] *Ath. Pol.*, and Plutarch each concern a public arbitrator who is granted special authority through an agreement reached among rationally self-interested members of his community. In each case, the eventual outcome is the establishment of a regime in which public law enables the conditions of peaceful coexistence. Yet the differences are also stark, revealing how the Greek tradition addressed the compatibility of political liberty and social order. In each case, the agreement can be modeled as a strategic game: Deioces and the Medes play a variant of an Ultimatum Game from which Deioces emerges as absolute sovereign. By contrast, through the intermediary of Solon, rich and poor Athenians play a Bargaining Game, leaving both sides better off than they would have been through fighting, and setting the stage for collective self-government.

My friend, colleague, and longtime intellectual sparring partner, Mogens Hansen, was a preeminent historian of ancient Greek political institutions *and* of Greek political thought. Moreover, while an astute investigator of features unique to ancient cultures, he also recognized that Greek political theorists and legislators alike sought solutions to perennial problems of social organization, arising from fundamental features of human existence. Pursuing the insight that at least some of what we learn from studying the ancient Greeks is applicable to our own political circumstances surely helped Mogens Hansen to become a celebrated commentator upon and participant in the political life of his beloved native country. In that spirit, I revisit two familiar stories about ancient arbitrators, coincidentally depicted as near contemporaries of the early sixth century BCE. Rather than worrying about their historical veracity,

Josiah Ober: 'Solon the Athenian and Deioces the Mede: The Politics and Political Theory of the Ancient Arbitrator' C&M Supplementum 4 (2026) 719-739.

I review the stories through the lens of modern theories of strategic behavior, treating them, here, as models of ancient theorizing about liberty and regime formation, two issues that were of great interest to Mogens Hansen.[1]

The traditions concerning Deioces (in Herodotus) and Solon (in [Arist.] *Ath. Pol.* and Plutarch's *Life*) are at least superficially similar: Each developed an early reputation for impartial justice. Each man's aloofness from passions and partiality in a time of social crisis led his community to elevate him to an extraordinary position from which he played a decisive role. Each resolved the crisis in a way that had profound consequences for the future of his community, and for the liberties enjoyed or foregone by its members. Each had a keen understanding of instrumental, means-to-ends, reasoning and each acted on the correct assumption that relevant others (groups as well as individuals) would, in the end, make instrumentally rational choices. But the different political games played by Deioces and the Medes and by Solon and the Athenians led to very different outcomes, illuminating divergent possibilities for rational social organization. The choices made by Deioces, Solon, and those in their respective communities, led either to tyranny or to laying the groundwork for democratic self-government – a divergence that has considerable resonance in the 21st century.

Deioces and the Medes: An Ultimatum Game

Herodotus introduces the story of Deioces by noting that the nations of western Asia had previously liberated themselves from Assyrian domination. He announces (1.96.1) that he will explain how these peoples, all of them self-governing (αὐτόνομοι), "came once again to be subjected to tyranny" (αὖτις ἐς τυραννίδα). His explanation hinges on choices made by the Medes as a community and by Deioces, a man "in love with tyranny" (ἐρασθεὶς τυραννίδος).

1 This essay is based in part on ideas first presented in Ober 2022: 137-45 and 177-95. Translations are my own adaptations of those available in the Loeb Classical Library.

As the story begins, the Medes were suffering from lawlessness (*anomia*). Already locally prominent, Deioces enthusiastically devoted himself to justice, that is to the fair arbitration of disputes (1.96.2). The locals thus chose him to be their judge. Because Deioces wanted to rule, he was straight and just in his judgments; his arbitrations were praised for their excellence. As Deioces' fame spread, the Medes, previously victimized by unfair judges, refused to have anyone else arbitrate their disputes.[2] But then Deioces went on strike, claiming it was unprofitable to himself (οὐ γάρ οἱ λυσιτελέειν: 1.97.1) to judge others' cases, while neglecting his own affairs. His retirement precipitated a return of robbery and lawlessness. So, the Medes gathered in assembly to deliberate about what to do (1.97.2). Herodotus supposed that the main speakers at the meeting were Deioces' friends, who argued that there must be a king. They claimed that a king would end lawlessness, allowing each of the Medes to get on with his own affairs. "Saying these things, they [the Medes] persuaded themselves to be ruled by a king" (1.97.3). Upon becoming king, Deioces hired bodyguards and embarked on massive building projects: He ordered the Medes to build him a palace and treasury in the center of a fortified royal city; the Median people (δῆμος) were made to dwell outside the wall (1.98.2-99.1). He ordered that he be seen by no one and inaugurated elaborate rules of royal protocol (1.99.1-2). With these arrangements in place, Deioces became a harsh guardian (φυλάσσων χαλεπός) of justice, employed a network of spies, and meted out proportionate (κατ' ἀξίην) punishment for wrongdoing upon anyone he caught acting arrogantly (ὑβρίζοντα: 1.100.1-2). Herodotus concludes: "Deioces, then, united the Median nation and he alone ruled it" (1.101).[3]

2 Herodotus does not indicate what constituted fairness for the Medes, but Deioces' dispute resolution formula must have involved hard-to-reproduce expertise; for what that might have entailed, if we assume rational Medes, see Barry 1989: 25-29.

3 Walter 2004 is the best analysis known to me of Herodotus' Deioces story as an example of Greek political theory, emphatically concerned with regime formation as a rational process (88: "In der stringenten Rationalität der konstruierten Geschichte spielen dabei kontingente Faktoren keine Rolle.") – rather than merely spurious Iranian history. Walter compares the Deioces story with Herodotus' accounts of Dareios and Peisistratus, and shows that, read together, they constitute a significant contribution to the fifth-century theory of tyranny.

Herodotus characterizes Deioces' motives as straightforward and his actions as rational means to his desired end of tyranny. He carefully constructed his reputation by consistently resolving disputes through straight judgments. Deioces clearly had a conception of justice that, while shared by the other Medes, was rarely manifest in their judicial practice. The hinge of the story is Deioces' success at becoming a monopoly supplier of justice. As shown by his temporary retirement, absent Deioces' straight judgments, lawlessness was the default condition of Median society.

Deioces' strike proved to the Medes that his refusal to judge without adequate compensation was no bluff. So, the Medes, depicted as gathered in a deliberative constitutional assembly, had to choose between lawlessness and establishing a law-enforcing ruler.[4] They had experienced the high costs of lawlessness and were eager to attend to their private affairs. So, they rationally chose to have a ruler, and they followed his orders thereafter. With reference to early modern political theorizing, the Medes' decision prefigures the social contract developed in Thomas Hobbes' *Leviathan* (1996 [1651]: Chapter 2.3). Legitimacy, and thus the grounds of willing obedience, were established by a voluntary agreement among self-interested individuals. The contracting parties are the Medes themselves. They gather in assembly and conclude that the best available solution to the problem of social order is the establishment of a sole ruler. Moreover, Herodotus sketches a distinctively Hobbesian regime: Deioces, as sovereign, becomes the unique source of positive law. While not vicious, his authority is absolute: a strict enforcer of the law, he remains unconstrained by civil law.

Both Deioces and the Medes are depicted by Herodotus as having ordered preferences and both parties seek to maximize their own expected utility by the choices they make: Deioces' most prefers to rule as king. Failing that, he prefers to attend to his own affairs. Judging without adequate recompense is ranked last. The Medes want to get on with their private affairs without having to worry about robbery and lawlessness. They most prefer to have order at no cost to themselves, which means having Deioces continue to act, as he previously had done, as *pro bono*

4 Walter 2004: 82 points out that the Medes' assembly was not an established institution; we are given no hint that it was convened on a regular basis.

judge. But that top-ranked preference is not available, given Deioces' credible commitment to remain in retirement if not established as king. In proper Hobbesian fashion, the compact is made by and among those who will be subject to sovereign authority – it is not a contract *with* the king, but rather a compact with one another, to bring about a sovereign. In their assembly, the Medes "persuaded themselves" to have a king, the best *available* option, given that they least prefer disorder.

What the Medes do not know, *ex ante*, is what sort of king Deioces will be. Will he willingly share some part of his royal authority with the other Medes, perhaps in the form of an advisory council?[5] While the Medes do not know the answer in advance they do have a choice *ex post*, after Deioces has been made king. By their revolt against the Assyrians, the Medes had demonstrated a capacity to unite in rejecting tyrannical domination. If Deioces demands what they take to be an unfair share of political authority, the Medes could revolt again. Having been made king by a compact among the Medes, Deioces remains king only if they assent to the terms on which he rules.

Herodotus' story is readily modeled as a simple game: Suppose that Deioces' share of rule (k), is somewhere between 0 (having no more authority than anyone else) and 1 (absolute monarchy). The Medes' share of rule (their capacity to limit the king's authority) is the part of authority not monopolized by the king ($1-k$). In the terms of game theory, Deioces as king and the Medes as subjects played an Ultimatum game.[6] In the standard version of the game, the organizer provisionally grants Player 1 a sum of money, say $1. Player 1 chooses how much of that sum (between 0 and 1) to offer to Player 2. If Player 2 accepts the offer, each keep their share of the money and the game ends. If Player 2 refuses the offer, the money is forfeited; each get nothing. Deioces, having been chosen king, is in the position of offering the Medes some measure of positive freedom, a share in ruling, by accepting limits on his own authority.[7] If the Medes refuse the offer, because the share he offers is too little, they

5 Stasavage 2020 offers a comparative and historical analysis of governments in which an advisory council not selected by the monarch acts as a constraint on the ruler's authority.

6 Ultimatum Game variants: Thaler 1988; Nowak et al. 2000; Camerer 2003: Chapter 2.

7 Greek conceptions of freedom and 'sharing in ruling': Ostwald 1996.

revolt. Deioces is no longer king and the Medes regress to a condition of lawlessness. As in the game played with money, both sides return to the *status quo ante*, getting nothing. The questions that hover behind Herodotus' story are these: How much will Deioces, who passionately desires tyranny, offer the Medes, in term of limits on his royal authority? What will the Medes, who have a demonstrated capacity to reject a ruler they regard as tyrannical, accept as a decent offer?

Deioces rightly believed that the Medes value lawfulness, understood as a peaceful social order, so highly that they will sacrifice positive liberty to have it. So, Deioces made a minimal offer to the Medes. He will continue as their fair (if harsh) judge, but that is all they will get. By their willing obedience, Herodotus' Medes accept Deioces' offer of impartial dispute resolution with no other limits on his royal authority. For anyone who values political freedom, the Medes paid a very high price: They have sacrificed liberty for lawfulness.[8]

When Herodotus began the story of Deioces, he emphasized that the Medes had previously liberated themselves: They had "proved good men in fighting for freedom (περὶ ἐλευθερίης) against the Assyrians; casting off slavery they freed themselves" (ἐλευθερώθησαν: 1.95.2). They were, as we saw, self-governing, unconstrained by externally imposed law (αὐτόνομοι: 1.96.1).[9] But at the same time, and apparently as a negative consequence of their collective autonomy, they were victims of lawlessness (ἀνομίη). They subsequently escape lawlessness through the establishment of a king who is one of them and of their own choosing. But they were no longer free men. Rather they were permanently ruled over, by a tyrant. As such, in Herodotus' terms, even though they were now free to pursue their lawful private affairs, having sacrificed positive liberty, they returned to a condition of slavery. So long as they obey the king's law, they will not be chained or otherwise physically constrained (thus, in

8 Dewald 2003 suggests that Herodotus offers Deioces as a model of the Asiatic despot – the 'tyrant type' of classical Greek political thought. Yet, unlike the standard Ultimatum Game, which ends when the offer is accepted or refused, we might suppose that the Medes retained a credible 'revolution threat', thereby securing Deioces' commitment to sustaining lawfulness; see n. 30.

9 Walter 2004: 83 notes that Herodotus used the term only twice; the other time (8.140) in reference to the Athenians.

Hobbesian terms, they were free). But, like Greek slaves, they were under regular supervision (the royal spies) and suffered harsh penalties if their master found them to be arrogant.

Herodotus' readers are, I suppose, meant to conclude that, having "persuaded themselves" to be ruled by a king, the Medes paid too high a price for lawfulness, in terms of foregone political freedom. Herodotus' story assumes that the Medes were instrumentally rational in having ordered preferences and making their choices accordingly. The new regime was an equilibrium solution, enforced by the tyrant with the tacit consent of the governed. The Medes' choice revealed a preference ranking that set having someone else taking care of the problem of social order and getting on with their own private affairs above remaining free from despotism. That ranking was different from that of Herodotus' presumptively positive freedom-loving Greek readers.[10] In terms of the Ultimatum game, Herodotus' Medes acted like model-type rational economic agents, accepting a very small share when the alternative was getting nothing. Herodotus' Greek audience was more closely aligned with the real-world players in modern behavioral experiments, who, if offered an inadequate share (typically, below about 40%), refuse the offer, depriving themselves while punishing the proposer. Yet Herodotus also shows his readers that the Medes, no less than the Greeks, were quite capable of gathering in assembly, deliberating over available options, and making a public choice among them. Could the Medes have devised a self-enforcing lawful yet non-tyrannical social order? Herodotus' reader is left to ponder the counterfactual.

Solon and Rich vs Poor Athenians: A Bargaining Game

The tradition represented by the Aristotelian *Ath. Pol.* and Plutarch's *Life of Solon* depicted Solon, lawgiver (νομοθέτης) and arbitrator (διαλλακ-

10 See, in general, Munson 2001 and 2009. Cf. Gorg. *Pal.* (Laks & Most 2016: no.32.D25) for the claim that it is implausible that even barbarians would willingly accept a tyrant, given that slavery is the worst thing of all.

τής), at a moment of social crisis.[11] The crisis was precipitated by conflict between opposing Athenian factions: the wealthy and individually powerful few on the one hand, and the impoverished, individually weak many on the other. The tradition details the sources of the conflict, Solon's bargaining solution to it, and his subsequent lawmaking. It also includes Solon's own and other writers' reflections concerning what he sought to accomplish and how successful he was.[12]

The tradition clearly sees the crisis that led to Solon's appointment as a protracted, at least potentially violent conflict (στάσις) between two parties (schematically, Rich and Poor) in which each side sought to maximize its share of valued resources, again schematically: Land, Debt, Labor (use of the bodies of persons), and Offices (authority to make and enforce rules, legal judgment).[13] Among the questions posed by the Solon tradition are these: Why did the opposing parties agree to ask Solon to arbitrate their dispute? How did Solon decide on the division of the various resources under dispute? Why, given that Solon could not impose his solution by fiat, did both sides accept it?

Solon's arbitration can be understood as a solution to a bargaining problem.[14] In a two-party bargaining game, one side may gain more than

11 *Ath. Pol.* 5.2; Plut. *Sol.* 14.2. LSJ translates διαλλακτής as 'mediator'; the root meaning of the verb διαλλάσσω is 'exchange': LSJ s.v. II. On the epigraphic evidence for the role of διαλλακταί as arbitrators/mediators in Hellenistic-era socio-political crises, see Simonton 2019: 195-96, with literature cited.

12 The Solon tradition is discussed in the essays collected in Blok & Lardinois 2006; see especially Noussia 2006 (Solon's rhetoric); Harris 2006 (Solon and law). Mogens Hansen's seminal contributions to the literature on Solon are summed up in Hansen 1999.

13 Two parties are rich vs poor: *Ath. Pol.* 5.1-2; Plut. *Sol.* 13.2, 14.1-3. The entire *demos* was in debt to the rich: Plut. *Sol.* 13.2. Dispute was protracted and violent: *Ath. Pol.* 5.2. Dispute had reached a peak: Plut. *Sol.* 13.2. Goals of the poor: Plut. *Sol.* 13.3, 14.1, 16.1. Goals of the rich: Plut. *Sol.* 14.1, 16.1. Plutarch's mention of three contending parties (Plut. *Sol.* 13.1) – extreme democrats, extreme oligarchs, and those preferring a moderate and mixed government – is an outlier in the tradition and seems to play no role in his narrative of the origins of the crisis or Solon's subsequent reforms. It is unclear who Plutarch imagines the "many citizens, too, who belonged to neither party" (Plut. *Sol.* 14.3) might have been.

14 On bargaining in game theory, see Barry 1989: 12-49; Dixit & Skeath 1999: chapter 16; Camerer 2003: 151-98; Serrano 2008.

the other, depending on the outcome, but the game is not a zero-sum competition: one side's gain does not equal the other's loss. Rather both sides expect to gain if and when they come to an agreement. It is the expectation that each party could be better off having made the bargain than not having made it that brings them to the bargaining table. In brief, a successful bargain creates a social surplus: more divisible resources than if no agreement is made. In the case of the crisis confronted by Solon, the potential surplus was produced by the difference between ongoing civil conflict in which each side's share was degraded and insecure, and productive social cooperation. Each side was self-interested, in that each wanted as much of the surplus as they could get: The Poor sought improvement in their social and economic circumstances.[15] The Rich hoped for a return to the social and economic conditions, favorable to themselves, that had preceded the conflict.

The solution to a bargaining game depends on three factors. First is the 'backstop' payoff to each side. The backstop is each party's best alternative to a negotiated agreement – that is, what they expect to have should negotiations fail (Pinkley et al. 1994). Since if negotiations end without a bargain, each party expects to retain its backstop, neither will accept a bargain with a payoff less than the backstop. Here, the backstops are the shares of Land, Debt, Labor, and Offices that Rich and Poor held when the arbitration began.

The second factor involved in the solution is the full potential value of the bargain – that is, the social surplus that could be realized and divided if all goes as well as possible. The third factor is the relative bargaining strength of the two parties. If either party comes to the table with a superior bargaining position (more willing to settle for its backstop, less risk averse, more patient), it will end up with relatively more of the surplus. Rationally self-interested parties to a dispute will agree to arbitration under certain conditions (Barry 1989: 24-30). First: Neither side has reason to believe it can gain everything it hopes for by fighting or direct bargaining. Next: Each side believes it will do at least as well from arbitration as it would from direct bargaining. Third: Each believes

15 Based on the poetic fragments, Edwards 2024 argues that the goals of the Poor were liberation from debt slavery, redistribution of arable land, and for Solon to be a tyrant.

that the arbitrator is both realistic and impartial. A realistic arbitrator *does* attend to the backstops and relative bargaining strength of the parties to the dispute; an impartial arbitrator *does not* personally favor either side.[16] Fourth: Each side has reason to fear the results of a failure to come to an agreement. Finally, we may add, given the high stakes of ancient Greek politics, Fifth: Neither has reason to believe that the arbitrator will use his position to establish himself as a tyrant, à la Deioces.[17]

Both Rich and Poor had a lot to lose in the case of a failure to reach an agreement.[18] Each had a credible and not yet fully realized violence threat; for the Rich, this was based on their superior wealth-power; for the Poor, their superior numbers.[19] Unrestrained violence threatened to collapse the social order; neither side could be fully confident of retaining their backstop share. Meanwhile, there was an external threat: conflict with Megara over control of Salamis,[20] and an internal threat: the emergence of a tyrant.[21] Each of these conditions weighed especially heavily on the Rich, reducing their advantage in bargaining strength. According to the tradition, Solon was a credible arbitrator because he had

16 Barry 1989: 76-77 cites Harsayani's super-thin 'veil' – a decision maker (arbitrator), who knows all about the differences between the two parties, but has an equal chance of being in either party.

17 Barry 1989: 50, "arbitration can most straightforwardly be seen as (to adapt Clausewitz) a continuation of bargaining by other means. The object of the arbitrator is to resolve a conflict on terms acceptable to both parties, when the parties consult their own interests in determining what is acceptable. This entails that the arbitrator should seek to arrive at an adjudication that will as far as possible mimic the outcome of rational bargaining."

18 *Ath. Pol.* 11.2: "the people had thought that he would institute universal communism of property, whereas the notables had thought that he would either restore the system in the same form as it was before or with slight alteration." Plut. *Sol.* 14.3: "both parties were in high hopes."

19 Rich are powerful: Plut. *Sol.* 5.2. Organization of the many poor under emergent leadership: ibid. 13.3.

20 Conflict with Megara: Plut. *Sol.* 8-10.

21 Tyranny threat: Plut. *Sol.* 13.2, 14.3-4.

a reputation for probity and concern for the whole community. Moreover, as a 'man of the middle', he lacked affiliation with either side.[22] He was (based on his public statements and behavior) credibly committed to opposing Megarian encroachments and rejecting tyranny.[23]

The philosophically inflected tradition regards Solon as virtuous: wise (included in canonical lists of the 'Seven Sages'), moderate (neither despising wealth and honors nor seeking them in excess), and courageous (willing and able to fight, but not rash). He was certainly concerned with achieving an outcome that could be widely accepted as just.[24] But his bargaining solution to the dispute was in no sense ideal in respect to an external standard of justice. An arbitrator's decision must reach an equilibrium: that is, neither player has a better move to make in the game. Given that the arbitrator does not, himself, have the power to enforce the decision, the equilibrium must be *self-enforcing*: to preclude resort to violence it must be regarded (even if grudgingly) as 'good enough' by *both* sides, which means it will *not* be considered ideal by *either* side.[25] Two passages from Plutarch's *Life of Solon* illuminate Solon's arbitration and lawmaking as a bargain, rather than an instantiation of ideal justice.

In the first passage Plutarch (15.2) reports that, "when [Solon] was afterwards asked if he had enacted the best laws (ἄριστοι νόμοι) for the Athenians, he replied, 'The best they would receive (προσεδέξαντο).'" This is a succinct statement of a bargaining solution: There were, by implication, 'better' (more just) laws. But the unwillingness of both parties to 'receive' less than they believed they could gain by fighting constrained Solon's options regarding the distribution of resources.

The second key passage is a story that Plutarch tells about Solon's interchange with his fellow Sage, the Scythian Anacharsis.[26]

22 *Ath. Pol.* 5.3: Solon as being among the middling citizens (μέσοι); Plut. *Sol.* 14.1-2: the rich accepted him readily because he was well-to-do, and the poor because he was honest; 16.2: he was δημοτικός and μέσος.

23 Solon rejects tyranny: Solon frs. 33-34; Plut. *Sol.* 14.5.

24 Solon's virtues: *Ath. Pol.* 5.3; Plut. *Sol.* 2.3, 3.2, 30.3.

25 Solon's lack of coercive authority: Plut. *Sol.* 16.2: "relying as he did only on the wishes of the citizens and their confidence in him."

26 On the Greek tradition of the Seven Sages as performers of wisdom, and Anacharsis the Scythian Sage, see Martin 1993 and 1996.

> When [Solon] was already engaged in public affairs and compiling his laws, Anacharsis, accordingly, on learning what Solon was about, laughed at him for thinking that he could check the injustice and rapacity (πλεονεξία) of the citizens by written laws, which were just like spiders' webs; they would hold the weak and vulnerable who might be caught in their meshes, but would be torn to pieces by the rich and powerful. To this Solon is said to have answered that men keep their agreements (συνθῆκαι) with each other when for neither party is there profit (λυσιτελές) in breaking them, and he was adapting his laws to the citizens in such a manner as to make it clear to all that the practice of justice was preferable (βέλτιον) to the transgression of the laws. (Plut. *Sol.* 5.2-3).

Here, the practice of justice is predicated on the prudent obedience to the laws by self-interested agents. It is, furthermore, a clear statement of the core feature of a bargaining solution: In response to Anacharsis' challenge, Solon asserts, in the language of game theory, that neither player has a better move. Each party has got all it can hope for, considering the moves available to the other party. The bargaining solution has been 'adapted to' the expectations of the players and therefore accepting the outcome is more advantageous to each player than is breaking the agreement.

These two passages, along with other comments attributed to Solon and the content of his laws, show that Solon's arbitration can be modeled as a bargaining game. He was concerned with what each party would accept, with the relative strength of each party's position, and with the full value of social cooperation that was being foregone by the conflict. He sought a stable and maximally productive outcome. Of course, each side sought to convince Solon that their bargaining position was strong. The wisdom of the arbitrator is seeing through these ploys.

Per above, the dispute between the Athenian parties concerned Land, Debt, Labor and Offices. The Rich prefer the *status quo ante* – their share before the outbreak of the conflict. They controlled most of the agricultural land and were unwilling to give it up. They were creditors to impoverished debtors and had enslaved many of them. The Rich had maintained control of the political system through their monopoly on the

public offices, and through the immunity of office-holders to legal prosecution. The Poor, on the other hand, were clearly willing to fight, if necessary, even at the risk of social collapse, and might support a tyrant if the alternative was the *status quo ante*. They wanted agricultural land to be redistributed. They wanted existing debts to be cancelled and those Athenians who had been enslaved for debt to be freed. They wanted a greater share in public offices and more control over those who held them.

These multiple issues might seem to have rendered the arbitrator's job so complicated as to be impossible. But according to modern bargaining theory it is the opposite. As Dixit & Skeath (1999: 544-55) point out, "Often the enlargement of the ... set of issues actually makes it easier to arrive at a mutually satisfactory agreement." This is because, "When two or more issues are on the bargaining table at the same time, and the two parties are willing to trade more of one against less of the other at different rates, then a mutually beneficial deal exists." Solon divided the Land resource mostly in favor of the Rich, declining to redistribute real estate. He distributed Debt and Labor mostly in favor of the poor many: He mandated a one-time cancellation of debts and liberated Athenians who had been sold into slavery, without reimbursement to former creditors and former owners. On the other hand, there were no reparations for Athenians who had lost their land and years of freedom under the old regime. Finally, Solon reorganized the public offices and access to legal redress (Plut. *Sol.* 18.1-5) by distributing the major offices according to income (with the highest offices reserved for the Rich) while formalizing the right of the Poor to attend the assembly and try cases of public malfeasance by office-holders. In brief, he "trade[d] more of one against less of the other at different rates."

Barry notes further that effective arbitrators do not announce the result *as* a bargaining solution. Rather, "they come up with some formula for relating the award to some principle, some comparison, or some precedent" (Barry 1989: 108). In Solon's case, the 'formula' was equitability, and the 'principle' was justice – albeit of a practical rather than ideal sort (i.e. justice as mutual advantage, not as morality: Barry 1989: 1-9). In poems alluding to his legislation, Solon repeatedly states that he distributed the relevant goods to both parties according to their desert (Solon

frs. 5, 34, 36, 37; *Ath. Pol.* 12.1, 12.3-4; Plut. *Sol.* 18.4). He represents each side as seeking to maximize its own advantage and as careless of the justice of the other side's claims (Solon frs. 6, 34; *Ath. Pol.* 12.2-3). And thus, initially, each side, hoping to gain more at the expense of the other side, expressed dissatisfaction at the outcome of the arbitration (*Ath. Pol.* 6.3, 11.2; Plut. *Sol.* 16.1-2; 25.4). In his elegies, Solon analogizes his own position to that of a wolf beset by dogs on all sides (Solon fr. 36) and elsewhere to a boundary marker (ὅρος), set between two hostile armies (Solon fr. 37). In brief, he advertised himself as having served as an impartial judge, beset by those who urged him to be partial to their side, and his solution as just because it was as fair as possible to both sides.

In the short run, at least, the bargain held. Both Rich and Poor ultimately accepted the results of the arbitration on land, debt, and labor as the best they could get in light of moves in the game available to the other side. Both sides allowed Solon to continue with his political reforms of rules governing access to offices and legal redress (Plut. *Sol.* 16.3). As noted above, Solon's non-tyrannical solution would only work if it were self-enforcing: that is, the parties to the bargain, rather than an external authority (a Hobbesian sovereign: 'Leviathan'), must undertake to defend it. Plutarch's Solon acknowledges this. When, asked what *polis* was best, he replied, "That *polis* in which those who are not wronged, no less than those who are wronged, exert themselves to punish the wrongdoers" (Plut. *Sol.* 18.5). Here we have a reference to the necessity of cooperation in punishment – the key to the emergence and persistence of stable social order in the sophist Protagoras' 'great speech' in Plato's dialogue (*Protagoras* 324b).[27] The Aristotelian *Ath. Pol.* (11.1) implies something similar, in explaining Solon's decision to leave Athens after his laws had been established: "He did not think it fair for him to stay and explain his laws, but for everybody to carry out their provisions for himself."

It is in connection with the necessity that the equilibrium be self-enforcing that we should understand the tradition that one of Solon's laws

27 Walter 2004: 82, 84 notes that the myth offered by Plato's *Protagoras* also has certain parallels with Herodotus' Deioces story, including the concern with punishment of violations.

mandated that any citizen who held aloof in a *stasis* was to be disenfranchised.[28] Solon here appears to be driving up the cost of conflict to prevent its outbreak. Rather than allowing a matter to be violently contested only among rival factions with strong preferences over outcomes, Solon pushed ordinary citizens into the fray. This incentivized those in the middle to join one side or another and punish the losers. Those with strong preferences must ask themselves how certain they were of victory: If the likelihood and the costs of losing were high enough, the expected value of fighting would fall below the value of the status quo and *stasis* would be avoided. The equilibrium sustaining the new regime would be self-enforcing.

Conclusions: Ancient and Modern Regime Theory

Taken as contributions to political thought, the stories of how Deioces and Solon ended social crises and established political order anticipate and illuminate prominent issues in early modern and contemporary political theory. Both stories concern the question of how the rational pursuit of self-interest can lead to a cooperative social order. They also confirm, and help to elaborate, the roles of deliberative reason-giving and collective decision-making in constitutionalism. In Herodotus' story when the Medes assemble to address the problem of widespread lawlessness, their public deliberations follow procedural norms familiar from democratic Athens: Oral arguments were presented by public speakers in favor of available options. The arguments were made, and attended to, by persons who will be bound by the decision. Following debate, the assembled Medes chose to establish a monarch as sovereign authority over themselves. Readers are left to imagine the mechanism as either Athenian-style hand-voting or Spartan-style acclamation. As noted above, the

28 Solon's *stasis* law: *Ath. Pol.* 8.5; Plut. *Sol.* 20.1. Van't Wout 2010 argues that Solon's law on *stasis* (probably a product of fourth-century political debates) should be read as requiring citizens to play an active role in the resolution of a conflict, if necessary by use of arms, but to do so on a basis of neutrality: standing up for the community as a whole, rather than for either faction. For another skeptical view of the historicity of the law on stasis, see Teegarden 2014.

procedure and outcome anticipate Thomas Hobbes' *Leviathan* in characterizing the creation of sovereign authority through a social contract, established by and among self-interested persons. As with Hobbes, the contract is struck to escape an intolerable condition of lawlessness and the sovereign, once established, is the unique source, interpreter, and enforcer of law. He is unaccountable except through rebellion; until and unless the Medes rise up to depose him, Deioces' authority is absolute.

In the Solon tradition, by contrast, the deliberations that led to a public decision and a new social order took place within Solon's mind – *in foro interno*. Having thought through the problem, he presented the Athenians with a compromise solution that fully satisfied neither side but was ultimately accepted by both. Solon's arguments in favor of the compromise were made public after the fact, in his lyric poetry. *Ath. Pol.* and Plutarch make a point of quoting Solon's lyrics justifying the bargain: Solon is presented as offering the Athenians reasons for the solution he proposed and they had accepted – including reasons for why the constitutional order did not fully please either side in the dispute, and for why it was rightly regarded as equitable, even while it fell short of ideal standards of justice.

The Solonian constitution was, in modern terms, republican (Skinner 1998; Pettit 1997, 2013) rather than absolutist: Citizenship was defined by what are now called positive as well as negative liberties.[29] Athenian citizens gained both immunity from enslavement in their own community and a role, as assemblymen, in legislation. Public officials, selected from a wealthy elite, served limited terms and were made continuously accountable to ordinary citizens through a judicial process. Herodotus' conception of freedom as non-domination, requiring collective self-rule, is very different from that of Thomas Hobbes, who asserted that substantial individual freedom is compatible with absolutist government, because each subject remains free just insofar as he is not physically constrained (in chains or prison). Likewise, Isaiah Berlin (1969) regarded liberty negatively, as non-interference in the pursuit of persons' chosen private ends, and therefore argued that autocracy could be compatible with freedom.

29 On positive and negative liberties in classical Athens, see Hansen 1996.

Herodotus' Deioces and the Solon tradition underline a general point with significance for contemporary debates between deliberative and agonistic democrats. Deliberative democrats emphasize the importance of public debate centered on giving and taking reasons for individual preferences over outcomes. The only form of legitimate power inequality is the superior force of the better argument. Preferences are taken as potentially amendable to being changed through the deliberative process. A consensus solution, even if not achieved, is often seen as ideal. Democratic agonists, by contrast, regard vigorous competition among rival factions, each firmly committed to deeply opposed positions, as the essence of politics. Power is rightly seen as domination; conflict is healthy and can be characterized as war between friends and enemies. The victorious majority sets the rules; what it decides is deemed to be in the common interest.[30]

The Greek political tradition, as represented by the Deioces and Solon stories, takes a middling position: The role of deliberation (internal and external) is not discounted in favor of raw power and credible threats. Nor, however, is deliberation elevated to an ideal of public reason that could eliminate power inequality and delegitimize strategic behavior. The Greek tradition of political theorizing recognized the essential role of both reasoned arguments and strategic calculation of interests in the creation of social order through collective choice. Likewise, the Greek tradition recognized the necessity of the active support of citizens to the persistence of democratic regimes, and the tacit consent of subjects to monarchical regimes.

Herodotus' Deioces was an arbitrator of disputes, both before and after he became king. Among the key differences with the Solon tradition is that Deioces achieved his reputation by arbitrating private disputes and suppressing criminality, whereas Solon was chosen as an arbitrator by competing social groups facing the risk of civil war. In the Deioces story, Herodotus' Medes remain self-interested individuals, each aiming

30 Contemporary normative literature, notably including work by Habermas (1996) and Rawls (1996), seeks to eliminate the role of unequal social power in processes of lawmaking and adjudication. Normative theories tend to regard agreements as ideally achieved through deliberation, Deliberative versus agonistic democracy debate: Contrast Fishkin 1991 and 2009 with Mouffe 1993 and 2000.

to pursue his private affairs free from fear of criminal interference. The Solon tradition, by contrast, imagined the Athenians as organized into coherent factions whose interests, and thus preferences over social outcomes, were defined by differences in wealth. What this meant in practice was that the primary risk for the Athenians was civil war should they fail to strike a bargain: the arbitrator offered them a way to avoid that outcome through a self-enforcing republican equilibrium. For the Medes, having agreed to exchange positive freedom for law enforcement, the risk was that the sovereign would renege on the provision of lawfulness by becoming a vicious, lawless, tyrant. The contract was self-enforcing insofar as subjects accepted the ruler's sovereignty so long as lawfulness was preserved and rebellion remained a credible threat.[31]

Both stories invoke the language of freedom (ἐλευθερία) and law (νόμος) and raise the question of how these are related. Herodotus' Medes, as a people (δῆμος), gave up their freedom, understood in the 'positive liberty' sense of a share of rule, to be free to pursue their private affairs. In Solon's case, the *Ath. Pol.* (6.1) claims that Solon made the Athenian *demos* free (ἠλευθέρωσε) by establishing laws that forbade debt slavery. In Herodotus' story, the Medes enslaved themselves (and subsequently enslaved the other residents of Asia), by sacrificing positive liberty as self-government. In the Solon tradition, the effect of Solon's legislation was both to free poor individual Athenians from actual slavery, and to establish some of the preconditions that would eventually enable the *demos*, as the body of citizens in which the poor were a majority, to rule the state – i.e. democracy. The author of the Aristotelian *Ath. Pol.* (9.1) writes that the three "most democratic" (δημοτικώτατα) of Solon's reforms were the prohibition of loans secured upon the person, the rule allowing any Athenian who so wished to prosecute on the behalf of another, and, most especially, the right of appeal to a jury-court: "For the *demos*, being master (κύριος) of the vote (ψῆφος), becomes master of the *politeia*." The questions of the identity of the *demos* (whether 'the whole citizenry' or 'the non-elite as a socially defined class'), the relationship between lawfulness and freedom, and the fair distribution of the surplus

31 On the 'revolution constraint' as an incentive for autocratic rulers to remain concerned with the welfare of subjects, see Landa & Pevnick 2025: 70-73 with literature cited.

value of social cooperation, were major issues for Greek political thought – and remain central concerns for political theorists to this day.

Finally, a persistent set of questions addressed by Greek political writing concerned how deliberations about the needs of a community, and choices of free men faced with a social crisis, could result in an elective autocracy: the exchange of positive liberty for stable social order. Herodotus had no knowledge of the events of 411 and 404 BCE, when the *demos* of Athens, under extreme duress, twice voted itself out of existence in favor of what proved to be a tyrannical oligarchy. But those late fifth-century *metabolai* were of great interest to Thucydides, Xenophon, and the Aristotelian author of the *Ath. Pol.* Plato probably knew Herodotus' Deioces story, given that he borrowed Herodotus' tale (1.8) of how the usurper Gyges (or his ancestor) became king of Lydia (*Resp.* 359d). Plato's account of the emergence of a tyrant from within a democracy in *Republic* book 8 follows a somewhat different trajectory but asks a similar question about the transition from freedom to autocracy. Today, understanding the ways in which democratic processes can give rise to a charismatic dictator, or, alternatively, can preserve self-government by citizens in the face of social crisis, remain among the most pressing issues for democratic theory, empirical political science, and practical politics.[32] I dearly wish that we had the benefit of Mogens Hansen's wisdom concerning the currently fraught political situation in Europe and America. But we can honor his legacy by seeking to illuminate our own democratic dilemmas with reference to the thought and practice of the ancient Greeks.

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32 See, for example, Pevnick 2024.

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WERE THE TRITAIANS (PAUSANIAS 6.12.8-9) ARKADIAN? PAUSANIAS AT WORK

By James Roy

Summary: This article examines what knowledge of Arkadia Pausanias already had, and how he used that knowledge, when he sought to determine whether, as a victor-monument at Olympia claimed (Paus. 6.12.8-9), the *polis* Tritaia (known as Achaian) had ever been Arkadian.

In his account of Olympia Pausanias writes (6.12.8-9) of the victor-monument of Agesarchos son of Haimostratos of Tritaia, who, according to the verse on his monument, won the men's boxing at the Olympic, Nemean, Pythian, and Isthmian Games. The verse also said that the Tritaians were Arkadian, and Pausanias discusses whether that could be true. He then concludes his account of the monument by saying that it was the work of the sons of Polykles, which allows it to be dated to the second century BCE.[1]

There have been considerable discussions by modern scholars about textual problems in this passage, particularly at two points. The first (in 6.12.8) is the statement by Pausanias that – depending on the wording of the text – he did, or did not, find true the verse's claim that the Tritaians were Arkadian. Since Pausanias says a little later (6.8.9) that one might think that the Tritaians were attached to the Arkadians, his earlier statement cannot have been a flat denial that he found the claim true. The second textual problem, at the end of 6.12.8, is whether an Arkadian federal decree did, or did not, give the names of minor Arkadian communities. Since there would have been no point in Pausanias' mentioning the

1 See Jacquemin 2002: 183.

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decree if it did not give information about such minor communities, his text cannot have denied that the decree did give the information.[2]

It may also be noted that, while there have been several valuable studies of Pausanias' interest in inscriptions, none has examined how he deals with the epigraphic evidence in 6.12.8-9.[3]

Despite the attention given to the text of this passage, there has been little discussion of the wider significance of its content. However, the text is revealing about the knowledge Pausanias had of Arkadia when he wrote this passage, and a comparison of the knowledge of Arkadia shown here with what Pausanias says later in Book 8 on Arkadia is instructive about his gathering of information. It is widely supposed that Pausanias wrote the ten books of his work in the order in which they now appear,[4] but Knoepfler has argued that Books 7 and 8, in which Pausanias shows knowledge of the work of Polybios, were written after all the others.[5] However, even that argument would not change the evident fact that when Pausanias wrote Book 6 he had some knowledge of Arkadia, but not all the knowledge that he displays in Book 8.

The structure of 6.12.8-9 is as follows:

1. An account of what is recorded on the monument of Agesarchos.
2. A declaration that after enquiry Pausanias found true the statement that the Tritaians were Arkadians.[6]
3. An explanation, introduced by the Greek word *gar* ('for'), of why Pausanias found the claim true. There is a statement that, of Arkadian poleis, some had achieved glory and for them information about their founders was known, while others from the outset be-

2 The text of the closing words of 6.12.8 as published by Casevitz (in Casevitz et al. 2002: 38) would mean that the decree did not give the names of minor Arkadian communities, but in that case, Pausanias would have had no reason to mention it.

3 There is valuable discussion on epigraphic evidence in the work of Pausanias in Habicht 1984 and 1985; Tzifopoulos 1991; Whittaker 1991; and Zizzi 2006.

4 See e.g. Pretzler 2007: 6-7.

5 Knoepfler 2004.

6 On the language used here by Pausanias about making enquiries see Akujärvi 2005: 91-97, and particularly 95 n. 16.

cause of weakness were more obscure and were therefore incorporated in Megalopolis, and a decree passed by the Arkadian *koinon* contains their names.

4. A declaration that it is not possible among the Greeks to find a *polis* Tritaia other than that of the Achaians. (Here, though he does not say so explicitly, Pausanias is eliminating the possibility that there could be both an Achaian and also an Arkadian Tritaia.)
5. A statement that in the circumstances one might think that the Tritaians were attached to the Arkadians, just as at present some Arkadians are attached to the *Argolikon*.[7]
6. A concluding statement that the monument was the work of the sons of Polykles, who will be mentioned again later. (This mention is at 10.34.8 in a completely different context.)

Though Pausanias makes no mention of it in this passage, he knew that in his day Tritaia was part of the territory of Patras in Achaia, by a decision of the Emperor Augustus.[8]

It is clear that the information in item 3 about Arkadian material provides the evidence for the view that Pausanias adopts about Tritaia, but the nature of the evidence is not obvious. Pausanias divides Arkadian poleis – apparently all Arkadian *poleis* – into two categories. The first is made up of the famous *poleis*, and, though nothing is said here about Tritaia, it would not belong in that group since it was obviously not a famous Arkadian *polis*. Yet, though the famous poleis do not show whether Tritaia was ever Arkadian, Pausanias also mentions that information is available about the founders of these *poleis*. For the other, insignificant, *poleis* Pausanias says nothing about evidence of founders, and the implication is that for them Pausanias did not know where information about their founders might be found. However, the obscure pol-

7 Pausanias states at 8.22.1 that in his day Stymphalos was part of what he calls the *Argolikon*, but that he nonetheless regards Stymphalos as Arkadian, as it was in Homer, and says that it was founded by a grandson of Arkas. At 8.23.1 he says that Alea was likewise part of the *Argolikon* but was founded by Aleos son of Apheidas (i.e. by a king of Tegea), and he treats Alea too as part of Arkadia.

8 Pausanias 7.22.6, with the commentary of Lafond 2002: 197-98.

eis were, he says, mentioned in a federal Arkadian decree. Pausanias implies that the two categories, famous and obscure, together made up all Arkadian poleis, but that presents problems since it would suppose that the more obscure poleis in all parts of Arkadia were incorporated in Megalopolis, and that was obviously not the case. Arkadians from elsewhere may have chosen to move into the new city, but there is absolutely no evidence to suggest that Megalopolitan territory extended beyond southwestern Arkadia. Yet, if Tritaia, situated near northwestern Arkadia, was included in Megalopolis, or somehow attached to it, Megalopolis would need to have extended far beyond its attested territory. However, if when Pausanias wrote 6.12.8-9 he did not have a clear idea of the extent of Megalopolitan territory, he might have supposed that Tritaia could have been attached to Megalopolis.

Pausanias' account (8.27.2-6) of the synoikism of Megalopolis does refer to an Arkadian federal decree about the foundation of the new city, with a list of the communities to be incorporated in it. There is no need to suppose that Pausanias had in mind a physical object, a text engraved on stone or metal: his text may well be referring simply to what an Arkadian informant of his own day could tell him about such a decree. Moggi argued that around 200 B.C. the Megalopolitans had at their disposal a version of this decree adapted to suit their claims at that time; his arguments have been carefully reviewed by Nielsen.[9] Though I originally supposed that Pausanias' list of communities to be incorporated in Megalopolis reproduced the list presented in the original decree of the 360s, I have now come to the view that Pausanias is reproducing in his list information given to him by Megalopolitans of his own day, information that will have evolved over roughly five centuries from the synoikism until Pausanias' travel in Arkadia. The information given to Pausanias was presumably not pure invention, but rather an adaptation to suit Megalopolis' territorial claims as they developed in the period from the Roman victory in Greece in 146 B.C. to Pausanias' day.[10]

9 The reference to a decree is at Pausanias 8.27.5, and the list of communities at 8.27.3-4. See Moggi 1974, and Nielsen 2002: 434-42.

10 Roy 2025: 433-39.

When commenting on the monument of Agesarchos at 6.12.8-9 Pausanias apparently knew that information was available about the communities to be incorporated in Megalopolis on its foundation but did not yet have a detailed account. If he had known the detail, he would have known that the list of communities to be incorporated did not include obscure poleis from all over Arkadia. Also, when writing 6.12.8-9 Pausanias did not have the information that he gathered later about the founders of at least some of the obscure poleis that were incorporated in the new *polis*. It was only later, after travelling in the territory of Megalopolis, that he sought information about the legendary founders of the small poleis incorporated in Megalopolis that he had visited, even if in his day some of these poleis were abandoned.[11] He does not explain why he took such interest in the founders of small communities within Megalopolis, but showed no such interest in the founders of small Arkadian communities elsewhere, particularly in northern Arkadia. It is notable that, when writing in Book 8 of communities in northern Arkadia, Pausanias describes several places simply by the rather vague term *chorion* without further comment.[12] Some others are not even called *chorion*: they may have been mere toponyms or they may have been small communities.[13] Even some communities of north Arkadia that had earlier had the status of poleis receive virtually no attention from Pausanias: examples are Halous, also called Oryx (8.25.2), which may once have been a *polis*; Thaliades (8.25.2), which had struck coinage and had certainly been a *polis*; and Paos, dismissed by Pausanias as "the ruins of the *kome* (village) Paos" (8.23.9) though it had been described by Herodotus (6.127.3) as "the *polis* Paion".[14] For some reason that he does not explain Pausanias took little interest in the smaller communities of northern Arkadia, but developed an interest in the founders of small communities that he visited when travelling in Megalopolitan territory. He must have made enquiries

11 Roy 1968: 290-91.

12 Karyai 8.13.6; Lykouria 8.19.4; Kondylea 8.23.6; Tropaia (8.25.1); Leukasion (8.25.2). 'Chorion' could mean 'village' but it could also mean other things, including 'fort' and simply 'place'.

13 Seirai 8.23.9; Mesoboa 8.25.2; Bouphagion 8.26.8.

14 See Nielsen 2004: 512 no. 272 'Halous'; 533-34 no. 299 'Thaliades'; 435-36 no. 288 'Paion'.

about the founders of these Megalopolitan communities, presumably from Megalopolitans of his own day, and then included the responses in his text of Book 8, but there is no reason to think that he had already made such enquiries when he wrote 6.12.8-9.

Some conclusions can be drawn from the above arguments about how much Pausanias knew about Arkadia when he wrote 6.12.8-9. He certainly knew that Stymphalos and Alea were attached to the Argolikon, though he nonetheless regarded both as Arkadian. He believed that information was available about the oikists of famous Arkadian poleis. In fact, he mentions these oikists mainly in his account of the mythical kings of all Arkadia, and many are sons of Lykaon.[15] Pausanias says (8.6.1) that he made considerable enquiries about the kings and that "the Arkadians" provided information. It is likely that most of the evidence about oikists in the king-list came from Megalopolitans,[16] and Pausanias' information about the founders of small communities within Megalopolis was surely from Megalopolitan sources. Whatever conversations eventually provided such information for Pausanias had evidently begun before he wrote 6.12.8-9, since he already knew then that information was available about the founders of the more famous cities. However, he says nothing at 6.12.8-9 about information on the oikists of the small, more obscure, communities, which suggests that he had not yet discovered that such information could be obtained. On the other hand, he did know that there was a decree that mentioned such obscure communities (6.12.8), but in that passage he mentions no details and makes no use of evidence from the decree in his argument. (As argued above, the 'decree' in question was probably not a physical object but rather the account then current at Megalopolis of the communities incorporated in Megalopolis when it was founded.) It seems likely that when Pausanias wrote 6.12.8 he knew that information was available at Megalopolis but had not yet learnt the details. If he had had detailed information, he would have known, for instance, that Tritaia was not involved in the creation of Megalopolis or its territory.

15 Pausanias' account of the kings of Arkadia is at 8.1.4-8.6.1, including the sons of Lykaon (8.3.1-5).

16 See Roy 2025.

The above arguments suppose that when Pausanias came across the monument of Agesarchos at Olympia, he had already spent time in Arkadia and had begun to gather information about Arkadian communities. He had evidently had conversations particularly at Megalopolis, though he had not gathered significant information about the small communities in Megalopolitan territory and only later discovered that the legendary founders of such communities were still remembered. He had developed an interest in the legendary founders of Arkadian communities and had come to the view that there was a significant difference between well-known Arkadian poleis with known founders and more obscure communities about whose foundation he has nothing to say at 6.12.8-9. He later changed that view, at least as regarded small communities in Megalopolis, though he never developed much interest in small communities in more northerly regions of Arkadia.

Clearly the Olympic monument of Agesarchos, with its claim that the Tritaians were Arkadian, posed a problem for Pausanias, and he used such evidence as he had already gathered on Arkadia in his attempt to assess the validity of the claim. Later, as his interest in at least parts of Arkadia developed, he gathered more information, but apparently saw no reason to write more about the problem of Tritaia.

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TOWARDS A NEW TEXT OF XENOPHON'S *LAKEDAIMONION POLITEIA*

Graham Shipley

Summary: This paper, after paying tribute to Mogens H. Hansen, assembles fourteen emendations to Xenophon's 'Lakedaimonion politeia' ('Constitution of the Lakedaimonians' or Spartans) which are under consideration for a new edition of volume 5 ('Opuscula') of the Oxford Classical Texts edition of Xenophon's works. The passages are 1.8 (wife-sharing), 2.3 (footwear), 2.6 (stealing), 3.5 (silence among boys), 4.1 (a point of syntax), 5.4 (consumption of alcohol), 8.3 (the power of office-holders to cow the citizens), 10.4 (the pursuit of virtue), 11.4 (the choice between 'citizen' and 'hoplite' morai, and the number of morai), 11.10 and 13.6 (manoeuvres in the presence of the enemy), 12.5 (maintaining fitness during a campaign), 13.9 (young men going joyfully into battle), and 15.6 (the kings' water-supply). Discussions are based on collation of the manuscripts and have benefited from the important recent work by D. Muratore.

Introduction

It is a privilege, albeit tinged with sadness, to have the opportunity to contribute to this volume in memory of Mogens Herman Hansen, FBA. My debt to him is beyond measure, even though the element of serendipity at the beginning of our collaboration (or rather, my pupillage) was large. Although we had met once when he visited his friend and my mentor Oswyn Murray at Balliol College, Oxford, in the mid-1980s, our active contact began a decade later when Mogens was casting around for someone to work on the Lakedaimonian *perioikoi* for the volume that became *The Polis as an Urban Centre and as a Political Community*. At the time, in 1995, my research felt somewhat marooned between, on the one hand, editing the work of others for the *Annual of the British School at Athens* and the Leicester-Nottingham Studies series and, on the other, crafting into publishable form, on behalf of the project directors, all the data produced by the BSA Laconia Survey of 1983-1989, in which I had taken part from

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start to finish. I had had just one term's research leave in eight years at Leicester, and had barely begun *The Greek World after Alexander*. My research seemed becalmed, after some years spent in an effort to write in ways that might satisfy advocates of theoretical approaches which I found hard to manipulate and increasingly unpersuasive.

Mogens in the mid- and late 1990s – to come to the point – made me see once again that it was all right to love the data and let theory emerge from it as well as from others' theoretical models. During visits to Copenhagen for his conferences and my own study visits, and through generous helpings of his own time during many lengthy telephone calls, he (along with the editor of this volume) made me see that only through what chess players, I believe, call 'accurate play' and close attention to the full detail of a body of evidence could one theorize with confidence. I was, in short, persuaded of the merits of the approach embodied in the *Lex Hafniensis de civitate* as well as of Mogens's nuanced interpretation of categories such as *ethnos* and *kōmē*, though I flatter myself that I contributed at least one ha'porth of tar to the vessel he had launched (something to do with sub-regional *ethnika*, if I recall rightly).

Mogens and our other colleagues in the Copenhagen Polis Project also focused my attention on a text which, over a decade, gave many rewards in return for 'close reading': the *Periplous* of Ps.-Skylax. It was a stirring mental voyage, and, if Mogens was not the skipper of my leaky barque, his was the imagination that persuaded me that there was new knowledge to be gained from a close re-study of the sole principal manuscript, some 150 years after the previous full edition. Ps.-Skylax in turn led me on to the wider virtual explorations, by sea and by land, that became *Geographers of the Ancient Greek World*.

I recall with affection Mogens's gentle wit, his vast human empathy, his curiosity about others' work and ideas, his passion for democracy (preferably direct), his boundless hospitality (including the mugs of steaming black coffee that would appear as if by magic on one's desk: 'Hot! And strong!'), and the masterclasses he delivered to gatherings of scholars far more able than I, when he always seemed to have the data at his fingertips with which to uphold his side of a debate, especially if that

evidence came from Aristotle or the orators. His support revived my enthusiasm for the Greek language and ancient Greek texts, and without it my career might have stalled. I shall always remember him.

*

The present set of notes is drawn from work in progress on a replacement for volume 5, *Opuscula* ('minor works'), of Marchant's century-old Oxford Classical Texts (OCT) edition of Xenophon.[1] Several of the works therein will be edited by myself, the rest by Dr Jan Haywood.[2]

Of the three treatises on whose manuscripts I have completed research – the Pseudo-Xenophontic *Athenaion politeia* (*Constitution of the Athenians*, 'The Old Oligarch'), the *Hipparchikos* (*De equitum magistro*, *Account of Cavalry Command*), and the *Lakedaimonion politeia* (*Lak. pol.*, *Constitution of the Lakedaimonians*, *The Spartan Constitution*) – I have chosen to present below some emendations under consideration to Marchant's text of the last, on the grounds that my contributions to Mogens's projects centred upon Laconia and Messenia.

Since I began work in 2022, the magisterial textual studies of Muratore on the *Lak. pol.*[3] have borne new fruit in a second volume,[4] and most recently in the landmark publication of a 'Budé' of the work, the said scholar's text and *apparatus criticus* complementing an introduction and compendious historical commentary by the late Jean Ducat.[5] The present study would be impossible without Muratore's peerless work on the stemma of the manuscripts.

I have come late to textual criticism and to the skills of collation and emendation, so can only apologize if my speculations have run away with me. I offer only outline discussion of the historical implications of each choice, leaving fuller interpretation for future work or other scholars.

1 Marchant 1920. I am grateful to Thomas Heine Nielsen for the invitation to contribute to this volume; and to Egidia Occhipinti, Paul Smee, the anonymous referee, and especially Professor Nigel Wilson for their advice and suggestions.

2 Shipley & Haywood in progress.

3 Muratore 1997.

4 Muratore 2022.

5 Muratore & Ducat 2025.

I present the *apparatus criticus* to each extract in the conventional Latin: the format is extremely economical and unambiguous.[6] One aim of this paper is to explain (in the commentaries) some of the reasoning behind my preferred text for the benefit of those without experience of 'textual criticism', as this detailed editing process is called. I hope to demystify the practice of textual criticism in order (1) to show readers who are unfamiliar with it that it need not be an arcane mystery; (2) to demonstrate the extent to which modern editions of ancient texts – and thus, especially, published translations – are the protean products of modern, and indeed medieval, scholarship – each translation resembling a particular conductor's rendering of a symphony in classical music – and (3) to emphasize the importance of such work for the study of Ancient History.

The implications of the extracts may not always be profound for so-called 'Spartan history', but they are often significant at a detailed level, especially since Lakedaimonian history (as one might prefer to call it) is so contested and its reconstruction often controversial. Some passages, like others in *Lak. pol.*, may give rise to a suspicion that Xenophon is mythologizing in order to create propaganda, and that no real society could possibly run exactly as he describes. But that is a debate for another day; one which Mogens would certainly have relished.

Sigla

Any editor of this much-studied treatise is aided, to an incalculable degree, by the meticulous collations made over many years by Davide Muratore, who has identified nine manuscripts as primary or independent testimonies (A M GIX FVLW, to arrange them in his family groupings) and has built a detailed stemma including the thirty or so secondary or derivative manuscripts.[7] His results are further refined in the new Budé.[8] I have collated images of all the independent witnesses and most of the

6 For the sake of transparency, within the printed *apparatus* on a given extract I present all the proposed lemmata – selected words with notes on alternative readings – even if I do not then discuss each of them.

7 Muratore 1997; Muratore 2022, esp. 283-339.

8 Muratore & Ducat 2025.

secondaries, relying on Muratore's readings for the remainder. My sigla (single-letter labels) follow his, but make those for secondary manuscripts lower-case in the style of Donald Jackson's studies of the *Hipparchikos*,[9] with any suffixes made superscript. Sigla are in roman type in the *apparatus*, bold in the main text. As the new OCT volume takes shape, it may be necessary to change some sigla in order to harmonize them between the different treatises.

Independent witnesses

Manuscript A represents a separate tradition from the other eight independent witnesses (TABLE 1). The second oldest manuscript (or codex) is M. These are the only two that are earlier than 1400.

G, X, and (indirectly) I have a common source with M.

F, V, L, and W are descended from a lost manuscript that has a common source with the ancestor of M, G, I, and X.

The symbols ^{r} and ^{v} (recto and verso) indicate the right- and left-hand sides of a two-sided folio in a bound codex.

Where a MS contains of different works in which the writing is of different dates, the dates given below refer only to the text of *Lak. pol.*

Manuscripts are not necessarily more reliable for being early. As the saying goes, *recentior non deterior*, 'the later is not (necessarily) the worse'.[10] In the OCT, Marchant generally places great weight on codex A, the earliest manuscript though, as recent studies have recognized, not always the most reliable. Sometimes, however, as we shall see, he prefers the version of *Lak. pol.* quoted by Ioannes Stobaeus in the *Anthologia* of improving extracts from earlier authors that he made in the 5th century AD for his son. Stobaeus will have had access to earlier copies of Xenophon's texts than those available half a millennium later, though it is important to remember that 'corruption' of the text does not proceed steadily and can be reversed by an intelligent copyist; and that the manuscripts of Stobaeus that we possess, though in general slightly earlier

9 Jackson 1990.

10 Two extreme examples are the texts of Xenophon's *Peri hippikēs* (*On Horsemanship*) and *Kynegetikos* (*Account of Hunting*), for which the manuscript regarded as most authoritative is the latest (Vienna codex *Vindobonensis philosophicus graecus* 37, 1st quarter of 16th century).

than those of *Lak. pol.*, are still late medieval. Even if they are the end product of a transmission process one-third as long as that which preserves Xenophon's works for us today, it was a long enough tradition to suffer from miscopying. Furthermore, Stobaeus is often assumed to have quoted some or all of his extracts from memory.

		folios	*date*		*derivative copies*
A	Vaticanus graecus 1335	229^{v}-237^{v}	*c.*960[11]	descended from lost archetype ω	3
M	Venice, Marcianus 511 (collocazione 590)	290^{r}-298^{v}	*c.*1330	descended, via lost hyparchetype μ, from lost hyparchetype β (itself descended from ω)	3
G	Florence, Laurentianus 55.21	264^{v}-271^{r}	late 1410s	these 3 are descended from lost hyparchetype γ, which derives from μ (in the case of I, the descent is via lost hyparchetype ι)	1
I	Florence, Laurentianus Conventi Soppressi 110	97^{v}-106^{r}			12[12]
X	Vaticanus graecus 1619	169^{v}-179^{r}			0
F	Florence, Laurentianus Plutei 80.13	48^{r}-55^{r}	C14e	these 4 are descended, via lost hyparchetype δ, from β	9
V	Vaticanus Urbinas graecus 93	227^{v}-236^{v}	C15e		0
L	Leipzig, Rep. I.4°.46	49^{r}-63^{r}	C15e		3

11 Muratore has backdated A from the 11th or 12th century to *c.*960.

12 These 12 include the first printed edition of 1516, and a late handwritten copy from the 17th century.

W	Vienna, historicus graecus 95	169^{v}-182^{r}	C15		0

TABLE 1. Independent manuscripts.

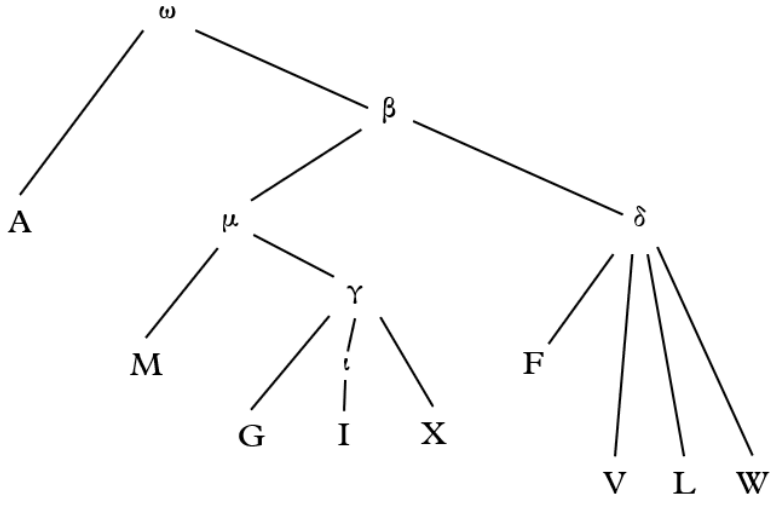


FIG. 1. Simplified stemma showing the nine independent manuscripts. Greek letters indicate hypothesized lost copies, ω being the archetype. (Adapted from Muratore 1997: 173.)

Secondary witnesses

loci			*folios*	*date*	
2.3	**b**	Vaticanus graecus 1950	250^{v}-259^{v}	C14a	copied from a lost copy of **A**
2.3; 8.3; 11.10	**c**	Modena α.V.7.17	111^{r}-117^{v}	*c.*1470	copied (by Andronikos Kallistos) from the same lost copy of **A** as **b**
12.5	**d**	Vaticanus graecus 1334	33^{r}-41^{r}	1420s	copied from **L**

15.6	**h, h***	Florence, Laurentianus Plutei 69.25	1^{r}-8^{r}	(1^{r}-3^{r}) C15e/ C15m; (4^{r}-8^{r}) *c.*1570	copied from **d;** the later pages (h*) begin at §5.9 ὑγιεινοτέρους
3.5; 13.6	**i^{d}**	San Lorenzo del Escorial, Escorialensis Σ.II.7	325^{r}-329^{v}	in/ just before 1478	remote descendant of **I**
12.5	**z**	Vaticanus graecus 1337	1^{r}-10^{r}	C15b	copied from **d**

TABLE 2. Secondary manuscripts cited below.

Manuscripts of Stobaeus

loci			*folios*	*date*
1.8; 3.5; 11.4	Stob.^{A}	Parisinus graecus 1984	85^{v}-86^{v}	C13l
1.8; 2.3; 3.5; 11.4	Stob.^{M}	San Lorenzo del Escorial, Escorialensis Σ.II.14	155^{r}-156^{v}	C11-C12
1.8; 3.5; 11.4	Stob.^{S}	Vienna, phil. gr. 67	72^{r}-73^{v}	C10
2.3; 3.5; 11.4	Flor.^{L}	Florence, Laurentianus plut. 8	82^{r}-83^{r}	C13

TABLE 3. The manuscripts of Stobaeus cited below, based on Muratore 2022: 42.

Dates

I sometimes give dates in the format adopted by the Copenhagen Polis Project, extended (as will be apparent) into the Christian era: e.g. C4e/m/l = early/mid-/late 4th century BC but C14f/s = 1st/2nd half of 14th century AD, and C15a/b/c/d = quarters of 15th century AD.

Other abbreviations

Modern studies and editions used in my *apparatus criticus*:

Dind.^{2} = L. A. Dindorf 1824
Dind.^{3} = L. A. Dindorf 1866
Mar.^{1} = Marchant 1920 (Oxford Classical Texts)
Mar.^{2} = Marchant 1925 (Loeb Classical Library)
Mur.^{2} = Muratore 2022
Mur.^{3} = Muratore and Ducat 2025 (Budé)

Table of difference

Table 4 presents variant readings within the extract passages studied in the present paper in a selection of critical editions since the early 20th century, with the addition of Lipka who revises the text carefully albeit without a full collation of manuscripts.

	Rühl 1912	Marchant 1920	Pierleoni 1933	Lipka 2002	Muratore and Ducat 2025	Shipley
1.8	τοῦτο νόμιμον	τοῦτο νόμιμον	τοῦτο νόμιμον	τοῦτο νόμιμον	τοῦτο νόμιμον	τούτῳ νόμιμον
2.3	ἂν ὀρθιάδε ἐκβαίνειν	ἂν ὀρθιάδε ἐκβαίνειν	ἂν ὀρθιάδε ἐκβαίνειν	ἂν ὀρθια εὖ βαίνειν	ἂν ὀρθιάδ' ἐκβαίνειν	ἂν ὀρθια διαβαίνειν
2.6	ἐπικουροῦντας	ἐπικουροῦντας	ἐπικουροῦντας	ἐπικουροῦντας	ἐπικουροῦντας	ἐπικουροῦντα
3.5	λιθίνων	λιθίνων	λιθίνων	λιθίνων (in adn. suppl. e.g. ἀγαλμάτων)	λιθίνων	λιθίνων ⟨εἰκόνων⟩
3.5	στρέψαις	[μετα]στρέψαις	[μετα]στρέψαις	[μετα]στρέψαις	μεταστρέψαις	μεταστρέψαις
4.1	πλείστον	πλείστον	πλείστον	πλείστον	πλείστον	πλείστον ⟨ἂν⟩
5.4	πότου	πότου	πότου	πότου	ποτοῦ	ποτοῦ
5.4	[οὐκ]	οὐκ	[οὐκ]	[οὐκ]	[οὐκ]	οὐκ
8.3	ἠγήσαντο	ἠγήσαντο	ἠγήσαιο	ἠγήσαιο	ἠγήσαντο	ἠγήσαντο
8.3	⟨ἐἰς⟩ τὸ ὑπακούειν	[τοῦ ὑπακοῦσαι]	τοῦ ὑπακούειν	τὸ ὑπακούειν	τοῦ ὑπακοῦειν	ὡσθ' ὑπακούειν
10.4	ὅτι ὅπου οἱ βουλόμενοι ⟨μόνοι⟩ ἐπιμελοῦνται	ὅτι ὅπου οἱ βουλόμενοι ἐπιμελοῦνται	ὅτι ⟨ξστιν⟩ ὅπου οἱ βουλόμενοι ἐπιμελεῖσθαι	ὅτι ἰδίᾳ οἱ βουλόμενοι ἐπιμελεῖσθαι	ὅτι ὅπου οἱ βουλόμενοι ἐπιμελοῦνται	ὅτι ⟨οἱ?⟩ ὀλίγοι βουλόμενοι ἐπιμελεῖσθαι
10.4	ἐκεῖνος ἐν τῇ Σπάρτῃ	[ἐκεῖνος] ἐν τῇ Σπάρτῃ	ἐκεῖνος ἐν τῇ Σπάρτῃ	ἐκεῖνος ἐν τῇ Σπάρτῃ	ἐκεῖ ἐν τῇ Σπάρτῃ	ἐκεῖνος
11.4	ὁπλιτικῶν	ὁπλιτικῶν	πολιτικῶν	πολιτικῶν	ὁπλιτικῶν	ὁπλιτικῶν
11.4	τοτὲ μὲν ⟨εἰς ἕνα⟩ αἱ ἐνωμοτίαι, τοτὲ δὲ εἰὶς τρεῖς, τοτὲ δὲ εἰς ἕξ	τοτὲ μὲν εἰς . . . ἐνωμοτίας, τοτὲ δὲ εἰὶς τρεῖς, τοτὲ δὲ εἰς ἕξ	τοτὲ μὲν εἰς ἐνωμοτίας, τοτὲ δὲ εἰὶς τρεῖς, τοτὲ δὲ εἰς ἕξ	τοτὲ μὲν εἰς ἐνωμοτίας, τοτὲ δὲ εἰὶς τρεῖς, τοτὲ δὲ εἰς ἕξ	†τοτὲ μὲν εἰς ἐνωμοτίας, τοτὲ δὲ εἰὶς τρεῖς, τοτὲ δὲ εἰς ἓξ†	τοτὲ μὲν εἰς ἐνωμοτίας ⟨δύο?⟩, τοτὲ δὲ εἰὶς τρεῖς, τοτὲ δὲ εἰς ἕξ
11.10	τοῦτο εἶσιν, ἀλλ' ἀπωθοῦσιν ἢ ⟨τοῖς⟩ ἐναντίοις ἀντιπάλοις	τοῦτ' εἶσιν, ἀλλὰ προθέουσιν ἢ [ἐναντίους] ἀντιπάλους	τοῦτο εἶσιν, ἀλλ' ἀπωθοῦσιν ἢ [ἐναντίους] ἀντιπάλους	τοῦτ' εἶσιν, ἀλλὰ προσίουσιν [ἢ] ἐναντίους [ἀντιπάλους]	τοῦτο †εἶσιν, ἀλλ' ἀπωθοῦσιν ἢ ἐναντίους ἀντιπάλους†	τοῦτο εἶσιν, ἀλλὰ προθέουσιν ἢ ⟨τοῖς⟩ ἐναντίοις ἀντιπάλους
12.5	ἕωσπερ	ἕωσπερ	ἕωσπερ	ἕωσπερ	ἕωσπερ	ὅσουπερ
13.6	στρέψας	στρέψας	στρέψας	στρέψας	στρέψας	συστρέψας
13.9	καὶ κεκριμένῳ εἰς μάχην συνιέναι	καὶ κεχριμένῳ εἰς μάχην συνιέναι	καὶ κεκριμένῳ εἰς μάχην συνιέναι	καὶ κεχριμένῳ εἰς μάχην συνιέναι	†καὶ κεκριμένῳ εἰς μάχην συνιέναι†	καὶ κεκριμένῳ εἰς μάχην συνιέναι
15.6	ὕδατος ⟨ἀφθονίαν⟩ παρέχει	ὕδατος ⟨ἀφθονίαν⟩ παρέχει	ὕδατος ⟨ἀφθονίαν⟩ παρέχει	ὕδατος παρέχει	ὕδατος παρέχει	παρῆκει

TABLE 4. The passages discussed below, with relevant words as given in five modern editions and the present paper.

Lemmata

For each extract, I include the relevant portion of Greek text, the relevant lemmata from my draft *apparatus*, and a provisional translation. Ellipses (. . .) not within angle brackets indicate words excised for the purpose of the present paper.

'codd.' (*codices*) denotes only the nine independent witnesses. 'cett.' (*ceteri*), likewise, denotes 'the other independent witnesses'.

1.8. Wife-sharing

εἰ δέ τις αὖ γυναικὶ μὲν συνοικεῖν μὴ βούλοιτο, τέκνων δὲ ἀξιολόγων ἐπιθυμοίη, καὶ **τούτῳ νόμιμον** ἐποίησεν, ἥντινα ἂν εὔτεκνον καὶ γενναίαν ὁρῴη, πείσαντα τὸν ἔχοντα ἐκ ταύτης τεκνοποιεῖσθαι.

τούτῳ codd. praeter A (inter quos M, contra Mar. qui τούτου vidisse asseruit): τοῦτο Mar. cum A Stob.^{AMS} νόμιμον Mar. cum Stob.^{AMS}: νόμον codd.

'Again, if someone did not desire to live with a woman but longed to have admirable children, **for him, too,** he (*Lykourgos*) made it lawful that, whomever he might see that had good children and was of good birth, he could, after persuading the man who possessed her, make children by her.'

I have put two words in bold type above.

(*a*) To deal with the second first: Marchant in his Oxford edition rejects νόμον 'law', the reading of all nine primary manuscripts of *Lak. pol.*, preferring to follow the manuscripts of Stobaeus and print νόμιμον 'lawful'. This is easily justified, for νόμον creates a scenario that is unlikely to be true. Whether it is preceded by τοῦτο or by τούτῳ, νόμον would make Xenophon say that Lykourgos enacted a law *requiring* a man in the specified circumstances – presumably a bachelor or widower – to follow a prescribed course of action, siring an heir or heirs by someone else's wife. This seems highly unlikely. It would convey that Lykourgos made such wife-borrowing compulsory – as if the 'state' were intervening to maximize the reproductive rate, or fortify the essentially private matter of family property and inheritance – whereas the preceding words imply that it was a matter of *choice* for the man who wished to produce an heir, not to mention a matter of choice for her husband whether he would

lend her to him. Scholars reasonably assume that what Lykourgos is said to have done is to *permit* such a course of action, relaxing the normal ban on adultery in light of special circumstances.

Thus νόμιμον is an easy change, and we are entitled to prefer the reading in Stobaeus. It also happens to be the *difficilior lectio* ('more difficult reading'), since it is in principle likelier that νόμιμον was miscopied as the shorter and commoner νόμον than the converse.

(Although Marchant prints νόμιμον in his Oxford text, in his Loeb Classical Library edition of Xenophon's minor works[13] he does follow the manuscripts of *Lak. pol.* in printing νόμον, giving the sense 'he made it the law that . . .' The Loeb appeared five years after the OCT, but relies heavily on Sauppe's Greek text[14] even though other editions, notably Dindorf's second Teubner[15] and its revision by Rühl[16] had appeared in the interim; in the OCT, by contrast, Marchant does take account of Dindorf. It seems likely that Oxford University Press did not allow Marchant to republish his OCT text to accompany the Loeb translation, and possible that the Teubner editors prohibited the use of their more recent edition.[17] We may therefore take the OCT, though earlier, as Marchant's preferred text.)

(*b*) For the first of the two words in bold above, Marchant follows manuscript **A** and Stobaeus, printing τοῦτο in preference to the τούτῳ of the other eight primary manuscripts of *Lak. pol.* Most recent editors do the same (see TABLE 4), but I believe a case can be made for retaining the majority manuscript reading.

13 Marchant 1925.

14 Sauppe 1866.

15 L. A. Dindorf 1863.

16 Rühl 1912.

17 On p. xlvi of the Loeb, Marchant baldly asserts, 'The Greek text of this volume follows that of Sauppe [. . .] except where stated', without giving reasons or even citing Sauppe or giving the date of his edition. I had wondered whether the Loeb was prepared before the OCT and its publication delayed by the first world war; but Prof. J. Henderson (pers. comm., 3 Dec. 2025), the Loeb series editor, and Dr Mirte Liebregts (pers. comm., 5 Jan. 2026) inform me that some authors in the early days of Loebs were not permitted by OUP to republish their OCT texts as Loebs. (On the early history of the Loeb Classical Library, see Liebregts 2023.)

The position of καὶ immediately before τούτῳ or τοῦτο makes it intensive ('also', 'even', 'too', 'as well') rather than merely copulative ('and'). How do we choose between καί τούτῳ and καὶ τοῦτο?

Of the two, καὶ τοῦτο νόμιμον is perhaps easier to comprehend. It is most naturally taken to mean that Lykourgos 'made this, too, lawful (*alongside that other thing*)', referring back, as before, to the measure described in 1.7 – an elderly husband who, lacking an heir, is allowed to bring in a suitable young man to get his wife pregnant – and introducing a second exemption from customary law. The man's choice is accepted by the community, and a way around his problem is devised. A possible difficulty is that τοῦτο is often taken to point backwards, as indeed it often does, to something already mentioned rather than forwards to something about to be introduced, as the passage clearly requires. We could consider replacing τοῦτο with a different demonstrative pronoun, τόδε ('this'), which normally points to something not yet mentioned: in the present case, the dispensation made for the unmarried, heirless man. We should have to suppose that τόδε was changed to τοῦτο by the scribe of **A** (or in a lost manuscript from which **A** is descended) and also misquoted as τοῦτο by Stobaeus (or copied so from an already faulty manuscript, or miscopied in the later manuscripts of the *Anthologia*), while in all the other manuscripts of *Lak. pol.* τόδε was corrupted to τούτῳ. These things are possible; more egregious corruptions are legion in the manuscripts of Xenophon's works;[18] and the alteration of τόδε to τοῦτο or τούτῳ might be explained relatively easily if we considered that in minuscule writing the ου diphthong can be written as a single character (in this case it would replace ο), and that (in the case of τούτῳ) a minuscule epsilon (ε) rotated slightly anti-clockwise is not far from being misread as omega (ω), the iota subscript often being considered unnecessary to add. But this emendation would complicate the necessary explanation, making τόδε rather a radical change to the two alternative readings in the manuscripts, both of which employ a form of the pronoun οὗτος.

18 To take a random example: at *Peri hippikēs* 6. 10 the most reliable manuscript and one other have παρατηρεῖν while the rest have παρωξύνθαι (in some cases παροξύνθαι), which is wholly incompatible with the passage.

In fact, although it is sometimes assumed that the pronoun οὗτος (of which τοῦτο and τούτῳ are inflected forms) is normally backward-looking while the pronoun ὅδε (of which τόδε is an inflexion) normally refers to something about to be mentioned, both assertions overstate the regularity of Greek.

In the first place, ὅδε does sometimes refer back to something already mentioned, as in Xenophon's *Anabasis* 5.7.15 διενενόητο δέ, εἰ λάβοι τόδε τὸ χωρίον ('He was minded, if he should take this village', just mentioned).

Second, and conversely, οὗτος sometimes points forwards to introduce something.[19] Xenophon himself sometimes uses οὗτος in this way, for example at *Lak. pol.* 13.7 ὁ πρεσβύτατος τῶν περὶ δαμοσίαν συντάττει· εἰσὶ δὲ οὗτοι . . . ('the oldest man among those in public service; those (*in public service*) are . . .'). Other examples include *Hell.* 4.1.36 οὐδὲ μέντοι τοῦτό σε κελεύομεν, πένητα μέν, ἐλεύθερον δ' εἶναι, ἀλλ' . . . ('I do not, however, enjoin this upon you, that you be poor yet free, but . . .') and 6.3.7 συντίθεσθε μὲν γὰρ πρὸς τὰς συμμαχίδας πόλεις τοῦτο πρῶτον, ἀκολουθεῖν ὅποι ἂν ὑμεῖς ἡγῆσθε ('For the first thing you agree upon with the cities who are your allies is this, that they should accompany you wherever you lead').[20] So the switch to τόδε is unnecessary.

The second alternative, καί τούτῳ νόμιμον, can only mean that Lykourgos made something 'lawful for this man as well (*as for that other man*)'. At first sight, this is awkward, since it leads the reader to expect momentarily that the privilege extended to the hypothetical man of the preceding section (1.7) is now being extended to a second man; in which case, we ought to be puzzled as to how that dispensation can be relevant to a man whose situation is quite different; and then, perhaps, are relieved to find instead that a new, different dispensation is described. Taken thus, τούτῳ could be thought to lay a false trail and to be an unlikely thing for Xenophon to have written. But the phrase καὶ τούτῳ can be taken more freely – rather than straitjacketing Xenophon's syntax sentence construction, which often varies from strict logic – as the beginning of a statement that 'for this man, too' some provision, a certain

19 The usage is not simply a binary opposition: Goodwin & Gulick 1930: 216, §1008. I am especially grateful to Dr Occhipinti for her thoughts on this matter.

20 I owe these two examples to Dr Occhipinti's expertise and kindness.

exemption, was enacted, without logically implying that it was the same dispensation as in 1.7, and leaving its terms to be specified in the words that follow.

In the end, the choice between τοῦτο and τούτῳ may come down to the relative weight we assign to the testimony of, on the one hand, manuscript **A** and the manuscripts of Stobaeus, and, on the other, the overwhelming majority of the independent witnesses. Experience of working with earlier modern editions of *Lak. pol.* illustrates how editorial inclinations have changed in the past century. Earlier generations were, on the whole, too prone to elevate certain manuscripts, especially older ones, to a privileged status and downplay the worth of others – some of which we now know, largely thanks to Muratore's work,[21] to be independent witnesses – by using a blanket label such as *deteriores* (Latin for 'worse', 'poorer-quality'), abbreviated in the *apparatus criticus* to the laconic 'dett.', or the even more dismissive 'd' and δ, or the damning ϛ (stigma), without revealing which specific manuscripts offer each alternative reading and deflecting the reader from considering these alternatives seriously. Recent practice, exemplified above all in Muratore's work, has brought the full range of independent manuscripts into play, identifying clearly – with the benefit of recent research on the dating, copyists, and owners of medieval Greek manuscripts in general (their 'object biographies', so to speak) – the readings in different 'families' of surviving testimonia and citing them explicitly in the *apparatus criticus*.

We have already expressed caution about using Stobaeus, whom earlier editors seem to have implicitly regarded as more reliable simply because he is earlier than the manuscripts of *Lak. pol.* (though his *manuscripts* are not significantly earlier than they). As noted earlier, just as *recentior non deterior*, one could say *antiquior non melior*, 'the older is not (necessarily) the better'.

We should not endow early manuscripts with undue importance purely because of their age; the same goes for post-Classical sources such as Stobaeus. The distinguishing feature between τοῦτο and τούτῳ is perhaps that the latter is, besides being widely attested, the *difficilior lectio*: it is easier to imagine τούτῳ being miscopied as τοῦτο, or a scribe modi-

21 Muratore 1997; Muratore 2022; Muratore 2023; Muratore and Ducat 2025.

fying the syntax in this direction because of how he understands the context, than the converse. There is nothing to discourage us, therefore, from preferring the majority reading.

(*c*) A related point, but one that does not depend on how one handles the manuscripts: the phrase γυναικὶ μὲν συνοικεῖν in the earlier words of the extract is sometimes misunderstood. For translators such as Humble to import the notion of marriage ('if someone should not want to marry a woman') is reasonable enough given συνοικεῖν 'live with', 'make a household with'. (It is to be assumed that only free, Spartiate women are in question.) Marchant in his Loeb, however, goes further, printing 'to cohabit with his wife' and thus importing not merely the notion of marriage but potentially also that of marital disharmony. His translation might be acceptable if the definite article τῇ (lit. 'the') stood before γυναικί; but no manuscript has it (a point also made by Lipka in his excellent commentary).[22]

The passage is about the single man – who may be either unmarried or widowed – who, for whatever reason, does not wish to be married, or not yet. Whether such a stance reflected sexual orientation (to use a modern concept), the lack of an estate or ready money, or other considerations is for other historians to debate. If this is really how things were, with the city licensing adulterous liaisons when a man's testamentary dispositions were at issue, one may imagine that these matters were arranged contractually on a case-by-case basis, or by a king's decision; otherwise disputes about who was whose heir would surely arise.

2.3. Going barefoot

ἀντί γε μὴν τοῦ ἁπαλύνειν τοὺς πόδας ὑποδήμασιν, ἔταξεν ἀνυποδησίᾳ κρατύνειν, νομίζων, εἰ τοῦτ' ἀσκήσειαν, πολὺ μὲν ῥᾷον **ἂν ὄρθια διαβαίνειν . . .**

ἂν ὄρθια διαβαίνειν Shipley: ἂν ὅ. δ' ἐκβαίνειν A^1 ut vid.: ἂν ὅ. δὴ εὖ β. A^3 (non liquet A^2) quem secutus est b (ἂν ὅ. β. c): ἂν ὅ. δὲ βαίνειν cett.: ἀνορθία (vel -ίᾳ) β. (sine δὲ) Stob. (ἐκβαίνειν $Stob.^M$) Flor.: ἂν ὀρθιάδε β. Steph.: ἂν ὀρθιάδε ἀναβαίνειν Richards (ἀναβ. scripserat Castellion): ἀν' ὄρθια δὲ β. $Pier.^{3adn}$: ἂν ὀρθιάδε ἐκβ. $Mar.^1$ $Mur.^2$: ἂν ὀρθιάδ' ἐκβ. $Mur.^3$: ἂν ὅ. διεκβαίνειν tentat Wilson (cf. Strab. 12.2.4, C536)

22 Lipka 2002: 110.

'Moreover, instead of softening their feet with sandals, he ordained that they (*the boys' trainers*) should strengthen them (*the boys*) by having them go unsandalled, considering that, if they trained themselves in this, they would not only much more easily **cross over steep slopes** . . .'

The general sense at of the end of this extract is clear – with toughened feet, the boys will climb better – but how exactly we reach is it a matter of debate.

Other than **A,** the main codices read ἂν ὄρθια δὲ βαίνειν ('much more easily and go at (?) steep slopes'), where the sense is somewhat incomplete and δὲ 'and' is ungrammatical (too delayed). **A** was corrected more than once, possibly to ἂν ὄρθια δ' ἐκβαίνειν and then (after a second, illegible alteration) to ἂν ὄρθια δὴ εὖ βαίνειν (δὴ 'indeed' replacing δὲ; εὖ meaning 'well'), but it is unreasonable to have two adverbs, both ῥᾷον 'more easily' (which stands before ἂν) and εὖ, qualifying the infinitive βαίνειν 'to go' or a compound form thereof.

The manuscripts of Stobaeus combine ἂν ὄρθια into ἀνορθία, for which I can find no parallel. Stephanus combines ὄρθια δὲ into an adverb, ὀρθιάδε; but this, too, seems to occur nowhere else, as noted by Muratore.[23] The entry for δε (unaccented) in LSJ cites no example of the suffix attached to an adjective.

Pierleoni's suggestion of reading ἂν as ἀν' (by elision of ἀνὰ 'up' before a vowel) requires removing the prefix from the following verb and reverting to the particle δὲ of many manuscripts, which we have already dismissed; and the potential mood ('they *would* . . .') seems necessary.

The form ἐκβαίνειν occurs in the correction to **A** already noted and in one manuscript of Stobaeus. Richards, having disposed of the intrusive δὲ by adopting Stephanus's ὀρθιάδε (which I have challenged above), proposes ἀναβαίνειν 'ascend'. In response to my suggestion of ὄρθια διαβαίνειν 'traverse steep slopes', Professor Wilson responded with the palaeographically attractive ὄρθια διεκβαίνειν, preserving the εκ of the corrector of manuscript **A.** διεκ- is a simple emendation for δ' ἐκ. διεκβαίνω 'go through and out of' occurs before the Byzantine period at Strabo 12.2.4, C536, where it describes the river Pyramos 'passing through and out of' mountains – the connotation of strenuous activity

23 Muratore 2022: 228.

suggesting the translation 'overcome'. The anonymous reader of this paper observes, however, that διαβαίνω is common in Xenophon.[24] Not all of its occurrences refer to traversing a locality – at *Peri hippikēs* 1.14, for example, we find the sense 'standing with feet apart' – but since ὄρθια διαβαίνειν is also an easy correction, we follow the reader's suggestion and revert to it.

2.6. Just don't get caught!

κλέπτειν δ' ἐφῆκεν ἔστιν ἃ τῷ λιμῷ **ἐπικουροῦντα**.

ἐπικουροῦντα cjj. 'alii' ap. Morum: ἐπικυροῦντας M^1 GI^1X: ἐπικουροῦντας cett.

'he permitted them to steal certain things **that alleviated** their hunger.'

The conjectural emendation by 'others' reported (without names) by Morus,[25] is attractive, making the present participle ἐπικουροῦντα ('assisting against' or 'alleviating') neuter plural, agreeing with ἔστιν ἃ ('certain things') instead of masculine as in the manuscripts; the latter would give the sense 'so that they (*the stealers*) were alleviating'. It is the stolen food, rather than the stealers themselves, that is an aid against hunger.

It is worth noting that in the next subsection (2.7) the verb ἐφίημι, of which ἐφῆκεν 'he permitted' is the aorist past form, is followed by the dative case (of a person) rather than the accusative, as it sometimes is when it has the sense of 'permit' (see LSJ s.v. II.c). By analogy, if 'permit' or a similar sense is intended here in 2.6, one would expect the participle, if masculine, to be dative, ἐπικουροῦσιν. It is preferable to make 'certain things' the grammatical subject (within the subordinate clause) of the participle and the participle thus neuter and accusative.

3.5. Silent as statues

ἐκείνων γοῦν ἧττον μὲν ἂν φωνὴν ἀκούσαις ἢ τῶν λιθίνων **⟨εἰκόνων⟩**, ἧττον δ' ἂν ὄμματα **μεταστρέψαις** ἢ τῶν χαλκῶν . . .

24 Perseus under Philologic 4 (last accessed 25 June 2026) records no fewer than 139 examples in the works of Xen.

25 Morus 1775: 303 note d.

post λιθίνων lac. susp. Lipka supplens e.g. ἀγαλμάτων: malim ⟨εἰκόνων⟩ μεταστρέψαις codd.: στρέψαις Id et Ps.-Longinus: στρεψάντων Stob.^{AMS} Flor.^{L}

'From those (*boys*), at any rate, you might less likely hear a voice than you might from stone **⟨images⟩**, and you might less likely **cause** their eyes **to turn aside** than those of bronze ones . . .'

(*a*) I find no parallel in LSJ for λίθινα used on its own as a neuter plural noun to mean 'stone statues'; we should therefore accept the lacuna proposed by Lipka after the adjective λιθίνων ('of stone').[26]

Lipka tentatively proposes to fill the lacuna with ἀγαλμάτων 'statues' or some similar word. Palaeographically, a neater supplement would be εἰκόνων ('images'), which from its similar appearance to λιθίνων could easily fall victim to *saut du même au même*,[27] the scribe's eye skipping from one sequence of letters to an identical sequence and omitting what lies between. Here it would entail omitting the second of two words with the the same ending. The mistake is especially easy to imagine in the earlier, unspaced uncial script, as in this GR Uncial font by Ralph Hancock: **ЄIKONΩNΛIΘINΩN.**

(*b*) Like Muratore in his Budé edition, I retain the μετα prefix of the verb μεταστρέψαις 'you might cause to turn aside' in the independent manuscripts; its optative mood matches ἀκούσαις 'you might hear' a few words earlier, so there seems no reason to emend it as some editors do purely on the basis of one derivative manuscript. (The participial form in Stobaeus, in the genitive absolute, is hard to make sense of.)

4.1. The future belongs to them

. . . νομίζων τούτους, εἰ γένοιντο οἵους δεῖ, πλεῖστον **⟨ἂν⟩** ῥέπειν ἐπὶ τὸ ἀγαθὸν τῇ πόλει.

⟨ἂν⟩ cj. Richards

'. . . considering that these, if they became such as they ought, **would** tend most strongly towards the good of the city.'

26 Lipka 2002: 139.

27 West 1973: 24.

I adopt Richards's supplement ἄν because a strong optative protasis ('if' clause) stands before this clause, expressing the potential for the youths to become good men some day in the future. Otherwise one would need to translate as 'considering that these (*youths*) . . . tended', implying that they were *already* valued; but the preceding main verb ἐσπούδασε ('he was keen') suggests a statement of purpose.

5.4. I drink, therefore I am . . . Spartan?

καὶ μὴν τοῦ **ποτοῦ** ἀποπαύσας τὰς **οὐκ** ἀναγκαίας **πόσεις,** αἳ σφάλλουσι μὲν σώματα, σφάλλουσι δὲ γνώμας . . .

πότου scr. Mar.[1] cum I: ποτοῦ scr. Mur.[3] cum cett. (inter quos F, contra Mur.[3]) οὐκ del. Müller-Strübing

'Moreover, having put a stop to **unnecessary** imbibings of drink, which cause bodies to stumble, and cause minds to stumble . . .'

(*a*) The 4th word, ποτου, like all Greek script in Xenophon's time, will have lacked any diacritics that would help distinguish homonyms (accents were inventions of the Hellenistic period). It could be (i) πότου, the genitive of the noun πότος (2nd declension masculine) 'drinking-bout', 'carousal', connoting excess or at least exuberance; or (ii) ποτοῦ, the masculine or neuter genitive of the adjective ποτός 'drunk', that is, 'ingested by drinking' (not 'inebriated'!), 'potable'; hence its neuter form used as a noun, ποτόν, means 'that which one drinks', 'the drink'. Most manuscripts of *Lak. pol.* place the accent on the second vowel, entailing (ii); only manuscript **I** has (i).

The 9th word, πόσεις, the plural of the noun πόσις (3rd declension feminine), is either purely descriptive ('drinking', 'drink', 'beverage') or exuberant ('carousal'). This being undisputed as between manuscripts, the preceding 4th word only makes sense if it is in form (ii), the stuff consumed by drinking.

(*b*) If we followed Müller-Strübing in deleting οὐκ 'not', we would be introducing the notion of 'necessary' or compulsory booze-ups in which Spartans were forced to drink excessively – a habit not unknown to soldiers of the modern era, not to mention sailors and airmen, but something the supposed lawgiver might wish to rein in. But the deletion of

'not' is, one may say, unnecessary: either 'unnecessary' or 'not compulsory' makes sense, each implying that well-ordered drinking, doubtless in moderation, was expected or even compulsory on occasions, but that drinking under other circumstances was frowned upon. This arrangement seems in keeping with (purported) Spartan values.

8.3. He, or you?

ὅσῳ γὰρ μείζω δύναμιν ἔχει ἡ ἀρχή, τοσούτῳ μᾶλλον ἂν **ἡγήσαντο** αὐτὴν καὶ **καταπλήξειν** τοὺς πολίτας **ὥσθ' ὑπακούειν.**

ἔχει] ἔχοι Dind.[3] ἂν om. I, del. Schneider ἡγήσαντο cum c Mar.[1] Mur.[3]: ἡγήσατο codd.: ἡγήσαιο Pier.[3]: τις ἡγήσαιτο Morus καταπλήσειν Sauppe ὥσθ' Shipley, praemonente Casevitz scribente ὥστε: τοῦ codd., del. Schneider, scr. Mur.[3]: τὸ Lipka: ⟨εἰς⟩ τὸ Voigtländer: fort. ⟨ἐπὶ⟩ τὸ collato Thuc. 2.65.9

'For **they would have considered** that the more power the office has, the more it would also **stupefy** the citizens **so that they would comply.'**

(*a*) First, a comment on the eleventh word, even though I follow Marchant's OCT at this point. It deserves careful exposition. The manuscripts' ἡγήσατο 'he took the view' is odd, implying that the grammatical subject has changed abruptly to Lykourgos. Pierleoni's ἡγήσαιο 'you might take the view' is ingenious, the same 2nd person optative form appearing earlier at 3.5 and later at 13.5. But Kallistos's emendation ἡγήσαντο in manuscript **c** is palaeographically no less easy and is in line with the plural number of the preceding phrase 'these same men', pointing back to the 'strongest' men of 8.1-2 and their cult of obedience to the authorities.[28]

(*b*) The import of the end of the sentence is not in doubt, but the grammatical construction has given rise to debate. Sauppe proposes to replace one future infinitive with another: καταπλήξειν 'stupefy' with καταπλή-

28 Muratore 2022: 256, cites Schneider's objection that Morus's τις ἡγήσαιτο 'one might think' and Pierleoni's ἡγήσαιο would undermine Xen.'s point in this passage. On a separate matter, the anonymous reader of this paper observes that ἄν is to be taken with ἡγήσαντο, not with καταπλήξειν (*contra* Muratore l.c.), since ἄν is not used with the future infinitive.

σειν (from καταπίμπλαμαι) 'fill up'.[29] We do not have sufficient evidence to change the manuscripts' reading.

(*c*) The manuscripts' τοῦ ὑπακούειν 'of complying' is puzzling, even if it is accepted in the Budé edition. It has been both excised by editors and undergone emendations some of which may be over-interventionist. Lipka's τὸ ὑπακούειν 'the complying' might work if the noun became the subject of the future infinitive καταπλήξειν 'to be about to stupefy' (the meaning being 'that compliance would stupefy the citizens' *vel sim.*); alternatively, following the suggestion in his commentary (p. 171), 'to stupefy the citizens in terms of obedience'. That said, in his translation (p. 81) he simply prints 'it can frighten the citizens into obedience', which seems difficult to get out of the Greek as he presents it.

Rühl revives an attractive suggestion of Voigtländer that we insert εἰς 'to' and change τοῦ to τὸ.[30] In some scribal hands, the ligature for ει can resemble α, so that the preposition might be lost through haplography – the scribe's eye jumping from one sequence of letters to the same combination occurring later. Since, however, LSJ cites no Classical example of καταπλήσσω followed by εἰς, we might prefer ἐπὶ 'upon', 'onto', or 'towards', again with τὸ, having in mind Thucydides's statement (2.65) that Perikles used his speeches to stupefy the people 'towards (ἐπὶ) fearfulness' (λέγων κατέπλησσεν ἐπὶ τὸ φοβεῖσθαι). That said, Casevitz's suggestion of ὥστε 'with the result that' is equally satisfactory Greek, and its corruption into τοῦ somewhat easier to envisage than that of either ἐπὶ τὸ or εἰς τὸ into τοῦ, the scribe's eye having jumped from the final signa of πολίτας to the sigma in ὥστε; the invention of τοῦ would be yet easier if ὥστε were elided and aspirated, becoming ὥσθ' before the vowel that follows. We may imagine the uncial text reading ΠΟΛΙΤΑCΩCΘΥΠΑ-ΚΟΥΕΙΝ, easily misread as ΠΟΛΙΤΑCΟΥΠΑΚΟΥΕΙΝ and 'corrected' to πολίτας τοῦ ὑπακούειν.

10.4. More than a few good men

τόδε γε μὴν τοῦ Λυκούργου πῶς οὐ μεγάλως ἄξιον ἀγασθῆναι, ὃς – ἐπειδὴ κατέμαθεν ὅτι **ὀλίγοι** βουλόμενοι **ἐπιμελεῖσθαι** τῆς ἀρετῆς οὐχ ἱκανοί

29 Sauppe 1838: 49.

30 Rühl 1912 ad loc. Evidently J.G.A. Voigtländer (1800-1828); I have not yet located the work of his in which he made this suggestion.

εἰσι τὰς πατρίδας αὔξειν – **ἐκεῖνος [ἐν τῇ Σπάρτῃ]** ἠνάγκασε δημοσίᾳ πάντας πάσας ἀσκεῖν τὰς ἀρετάς;

> ὀλίγοι Schneider: fort. ⟨οἱ⟩ ὀλίγοι: ὅπως οἱ L: ὅπου οἱ cett., retinuit Mur.[3]: οἱ μὴ Löwenklau: ⟨ἔσθ'⟩ ὅπου οἱ Morus: sim. ⟨ἔστιν⟩ ὅπου οἱ Cobet, scr. Pier.[3]: οἱ Haase: ἰδίᾳ οἱ Erbse, def. Lipka: alii alia post βουλόμενοι add. μόνοι Madvig ἐπιμελεῖσθαι codd. (-μελῆσθαι L^2): -μελοῦνται post Haase[adn] Mar.[1] Mur.[3] ἐκεῖνος codd., def. Haase, del. Morus: ἐκεῖ Mur.[3]: fort. αὐτὸς Wilson ἐν τῇ Σπάρτῃ delevi

'Now how is the following action by Lykourgos not greatly worthy of admiration, who – since he learned that **a few men** desirous of paying attention to virtue are not sufficient in number to build up their fatherlands – **he** compelled everyone to train publicly in all the virtues?'

(*a*) After the rhetorical question, the manuscripts (with one exception) can be translated as 'who, since he learned that where those willing to pay attention to virtue are not sufficient . . ., he in Sparta compelled . . .', which is syntactically awkward. Proposed emendations of the first part yield various senses, including 'that, where those ⟨alone⟩ who are willing pay attention to virtue . . .' (Rühl); 'that, where those who are willing pay attention to virtue . . .' (Marchant in the OCT), which keeps closer to the manuscripts, as does the Budé, *que là où ce sont ceux qui veulent bien le faire qui cultivent la vertu* ('that where it is [sc. only] those who desire to do so who cultivate virtue . . .'); 'that there are places where those who are willing to pay attention to virtue . . .' (Pierleoni, following Cobet). Lipka's English translation is 'that when [sc. only] volunteers practice virtue in private . . .'. The gist is that individual commitment is not enough. As at 5.8, the management of social relations by the state is required in order that collective effort be maximized.

Lipka avoids emending (with Marchant and others) the primary codices' reading, ἐπιμελεῖσθαι 'to pay attention', to ἐπιμελοῦνται 'they pay attention'. Instead, he adopts Erbse's ἰδίᾳ 'privately', which gives the required sense but is less easy to explain palaeographically than other proposed emendations. An attractive emendation, also easier to explain palaeographically, is Schneider's early suggestion of replacing ὅπου οἱ

'where the' with ὀλίγοι 'a few',[31] which is a fairly simple change in uncials, **οτιολιγοι** becoming **οτιοπογοι**. One might go further and add the definite article οἱ after ὅτι 'that', making the uncial text **οτιοιολιγοι**; the sense would now be 'that the few men desirous . . .'. Either change makes it easier to retain ἐπιμελεῖσθαι in the first clause. As Lipka notes, ὀλίγοι makes a good contrast with the subsequent πάντας 'all'.

(*b*) After the long observation about other states, the manuscripts have ἐκεῖνος 'that man' or 'he'. Muratore sees this as redundant given the earlier relative pronoun ὃς 'who', and truncates ἐκεῖνος to ἐκεῖ 'there'. Elsewhere in *Lak. pol.*, however, with one exception, ἐκεῖ occurs only when Xenophon offers a personal observation about Sparta in his own day: see 2.2; 2.11; 5.6; 7.3; 7.6; 9.6; 13.2. The exception is 10.7, where the manuscripts have ἐκεῖ qualifying an action by Lykourgos; but in that place ἐκεῖ is awkward and ἐκεῖνος a justified change. The latter is indisputably used of Lykourgos twice elsewhere (1.2; 9.3), which gives a good basis for retaining the word here in 10.4. The *prima facie* illogical sequence of 'who' followed by the logically redundant 'that man' or 'he' seems to be a case of Xenophon – perhaps writing as if the text is to be read aloud or declaimed – seeing that some introductory word is required to reorient the reader or listener after the long, nested clauses.

(*c*) Finally, since we have either ἐκεῖ or ἐκεῖνος to orientate us and to point a contrast with other cities, ἐν τῇ Σπάρτῃ 'in Sparta' seems unnecessary and is likely to be an intrusive gloss, a marginal explanation taken into the text at some stage in transmission. As Lykourgos is already the subject of this and the preceding sentence, we need no reminding of where he lived.

11.4. Hoplite morai, or citizen morai?

μόρας μὲν διεῖλεν ἓξ καὶ ἱππέων καὶ ὁπλιτῶν· ἑκάστη δὲ τῶν **ὁπλιτικῶν μορῶν ἔχει** πολέμαρχον ἕνα, λοχαγοὺς τέτταρας, πεντηκοντῆρας ὀκτώ, ἐνωμοτάρχας ἑκκαίδεκα. ἐκ δὲ τούτων τῶν μορῶν διὰ παρεγγυήσεως καθίστανται **τοτὲ μὲν** εἰς **ἐνωμοτίας ⟨δύο⟩,** τοτὲ δὲ εἰς τρεῖς, τοτὲ δὲ εἰς ἕξ.

31 Schneider 1817: 43 n.

ὁπλιτικῶν Stob.^{AMS} Flor.^{L} def. Mur.^{3}: πολεμικῶν L: πολιτικῶν cett. et Harp. μορῶν ἔχει Harp.: ἔχει μ. codd. praeter ἔχει μοιρῶν M cum Stob.^{AMS} Flor.^{L}: fort. del. μορῶν μορῶν^{2}] μοιρῶν M: μερῶν Stob. τοτὲ μὲν – ἕξ obelis incl. Mur.^{3}: τοτὲ μὲν del. Morel εἰς ⟨δύο⟩ ἐνωμοτίας Brodeau: numerum potius post ἐνωμοτίας posui collato πολέμαρχον ἕνα etc.: ἐνωμοτίας tent. Mar.^{1} (cf. Mar.^{2adn})

'. . . he created by division six *morai* of both cavalry and hoplites: but each of **the hoplite ones has** one *polemarchos*, four *lochagoi*, eight *pentēkontēres*, and sixteen *enōmotarchoi*. From these *morai* they form up, by passing along a command, sometimes into ⟨**two**⟩ ***enomotiai***, sometimes into three, and sometimes into six.'

It would unbalance this paper to add to the long debate about the numbers and composition of the Spartan – or rather Lakedaimonian – *morai* or 'regiments', such as whether there were six *morai* each combining cavalry and foot-soldiers, or six of cavalry and six of foot, and how these arrangements may have changed over time. I seek only to weigh up the dissension within the manuscript evidence.

(*a*) In the second clause, eight of the nine primary manuscripts refer to *morai* that are πολιτικαί 'citizen *morai*', though the two-word phrase is interrupted by the verb ἔχει 'has'. (The ninth manuscript, **L,** has πολεμικῶν 'for war', which is superfluous.) The same adjective stands in the quotation from this passage in Harpocration's 2nd-century AD encyclopaedia, but with ἔχει after the two-word phrase. Two modern editions of Harpocration record no variation from πολιτικῶν in the medieval manuscripts of his work.[32]

On the other hand, the medieval MSS of Stobaeus offer ὁπλιτικῶν, giving us 'hoplite *morai*'. Among the editors tabulated above, Rühl, Marchant in the OCT, and the editors of the new Budé[33] follow the Stobaean evidence, while Pierleoni and Lipka retain the πολιτικῶν of the manuscripts of *Lak. pol.*[34]

One might favour πολιτικῶν, either because of the near-unanimity of the independent manuscripts or on the principle of *lectio difficilior* – that

32 K.W. Dindorf 1853: 207-8; Keaney 1991: 177, at μ 41.

33 Rühl 1912; Marchant 1920; Muratore & Ducat 2025.

34 Pierleoni 1933; Lipka 2002.

scribes are more likely to have replaced the unfamiliar phrase 'civic *morai*' with the more familiar or convenient 'hoplite *morai*', hoplites having just been mentioned, than the converse. It might also be explained as related somehow to the distinction that Xenophon draws, in several works, between the πολιτικὸν στράτευμα 'civic' (or citizen) 'force' of the Lakedaimonians and those of their allies. Muratore, however, observes that the distinction Xenophon intends here is surely between the hoplites and the cavalry, who were organized differently.[35] To put it otherwise, the distinction between 'citizen' and other *morai* is not one that Xenophon needs to make here. Indeed, in the following subsections he discusses the communication of orders to the infantry, not the cavalry, for whom the *enōmotia* structure ('bands of sworn brothers', to adopt LSJ's translation; probably corresponding to the *syssitia* or 'platoon messes', the basic units of the Spartan part of the Lakedaimonian army) is not likely to be relevant.

In addition to the passages cited by Muratore, at *Hellenika* 4.5.1 Xenophon makes an explicit distinction between τῇ τῶν ὁπλιτῶν καὶ τῇ τῶν ἱππέων μόρᾳ 'the *mora* of the hoplites and that of the cavalry', which seems to settle the matter.

(*b*) A case can be made for deleting the first occurrence of μορῶν as a gloss. The word order of the primary manuscripts, as noted above, is awkward. Yet scribes transmitted it; perhaps they took it to mean 'each of the hoplite/civic ones has one polemarch of the *morai*, four *lochagoi*', and so on. But a polemarch commanded one *mora*, not several. Scribes were presumably reluctant to alter the wording if they could make sense of it somehow; but this makes the statement erroneous. In fact, μορῶν is redundant; it may well be a gloss on ὁπλιτικῶν (or πολιτικῶν). To remove it entails that it had intruded before the time the medieval MSS of Harpocration were written, whether it stood before or after ἔχει in the versions from which their scribes, and their predecessors, were copying; if it stood after, then a copyist may have moved it to stand before ἔχει, while in the Xenophon tradition it remained after ἔχει. Removal of the word does not damage the sense but renders it more coherent.

(*c*) A less difficult crux is presented by the sequence of numerical divisions at the end of the extract. Each of the modern editors tabulated

35 Muratore 2022: 261-62, following Cozzoli 1979: 102-3.

above prints the text differently; but it seems most reasonable to read the account as expressing how many *enōmotiai* form each division of a *mora* under each particular rearrangement. The alternative is to suppose that only under the first rearrangement are *enōmotiai* used as the building-block; but why, then, is the numeral τρεῖς 'three' in the masculine or feminine gender rather than the neuter? What or whom is it counting? (The following numeral ἕξ 'six' is indeclinable and could refer to items of any gender.)

If this is so, a numeral must be missing before 'sometimes into three, and sometimes into six'. The ascending order of the preceding passage (on the number of officers at each grade: 1, 4, 8, and 16), with each numeral standing after its noun, suggests that a similar, rising sequence stood here (2, 3, 6) and thus that 'two' is the correct supplement.

11.10. The enemy's approach

ἤν γε μὴν κατὰ τὰ εὐώνυμα πολέμιοι προσίωσιν, οὐδὲ τοῦτο ἐῶσιν, ἀλλὰ προθέουσιν **ᾗ 〈τοῖς〉** ἐναντίοις **ἀντιπάλους** τοὺς λόχους στρέφουσι . . .

ante πολέμιοι add. οἱ Pier.[3] τοῦτο ἐῶσιν] τοῦτ' ὀκνοῦσιν tent. Mur.[2] ἐῶσιν – ἀντιπάλους obelis incl. Mur.[3] ἀλλὰ προθέουσιν cum c Mar.[1]: ἀλλ' ἀποθοῦσιν (sc. -θέουσιν?) A: ἀλλ' ἀπωθοῦσιν M GI FVLW: ἀλλὰ ποθοῦσιν X: ἀλλ' ἄπωθεν οὖσιν Jebb: ἀλλὰ προσίουσι Lipka: ἀλλὰ τοῖς ἐπιοῦσι tent. Mur.[2] 269 ᾗ Shipley: ἢ codd.: del. Jebb 〈τοῖς〉 et (auctore Morel) ἐναντίοις Köchly-Rüstow: ἐναντίους codd., del. Mar.[1] ἀντιπάλους codd.: τοῖς ἀντιπάλοις c: ἀντιπάλοις Steph.[1]

'But if enemies approach on the left side, they do not allow this either, but run forwards **in such a manner as to turn** the companies to **counterbalance the opponents.'**

(*a*) As at 11.4, of the editors tabulated above, no two print the same text. The first verb in seven of the nine independent manuscripts, ἀπωθοῦσιν 'they push away' (with a long second vowel), expresses an inadequate response to the approach, as such, of enemies. The ἀποθοῦσιν 'they run away' of **A** (with a short second vowel) is absurd. Kallistos's προθέουσιν 'they run forwards' (in manuscript **c**) is as satisfactory as any suggestion by modern editors.

(*b*) After this verb, the next word, ἢ 'or', is unexpected since no 'either' stands before the verb. Many editors, nevertheless, retain it. I suggest

changing it to ᾗ, which would have been indistinguishable in the original text before diacritics were adopted, though it could have been written as ηι. This adverbial form of the relative pronoun has a range of meanings related to place such as 'which way', 'where', 'whither', and others related to manner such as 'how', 'as', 'insofar as', and 'wherefore'. Either 'in such a manner as' or 'to the place where' would suit the context.

(*c*) Next the primary manuscripts have ἢ ἐναντίους ἀντιπάλους 'or opponents rivals', which is either ungrammatical or pleonastic. Both ἐναντίους and ἀντιπάλους are masculine accusative plural adjectives serving as nouns. One could delete one of the two as a gloss upon the other, as does Marchant, followed by some later editors. But Kallistos spotted that one or other should simply be in the dative case rather than the accusative, a difference of one letter. He alters ἀντιπάλους to ἀντιπάλοις and, for good measure, adds the definite article τοῖς 'the' as necessary for the sense. His version, retaining ἢ 'or', gives the sense 'or they turn the companies to oppose the rivals'. With ᾗ now in place, however, we can put the other adjectival noun, ἐναντίους, in the dative case, ἐναντίοις, and add τοῖς before it, giving 'they turn the companies in such a way (or to such a position) that they are rivals to the opponents', or more fluently 'counterbalance the opponents'.

12.5. Fitness on campaign

καὶ γυμνάζεσθαι δὲ προαγορεύεται ὑπὸ τοῦ νόμου ἅπασι Λακεδαιμονίοις **ὅσοιπερ** ἂν στρατεύωνται . . .

> ὅσοιπερ cum d z h Steph.[1]: ὅσωπερ codd. primarii: ἐν ὅσῳπερ Heindorf: ὅσονπερ Hertlein: ἕωσπερ Dind.[2]

'By law it is proclaimed to all Lakedaimonians, **just as many of them as** are on campaign, that they are to do athletic exercise.'

The primary manuscripts read ὅσωπερ, presumably equivalent to ὅσῳπερ 'by just as much as', which does not make sense. (They all omit the iota adscript after the omega, or iota subscript under it, that we would print today.) A secondary manuscript, **d,** and two copies of it, **z**

and **h,** read ὅσοιπερ 'just as many as', a reading adopted by Henri Estienne in his edition.[36]

Ludwig Dindorf suggests ἕωσπερ 'for just as long as', to which one can hardly object since, one supposes, the authorities wanted troops to remain fit *throughout* a campaign. Dindorf has been followed by all the editors tabulated above; but the reading of manuscript **d,** whose scribe presumably made the change to ὅσοιπερ consciously, differs less than Dindorf's from that of the primary manuscripts, and expresses adequately a very suitable point for Xenophon to make: that *all* members of an expedition, without exception, must exercise. Probably at some early stage, perhaps in the era of uncial script, **ocoιπερ** was misread as **ocωιπερ**.

13.6. Right wheel!

ἢν δέ ποτε μάχην οἴωνται ἔσεσθαι, λαβὼν τὸ ἄγημα τῆς πρώτης μόρας ὁ βασιλεὺς ἄγει **συστρέψας** ἐπὶ δόρυ . . .

μοίρας M συστρέψας codd.: στρέψας i[d] Morus

'. . . but if ever they think there will be a battle, the king takes the unit of the first *mora* and **turns it together** on the spear-side . . .'

A single derivative manuscript (**i[d]**) offers the participle στρέψας 'turning', without the συ prefix of συστρέψας 'turning together', which stands in all the independent manuscripts; yet **i[d]** is followed by all the editors tabulated above. Both verb forms express a turning motion, but the prefix can be readily understood as expressing the aim of keeping the formation of the *mora* tight (Professor Wilson points out to me that the prefix conveys a 'forceful' action), or possibly the simultaneity of the moves that the soldiers in different positions must make. The verb συστρέφω is well attested, with a range of meanings from 'twist together', 'roll up', to 'form into a compact body'. Citing this passage, LSJ takes it to mean a 'wheel' manoeuvre. There seems no reason to contradict the primary manuscripts.

36 Stephanus 1561: 400, line 21.

13.9. Shiny or cropped?

ἔξεστι δὲ τῷ νέῳ καὶ **κεκαρμένῳ** εἰς μάχην συνιέναι καὶ φαιδρὸν εἶναι καὶ **εὐδόκιμον.**

καὶ – συνιέναι obelis incl. Mur.[3] κεκαρμένῳ Wilson: κεκριμένῳ codd. (κεκριμμ- VL): 'κεκριμένῳ κόμην vel κειρομένῳ seu κειρόμενον?' ruminat Zeune: ⟨κόμην⟩ διακεκριμένῳ Weiske: κεχριμένῳ Mar.[1] (κατακεχριμένῳ tentaverat Naber) συνιέναι] συνεῖναι tent. Zeune εὐδοκιμεῖν Lipka

'It is permitted for the young man to go into battle even **with his hair cropped,** and to be beaming with joy and greatly **admired.'**

(*a*) The manuscripts' κεκριμένῳ 'distinguished' is unspecific: 'It is permitted to the young man even to go into battle distinguished . . .'. Distinguished by what? The gist of the extract is a continuation of the portrait in 13.8 of the Lakedaimonian soldiers (all of them, if we take the Greek literally, not just the Spartans) celebrating in full view of the enemy their eager anticipation of the forthcoming battle; laughing in the face of death, so to speak. The effect upon the morale of most of Sparta's enemies must have been powerful. Xenophon implicitly draws a contrast between the νέος or 'new citizen' and older soldiers.[37]

Understandably, attempts have been made to link the passage to Plutarch, *Lykourgos*, 22.2, where we are told that the Lakedaimonians (or *Lakōnes*, as he has most recently called them, at 21.3) grew their hair long once they ceased to be youths (ἔφηβοι), and that in wartime the young adults (νέοι), too, 'took care that their hair (κόμην) appeared shining (λιπαρὰν) and διακεκριμένην, either 'distinguished' or (with a possible echo of Plutarch, *Romulus* 15.5, see below) 'parted'.[38] This in turn is linked by scholars to the observation earlier in *Lak. pol.* (11.3), in the context of preparations for war, that Spartans beyond ἡ ἡβητικὴ ἡλικία 'the pre-adult age' were encouraged to grow their hair long so as to appear more impressive. According to Herodotos (1.82.8), the Lakedaimonians had done this ever since the victorious Battle of Champions some 150 years

37 Lipka 2002: 223 notes that νέος in this sense is not used elsewhere in *Lak. pol.*, and suggests that it is equivalent to the ἡβῶντες 'young adults' of 2.2, 4.1, etc.

38 Naber 1897: 445-47 astutely suggests that Plutarch was working from an imperfect text of Xenophon.

earlier. If we retain κεκριμένῳ, however, these attempts to elucidate 13.9 fail unless we supply κόμην itself (or an equivalent) before or after the crucial word, as some editors do.

An alert reader of 13.9 would recall that at 9.4-5 we have been told that a coward is forbidden to take part in collective physical training or go around 'shining', λιπαρὸν, clearly meaning 'anointed' (the adjective later used by Plutarch, above), referring of course to the use of oil on the body during exercise rather than on the hair as such. This may lie behind Löschhorn's suggestion (based on an earlier one by Naber), and Marchant's identical but apparently independent proposal,[39] that the participle κεκριμένῳ should be changed by one letter to κεχριμένῳ 'oiled' or 'anointed', no reference to hair being intended. Tellingly, Muratore asserts that even so the sense appears problematic.[40]

(In passing, be it noted that we could remove the καὶ by replacing καὶ κεκριμένῳ with the single word διακεκριμένῳ if we wished to make a close parallel with Plut. *Lyc*. 22.2; but the preceding definite article would then be odd. Alternatively, if we insisted on not making καὶ intensive, we could understand the words to mean 'the young and distinguished man', thinking perhaps of the top graduate of the year being singled out for a unique honour; or even 'the young and hair-parted man'. The latter sense rests on the parallel of διακρίνουσιν 'they part' (the hair), at Plut. *Romulus* 15. 7, but this is rather far-fetched since it refers not to a warrior but to a Roman bride having her hair parted with a spear-point.[41] But as the anonymous reviewer of this paper commented with reference to another suggestion (see below), this asks the reader to 'supply a narrative to make sense of it'.)

It is important to give full weight to the word ἔξεστι 'it is permitted', especially in combination with καὶ, which before the participle (whichever form it takes) must have an intensive sense, 'even'. If we adopt

39 As Muratore 2022: 274 notes, Marchant 1920 seems to have come up with κεχριμένῳ independently from Löschhorn 1917. Marchant, invariably conscientious in crediting previous scholars, may not have had access to Löschhorn's paper because of wartime conditions. Both may have been influenced by Naber 1897: 445-47, who in over-interventionist fashion recasts the whole sentence as ἐξῆν δὲ καὶ νέῳ κατακεχριμένῳ εἰς μάχην ἰέναι ὡς φαιδρὸν εἶναι καὶ εὐδόκιμον.

40 Muratore 2022: 274.

41 Also mentioned at *Roman Questions* 87 = *Moralia* 285b 11-12.

κεχριμένῳ ‘anointed’ – again, note: without specific reference to the hair – what is the point of καὶ as an intensifier? It only works if what follows is something one would not normally assume was the case. Or, what is the point of ἔξεστι, which implies a choice on the young man’s part? Being well groomed, however, is clearly not a privilege reserved for young adults alone (or one young adult); and it is hard to imagine any new soldier not taking the option of making himself look handsome to impress the enemy and his fellows.

One way of getting round the problem is Professor Wilson’s suggestion of κεκαρμένῳ ‘shorn’ or ‘cropped’, from κείρω ‘cut short’, ‘shear’. This could be taken two ways. (1) First, as Professor Wilson himself has observed to me, cropped hair or a shaven head was a sign of mourning in Greek culture.[42] One assumes that Xenophon’s statement refers chiefly to a younger soldier who might, on the day of battle, be grieving – perhaps for the first time – for a lost comrade. (2) Alternatively, if that suggestion is open to the objection made by the anonymous reviewer that it requires the reader to do too much work, κεκαρμένῳ could still make sense if it refers to men who have only just turned adult and whose hair is still very short or even ‘shaven’. Even the newest recruit, whose hair is not yet long, is allowed to show off his appearance in the sight of the enemy, which includes being φαιδρὸν ‘beaming with joy’ and εὐδόκιμον ‘greatly admired’.

(*b*) Lipka’s replacement of the adjective εὐδόκιμον with the verb εὐδοκιμεῖν ‘to be admired’, against the unanimity of the manuscripts, unnecessarily creates a series of three distinct points. The manuscript text, making a pair of contrasting points – (i) being short-haired (either because in mourning, or because newly recruited) versus (ii) being joyful and exciting admiration – is satisfactory and in no way ungrammatical.

15.6. Provides, or extends?

καὶ πρὸς τῇ οἰκίᾳ δὲ λίμνη **[ὕδατος] παρήκει· . . .**

ὕδατος (obiecti) παρέχει def. Mur.[2] post ὕδατος suppl. ἀφθονίαν Castellion (ex ‘aquae copiam’ in versione Philelphi) Steph.[1] (unde h), scr. Pier.[3] Mar.[1], fort. recte,

42 See e.g. Vlachogianni 2018: 304.

aliter delendum ὕδατος ut glossa παρήκει Shipley (ἀφθονίαν non addito): παρέσχεν c: παρέχει cett.

'And beside their house **extends** a lake'.

(*a*) To clear up a first point: the mention of 'their house' (literally 'the house') is at first sight odd, as Lipka notices. He surmises that it refers, not to the kings' respective dwellings, but to their common dining-place, and observes that the mention of a λίμνη 'lake' suggests a locality in or near the district of Limnai near the river Eurotas.[43]

(*b*) Most MSS have λίμνη ὕδατος παρέχει. The phrase λίμνη + ὕδατος, 'lake' in the nominative case + 'water' in the genitive case, does not work in Greek in the way that 'a pool of water' does in English. I cannot find parallels for that construction in LSJ s.v. λίμνη or the other lexica in Logeion (on line). As Muratore observes, ὕδατος is pleonastic. Kallistos, the scholarly copyist of manuscript **c,** evidently recognized the text as unsatisfactory, altering the verb tense from present to aorist ('offered'). For what happens in Sparta in his own day, however, Xenophon mostly uses the present tense; and the change does not remedy the unconvincing syntax.

Lipka prints the majority reading, but in his excellent commentary he commends the supplement ἀφθονίαν 'copious supply' proposed by Sebastian Castellion (1515-1563) on the basis of the phrase *aquae copiam* 'a supply of water' which occurs at this point in the Latin translation by Francesco Filelfo (1398-1491).[44] Henri Estienne prints this addition without indicating that it is a supplement.[45] The second and later part of *Lak. pol.* in codex **h** (*c.*1570) follows Estienne on this point.

Nevertheless, Lipka goes on to prefer ὕδατος παρέχει, without ἀφθονίαν, on the basis that this can be a partitive genitive. He cites the grammatical treatise by Kühner and Gerth, which assembles examples of this construction from a wide range of Archaic and Classical sources (e.g. Thuc. 1.30 τέμνειν τῆς γῆς 'to ravage (some) of the land').[46] But the pre-

43 Lipka 2002: 432-34.
44 Gianotti 1990.
45 Stephanus 1561: 402 ll. 8-9.
46 Kühner & Gerth 1898: 345.

sent phrase is not plausibly a partitive genitive, as if it meant 'a lake provides (some) of its' (or 'the') 'water'. In all the prose examples, including several from Xenophon, the definite article is used; and the verb normally precedes the genitive. Moreover, this sense does not appear to be required by the context. Xenophon has just been discussing the kings' roles in animal sacrifice, and immediately after the present extract says, 'That this, too, is useful for many purposes those who do not have it know better than others'. Why not simply say that the water needed for ritual activities comes from the lake? Why would it not all come from the lake; or, if it didn't, why does he not tell us where the rest came from?

Two alternatives seem justified. We can accept Castellion's addition and print ὕδατος ⟨ἀφθονίαν⟩ παρέχει. Or we can begin by deeming ὕδατος a gloss and removing it, which would leave λίμνη παρέχει 'a lake provides'. The sense would be incomplete; but a simple remedy, not previously considered as far as I am aware, would be to replace παρέχει with παρήκει 'extends beside', leaving πρὸς τῇ οἰκίᾳ δὲ λίμνη παρήκει 'and a lake extends besides their house'. The verb παρήκει (3rd person singular present tense) is not common in Classical (C5-C4) writing, but is used five times by Herodotos (3.114; 4.39, 40, 42, 169), and three times by Ps.-Skylax a little later than Xenophon (35; 64.1; 108.2),[47] always, with one exception, with reference to a body of water or land (the exception is 112.2, where it is used in the infinitive for the location of a people in relation to the area they occupy). If παρήκει became παρέχει in transmission, ὕδατος ἀφθονίαν may have been added to make sense of the sentence.

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47 For the date of Ps.-Skylax's geographical gazetteer, see Shipley 2024: 194-95; more fully, Shipley 2019: 8-9 (~Shipley 2011: 6-8).

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ΝΟΜΟΣ, ΦΥΣΙΣ AND ΚΟΣΜΟΣ IN THE DEMOSTHENIC *AGAINST ARISTOGEITON* 1

By Anders Dahl Sørensen

Summary: Ancient literary critics remarked on the peculiarly 'philosophical' character of the lawcourt speech known to us as *Against Aristogeiton* 1, preserved as number 25 in the Demosthenic corpus. In the course of his attack on Aristogeiton, the speaker articulates a remarkable vision of the relation between *phusis* (nature), *nomos* (law), and *kosmos* (order) in the democratic city-state. The aim of the article is to explore the intellectual background to the philosophical ideas contained in the speech and to suggest a set of parallel texts that may help elucidate those ideas. The first part introduces the speech itself and lists the many ways in which it stands out from the rest of the Demosthenic corpus. In addition to peculiarities of style and content, these include aspects of the textual transmission of the speech within the corpus (stichometry). Siding with the majority of scholars who are skeptical about its attribution to Demosthenes, I suggest that we view the speech as a Hellenistic imitation, arguing that rhetorical 'exercises' (*meletai*) from the same period offer a helpful model for thinking about its original cultural and literary context. Proceeding on this assumption, the second part of the article explores the possible sources of inspiration in the 'philosophical' sections of the speech. I identify close similarities in thought and formulation in two texts that have not previously been brought into conversation with *Against Aristogeiton* 1: the Derveni papyrus and the pseudo-Aristotelian *De mundo*. Much work remains to be done in reconstructing the relation of *Against Aristogeiton* 1 to these other texts and the traditions they represent. But in identifying some of the intellectual resources on which the author drew in his retrospective portrayal of the trial against Aristogeiton, the article hopes to contribute not only to our understanding of the speech itself, but also more broadly to our understanding of the reception of Classical Athenian democracy in Hellenistic literary culture.

Anders Dahl Sørensen: 'Νόμος, φύσις and κόσμος in the Demosthenic *Against Aristogeiton* 1' C&M Supplementum 4 (2026) 785-807.

The speech and its background

Against Aristogeiton 1 – preserved as speech 25 in the Demosthenic corpus – is a strange and fascinating text.[1] The legal setting is a prominent Athenian *endeixis* trial conducted in 324 BCE against the controversial demagogic *rhetor* Aristogeiton, who despite being registered as a public debtor, and thus temporarily deprived of full citizen rights, had been taking the word in the assembly and taking part in multiple legal processes.[2] *Against Aristogeiton* 1 purports to be the second speech for the prosecution, the *deutorologia*, held by Demosthenes and following upon the first and main speech by his co-prosecutor Lycurgus.

Since antiquity critics have noted the peculiar character of the speech, which was seen to stand out from the rest of the Demosthenic corpus in virtue of both content and style. Libanius, in his hypothesis to the speech, reports the views of his predecessors:

> Dionysius of Halicarnassus does not accept these speeches [Dem. 25 and 26] as being by Demosthenes; he adduces their style as evidence. Some say that the orator purposely used this sort of stylistic character in imitation of Lycurgus, who at that time was highly esteemed at Athens; but others say that, since Lycurgus waited until this point in his life to speak first and so used all the main points himself, Demosthenes was forced to follow up more philosophically and in a highly periodic style.
>
> (Libanius *Arg.* XXV.11, VIII 644 Foerster; trans. Gibson)

1 I am grateful to the editors for inviting me to contribute to this memorial volume to Mogens. The paper was first presented at the conference *Democracy After Athens: Theoretical Approaches in Antiquity*, organised by Phillip Horky and Andrea Giannotti (September 2023, Durham University). Jakob Fink, George Boys-Stones and Pavel Gregorić read later versions of the paper and offered helpful comments and suggestions.

2 On the legal and political aspects of the trial: Pohlenz 1924: 19-20; Sardone 2022: 135 (with references). On the historical Aristogeiton: Blass 1880: 247-52. Deinarchus (2.1) describes him as ὁ … πονηρότατος τῶν ἐν τῇ πόλει, μᾶλλον δὲ καὶ τῶν ἄλλων ἀνθρώπων.

It is not difficult to see why readers, ancient and modern, have found the speech to be "more philosophical" (φιλοσοφώτερον). It contains extensive passages devoted to abstract political themes that seem to belong more naturally in a philosophical treatise than in a law court speech: the celebrated antithesis between *nomos* and *phusis* (15-16), the nature and purpose of law itself (17; 20-23), the analogy between a political community and a private household (88-89). This distinctively intellectual orientation is reflected also in the vocabulary, which includes a number of philosophical abstract nouns that are otherwise very rare in the orators (σωφροσύνη, 24; εὐδαιμονία, 33; κακοπραγμοσύνη, 101), as well as technical terms such as φυσιογνωνομεῖν (98). Less often noted, but equally significant I think, are the instances of nominalization (τὸ δίκαιον, τὸ καλόν, τὸ συμφέρον, 16; cf. 75 τὸ ποιοῦν, 20; τὸ τεταγμένον, 26), which, as scholars of Greek prose style teach us, are characteristic of philosophical and scientific literature but generally avoided in legal oratory.[3] Add to this the list of poetic echoes from Athenian drama identified by Schläfke in his 1913 dissertation, the bold use of metaphor, and the uncharacteristically pompous religious tone, unique in law court oratory, which recalls, in particular, the language of Hesiod and Orphic literature.[4]

As Libanius' hypothesis reports, the authenticity of *Against Aristogeiton* 1 was defended by some ancient critics, but most scholars nowadays follow Dionysius and lean towards scepticism. In addition to considerations of style and content, such as those just mentioned, the sceptic can point to a series of apparent mistakes or misunderstandings about details of Athenian legal procedure, suggesting that the author, while well-informed about the circumstances of the particular trial, was not

3 See Denniston 1952: 36-37.

4 On dramatic echoes: Schläfke 1913: 92-93. Schläfke notes that such allusions are rare in Demosthenes' speeches. The comparison of Aristogeiton with a series of aggressive animals (snake, scorpion, tarentula) recalls Attic comedy: Spatharas 2013. On the author's use of metaphor: Schläfke 1913: 82-83. On the extraordinarily intense religious language of the speech, see Martin 2009: 182-202, who points specifically to the use of religious invective and divine personification. I will return to the topic of Orphic literary influence later in the article.

wholly familiar with the judicial context.[5] Defenders of the speech's authenticity have been hard at work trying to overcome these problems, but a handful of serious issues remains.[6] The most striking is perhaps the author's description, at 23, of the Areopagus council convening in the Royal Stoa. This description is hard to square with contemporary sources, which all report that the council met on the Areopagus and never mention any alternative venue. Indeed, as Edward Harris points out in a footnote to his 2018 translation, it is difficult to see how the Stoa, which measured around 18 by 7 meters, could have accommodated the more than hundred members of the council.[7] The speech also contain references to the election of prosecutors (13) and duration of *atimia* punishments (30 and 42) that are likewise at odds with what we believe we know about this aspect of Athenian law.[8]

The resulting suspicion is that we are dealing with a Demosthenic imitation dating from the post-Classical period, and this suspicion is further strengthened by considerations of stichometry, the ancient method of measuring texts by the number of lines.[9] Stichometric marks – i.e. marks indicating one-hundred lines and a total line count at the end – were added to a very early version of the Demosthenic corpus, and they were subsequently transcribed from copy to copy next to the very same passages in the speeches, without regard for the length of lines in the new copy. Not all the speeches in the corpus preserve these original line counts. The stichometric marks sometimes appear to have been lost in

5 Lipsius 1883; Schläfke 1913 (style and vocabulary); and Sealey 1993: 337-39, with further points added by Harris (in the footnotes to his 2018 translation). Dilts, in his recent OCT edition, brackets the name of Demosthenes over speeches 25 and 26, as did Vince in his 1935 Loeb edition. Note that stylometric analysis of the speech, focusing on the use of hiatus and tribrach, does not in themselves offer grounds for rejecting authenticity (for a summary, see Martin 2009: 184-85).

6 Most prominent among the defenders is Mogens Hansen himself (1976: 144-52), who refines and supplements the arguments of Weil 1887; cf. also Schläfke 1913: 10-30, who however judges the speech to be inauthentic on grounds of style and vocabulary.

7 Harris 2018: 204 n. 41.

8 See Sealey 1993: 38.

9 This paragraph draws heavily on recent work by Mirko Canevaro on the textual history of the Demosthenic corpus (Canevaro 2013). I am grateful to Prof. Canevaro for elaborating on his views *per litteras*.

the course of transmission, and when they did so, no new line count was made. But those speeches that have lost their stichometry tend to belong together, from a textual-historical point of view. Most scholars believe that it is possible to identify and isolate discrete subsections of the corpus, clusters of speeches that went together in the earliest stages of the textual tradition.[10] Those speeches that have lost their stichometry generally belong to the same subsection: at some point, all the speeches in this particular cluster lost their stichometries together and never recovered them. This standard pattern is important for thinking about the authenticity of the two speeches against Aristogeiton. Neither of these speeches preserve stichometric marks in our manuscripts, yet they belong at the tail end of a cluster of speeches, the public speeches 18-24, that *do* preserve such marks, and where the stichometric sizes are roughly the same. There is therefore some reason to think that the early textual history of the Aristogeiton speeches is different from that of the rest of the cluster. An attractive hypothesis is that the two speeches were appended onto an existing group of authentic Demosthenic speeches at a later stage, after the stichometric marks had been added to these original members.

If *Against Aristogeiton* 1 is a later imitation, it must have entered the corpus relatively early, sometime in the third century: papyrological evidence shows that the speech was known and considered authentic by Satyrus of Callatis, a Peripatetic author standardly dated to the latter part of that century or the beginning of the next, who cited it in his *Life of Euripides* (*P.Oxy*. IX 1176, fr. 39 col. VIII).[11] This *terminus ante quem* is not incompatible with viewing the speech as a post-classical addition to the corpus.[12] In the mid-third century, "the corpora of the Attic orators were becoming progressively consolidated, yet were still permeable to intrusions"[13], and as recent work on Hellenistic oratory has shown, Demosthenes was a popular model for imitation in rhetorical schools already in this early Hellenistic period. A helpful model for thinking about the likely

10 See the discussion in Canfora 1974: 65-98.

11 For Satyrus' date, see Schorn 2004: 6-10.

12 *Pace* Sardone 2022: 140.

13 Canevaro 2018: 89.

provenance of *Against Aristogeiton* 1 is offered by the fragments of a Hellenistic rhetorical exercise, a μελετή, preserved in P. Berl. 9781 from Egypt and carefully studied by Kremmydas.[14] The speech, which is dated by Kremmydas to the mid-third century, purports to be the defense speech held by Leptines, defending his proposed law against the charges of Demosthenes, as they are known from the *Against Leptines*. It is an impressive exercise in historical fiction: the author is well-versed in Athenian history and the circumstances of the trial, and he betrays an intimate familiarity with, and mastery of, Demosthenes' style and diction. Indeed, the speech could potentially be mistaken for a genuine Athenian speech, were it not for occasional mistakes with regard to chronology and legal details, and for the fact that the speaker ('Leptines') comes across as excessively obsessed with the person of Demosthenes himself (who was, after all, only one of several accusers at the actual trial). Kremmydas concludes that the author was probably a Hellenistic teacher of rhetoric who, lured by the high demand for canonical Greek literature created by the establishment of the library in Alexandria and similar institutions in other Hellenistic kingdoms, intended his work to be circulated alongside *Against Leptines*, as the counterpart to this famous speech by the famous orator.[15]

It has long been recognized that later imitations or forgeries of this kind have occasionally found their way into the *corpora* of the famous orators alongside authentic speeches. Dionysius of Halicarnassus rejected a speech traditionally attributed to Dinarchus on the grounds that "one finds in it much that is silly and sophistical" (*Din.* 11), and Plutarch reports that speeches attributed to Pericles were circulating in his time, though widely recognized to be false since he had left no written work behind (Plut. *Per.* 8). The single surviving speech preserved in Demades' name, *On the Twelve Years*, which is universally recognised to be spurious, likely originated as a rhetorical exercise that came, in the course of time,

14 Kremmydas 2007. The usefulness of P. Berl. 9781 as a helpful *comparandum* was suggested already by Pohlenz 1924: 21; more recently Canevaro 2018: 89-90.

15 Kremmydas 2007: 28.

to be attributed to the famous orator whom it had been trying to imitate.[16] Lysias 2 has sometimes been explained along similar lines.[17]

One reason the content of such spurious speeches could be labelled 'sophistical' by critics had to do with the intellectual world they were inhabiting. In his comments on the language and style of the pseudo-Leptinic speech from the Berlin papyrus, Kremmydas notes the influence of other genres of Attic prose, especially philosophical literature. This is not surprising. Hellenistic students of rhetoric were trained on a select canon of classical texts and authors that included not only exemplary orators such as Demosthenes, but also works from the other key genres of Greek literature: epic, drama, history, philosophy. Judging from the evidence of rhetorical treatises and the later tradition of Greek *meletai*, this broad literary education appears to have lend a distinctively bookish flavor to the speeches produced in the schools of rhetoric, which often abound in poetic references and historiographical echoes, and which display, in D. A. Russell's words, "a theoretical and philosophical strain in [their] make-up."[18] The historical setting of many of the rhetorical exercises is democratic Athens in the Classical period, but it is an Athens in which oratory, poetry, and philosophy are not distinct genres or traditions with their separate literary and institutional contexts, but intermingled voices belonging to the same conversation. To adapt a metaphor from Peter Brown, when viewed from the distance of the third century or later, the canonical authors and genres of Classical Athens blend into a holistic vision, like distant peaks in the horizon that come to seem like one single mountain range even though, in reality, they lie dispersed and are only loosely connected: a retrospective Athenian 'Sophistopolis', as Russell has dubbed it, or a version of Reviel Netz' '*Polis* of Letters', the imagined intellectual community of select Athenian authors that became the bearer of the Greek canon in the post-Classical period.[19]

16 Worthington 1991.

17 See references in Todd 2007: 158.

18 Russell 1983: 37.

19 Netz 2020: 174-76 and passim. On the "generic and idealized Athens" in Hellenistic literary culture, see also Canevaro and Gray 2018: 6-7. Luraghi 2018 explores the ways in which Athenians themselves, following upon the death of Alexander, contributed to fashioning this vision of their own past.

This idea offers, I think, a promising framework for thinking about the many peculiarities of *Against Aristogeiton* 1 that we noted above. The speaker's fondness for theoretical abstraction, religious bombast, and literary allusion stands out in the practical context of a fourth century political trial over procedural malfeasance. It is much more at home in the Hellenistic vision of an over-intellectualized Athens, an Athens where the rhetorical clashes between rival politicians are conducted not just by means of standard oratorical tropes and legal arguments, but also in the language and ideas associated with other canonical genres and literary traditions.[20] In the second half of the paper, I propose to take a closer look at some of the intellectual resources the author may have been drawing on in constructing his retrospective portrayal of Demosthenes in an historical Athenian law court drama. In particular I wish to examine some of the more philosophical ideas contained in the speech. Investigating what is distinctive about the author's use of such philosophical *Gedankengut* in the speech will – I hope to show – allow us to make a couple of more specific suggestions regarding the author's literary and intellectual inspiration. The benefit is not just a better grasp of the ideas contained in the speech. It is also a contribution to the larger project of understanding the ways in which Classical Athenian democracy was being remembered, reimagined and reenacted in Hellenistic literary culture.

Nomos and phusis

The first passage I would like to discuss is found early in the speech. After his opening appeal to the judges and a preliminary denunciation of Aristogeiton as a shameless sycophant, the author announces his intention to address "those points which must always be considered and examined by those who are deliberating on behalf of the *polis* and the laws" (14). He

20 Sardone 2022: 138-39 highlights the author's engagement with abstract philosophical themes associated with fifth and fourth century Athenian intellectual culture as indicative of the speech's authenticity, on the grounds that the introduction of such elements is more likely to be the work of Demosthenes himself than some Hellenistic imitator. The opposite seems to me to be the case.

then launches into an account of the fundamental principles governing human life and human society:

> Ἅπας ὁ τῶν ἀνθρώπων βίος, ὦ ἄνδρες Ἀθηναῖοι, κἂν μεγάλην πόλιν οἰκῶσι κἂν μικράν, φύσει καὶ νόμοις διοικεῖται. τούτων δ' ἡ μὲν φύσις ἐστὶν ἄτακτον καὶ κατ' ἄνδρ' ἴδιον τοῦ ἔχοντος, οἱ δὲ νόμοι κοινὸν καὶ τεταγμένον καὶ ταὐτὸ πᾶσιν. ἡ μὲν οὖν φύσις, ἂν ᾖ πονηρά, πολλάκις φαῦλα βούλεται· διόπερ τοὺς τοιούτους ἐξαμαρτάνοντας εὑρήσετε. οἱ δὲ νόμοι τὸ δίκαιον καὶ τὸ καλὸν καὶ τὸ συμφέρον βούλονται, καὶ τοῦτο ζητοῦσιν, καὶ ἐπειδὰν εὑρεθῇ, κοινὸν τοῦτο πρόσταγμ' ἀπεδείχθη, πᾶσιν ἴσον καὶ ὅμοιον, καὶ τοῦτ' ἔστι νόμος. ᾧ πάντας πείθεσθαι προσήκει διὰ πολλά, καὶ μάλισθ' ὅτι πᾶς ἐστι νόμος εὕρημα μὲν καὶ δῶρον θεῶν, δόγμα δ' ἀνθρώπων φρονίμων, ἐπανόρθωμα δὲ τῶν ἑκουσίων καὶ ἀκουσίων ἁμαρτημάτων, πόλεως δὲ συνθήκη κοινή, καθ' ἣν πᾶσι προσήκει ζῆν τοῖς ἐν τῇ πόλει.
>
> Whether one inhabits a large or a small city, the whole of human life, men of Athens, is governed by nature and by laws. Of these two, nature is disorderly and irregular and peculiar to each individual, whereas the laws are something common and ordered and the same for all. Nature, if it is depraved, often desires what is bad. That is why you find such persons committing offences. But the laws desire what is just and good and advantageous. This is what they seek, and when it is discovered, it is declared a common ordinance, equal and the same for all, and this is law. There are many reasons why it is fitting for all men to obey the law, but they should do so above all because of this: every law is a discovery and a gift of the gods, a decision of wise men, a corrective of voluntary and involuntary offences, a common agreement of the city, specifying how all those who live in the city should conduct themselves.
>
> ([Dem.] 25.15-16; my trans.)

Scholarly interest in this passage has tended to be directed at the last part, where the author offers a series of definitions of law. In antiquity,

the passage caught the attention of the Roman jurists and was later reproduced in Justinian's *Digest*.[21] In modern scholarship, focus has been on the question of whether the manifold definitions of law offered in the passage are mutually incompatible with each other or whether they can be viewed as complementary accounts.[22] But of no less interest is the first part of the passage, where the author articulates a version of the antithesis between *phusis* ('nature') and *nomos* ('law' and 'convention'). While otherwise absent from legal oratory, the conceptual pair is well-known from philosophical literature of the Classical period: in addition to Plato's famous portrayals of the 'sophists' one can point to the fragments of Antiphon, Democritus, and 'Anonymus Iamblichi', as well as the more philosophically inflected passages of Thucydides and Euripides.[23]

However, the version of the *nomos-phusis* opposition developed in *Against Aristogeiton* 1 differs in important ways from the one we find in most of these other texts. While the thinkers and authors mentioned above often disagree on the relative value they attach to the two terms in the opposition, they agree on the basic way the opposition itself is conceptualised. Key to this standard construal of the opposition is, as Kerferd puts it, the notion of *phusis* as "the static concept of 'the way things are'" (1981: 111): *phusis* is what holds everywhere and for all time, what is universal and shared by all. By contrast, *nomos* is what is contingent and man-made and particularistic, what holds merely for some people at some time and place. The author of *Against Aristogeiton* 1 turns this standard construal on its head. For him, it is *nomos* that represents what is the universal and common in human life, whereas nature is understood as the bearer of the particular and idiosyncratic, the irregular individualistic traits that threaten to put us at odds with *nomos*. Later in the speech, the author tellingly associates this conception of *phusis* with the individualistic slogan of 'doing whatever one wants', in contrast with submitting to the order and regularity, *kosmos*, imposed on human society by *nomos*: 19-23 and 25-26. There are some superficial linguistic resemblances in 15-16 with the story related by Critias in the famous *Sisyphus* fragment, where the original state of humanity is likewise described

21 Marcian *Dig*. 1.3.2.

22 E.g. Pohlenz 1924: 28-29; Kerferd 1981: 128.

23 The classic account is Heinimann 1945 but see also Bonazzi 2020.

as ἄτακτος, 'disordered', and contrasted with a state of lawfulness (88 B25 Diels-Kranz). But in Critias, what is disordered is not so much human nature itself as the condition that obtains when human nature, which is generally inclined towards *bia* and *hybris*, is allowed to express itself freely. Someone like Callicles, who identifies the desire for *pleonexia* as the universal constant of human nature, would presumably agree with this vision. For our author, by contrast, it is *phusis* itself that is ἄτακτον and ἀνώμαλον: it represents the individualistic, not the universal, aspect of human life. This accounts for the curious double role played by the concept in the rhetorical strategy of the speech as a whole: it is *phusis* that explains why a depraved individual like Aristogeiton can never be reconciled to lawful human society (30; 32; 48; 50; 96); but it is also the (hopefully) righteous *phusis* of the individual Athenian judges that is repeatedly appealed to as the guarantee of a just outcome of the trial (2; 35; 81; 93). In this latter case, then, *phusis* serves to ground *nomos*.[24]

What, if anything, can we say about the intellectual influences behind this conceptualization of the *nomos-phusis* opposition? Gigante compares the author's notion of *phusis* with the critique of democratic individualism found in Plato and Xenophon, who both reject, as socially subversive, the freedom 'to do whatever you want' (cf. Pl. *Resp*. 7; Xen. *Mem*. 3.5).[25] Our author clearly taps into this same critical tradition when he casts Aristogeiton's slogan of 'doing whatever you want' as expressive of a form of democratic ideology (25).[26] But the differences are here as important as the similarities: while both Plato and Xenophon contrast democratic freedom with a state of lawfulness (*nomos*), there is no indication that the disorder that results from such freedom is understood by them

24 In 14, the speaker even ascribes his own idiosyncratic style of argument to personal *phusis*.

25 Gigante 1993 [1956]: 290.

26 Cf. Filonik 2019: 15-17. As Filonik notes, the explicit association of the unlimited right to do as one wants with democracy in [Dem.] 25.25 is unparalled in Attic oratory. Unlike philosophers and historians, Athenian public speakers typically emphasise the democratic respect for law and tradition, within which personal freedom is carefully circumscribed. If the speech is a later rhetorical exercise, as I have suggested, this allows for a plausible explanation: the author is influenced less by authentic democratic ideology than by the caricatures of that ideology in hostile writers such as Plato and Aristotle.

as an expression of *phusis*. They do not appear to conceive of their social criticism in terms of this specific conceptual antithesis. Pohlenz points in another direction, towards the Pythagoreans and their foundational opposition between ἄπειρον and πέρας (*apud* Arist. *Met*. 986a).[27] This suggestion gains in attraction when we remind ourselves of the many allusions throughout the speech to Orphic literature, an intellectual tradition that was often associated with Pythagoreanism in antiquity.[28] Most conspicuously, in 10-11, the description of Dike as sitting next to Zeus and observing human conduct, is explicitly attributed to Orpheus, "who introduced your most holy initiatory rites" (11). Other passages, though less explicit, have also been taken to reflect an interest in the Orphic literary tradition: the reference to Adrasteia, goddess of necessity, in section 37 and to vivid punishments for wrongdoers in the underworld in 52.[29] Of particular interest is section 8, where Aristogeiton is denounced as "the middle, the end, and the beginning" of political beastliness (πάντα τὰ τοιαῦτα θηρία, ὧν μέσος καὶ τελευταῖος καὶ πρῶτός ἐστιν οὗτος). The phrase echoes a key verse in the Orphic *Hymn to Zeus*: Ζεὺς κεφαλή, Ζεὺς μέσσα, Διὸς δ' ἐκ πάντα τέτυκται (Orph. fr. 6.13 21a, 2 Kern = 14 F Barnabé).[30] Dieterich concluded on the basis of these passages that the author must have been a card-carrying 'Orphic' himself.[31] But the last-mentioned allusion in section 8 suggests a freer literary usage of the Orphic material; after all, the pompous phrase used of Zeus in the hymn is here applied to none other than Aristogeiton, the arch-villain. I suspect a similar literary appropriation is behind the denunciation of Aris-

27 Pohlenz 1924: 36.

28 See Betegh 2014 on the historical relation between the two traditions.

29 Dieterich 1893: 136-37, who notes that the appeal to postmortem punishment is not otherwise found in Attic oratory.

30 Another possible echo can be found in Aristotle's reference in *De caelo* 1.1 to Pythagorean number theory: "For, just as the Pythagoreans say, the whole and all things are delimited by the three; for end, middle, and beginning [τελευτὴ γὰρ καὶ μέσον καὶ ἀρχὴ] have the number of the whole, which is that of the triad. Wherefore, we use this number also in the worship of the gods, taking it from nature, as a law of it" (268a10-15; trans. Betegh). For discussion, see Betegh 2014: 160-62. On the hymn, see Hladký 2021: 218-25.

31 Dieterich 1893: 137.

togeiton in section 82 as τρισκατάρατος, 'thrice-cursed': the term is a hapax in Attic oratory, but the τρισ- prefix seems to have had a particular significance in Orphic religiosity: "the thrice-born" Dionysus in the Orphic Hymns (30.2); and τρισόλβιος, "thrice-blessed", which is found in the Pelinna gold leaves (485 and 486 Bernabé) and in a fragment of Sophocles (fr. 837 Radt) on the Eleusian mysteries.[32]

Against this background, it should not come as a surprise that what is perhaps the closest parallel to the *nomos-phusis* antithesis offered by our author is found in another Orphic text. I am referring to the Derveni papyrus, discovered in a late fourth century tomb near Thessaloniki and published in an authoritative version only in 2006.[33] Most of the preserved lines in the papyrus are devoted to a careful allegorical exegesis of an Orphic poem on the origin of the gods – in fact, it seems be a version of the same poem that our Demosthenic author alludes to in section 8. The Derveni author aims to show that the poem, which on the surface appears to tell a salacious story about primeval gods behaving badly, is in reality an account of the true workings of the cosmos, understood in broadly Presocratic terms.[34] Central to this interpretative strategy is a distinction between the common human use of language and the deeper meaning attached to words by Orpheus. The Derveni author explains the distinction in terms of human *phusis*:

> Παν[τ' οῦ]ν ὁμοίω[ς ὠ]νόμασεν ὡς κάλλιστα ἠ[δύ]νατο, γινώσκων τῶν ἀνθρώπων τὴν φύσιν, ὅτι οὐ πάντες ὁμοίαν ἔχουσιν οὐδὲ θέλουσιν πάντες ταὐτά. κρατιστεύοντες λέγουσι ὅ τι ἂν αὐτῶν ἑκάστωι ἐπὶ θυμὸν ἔλθηι, ἅπερ ἂν θέλοντες τυγχάνωσι, οὐδαμὰ ταὐτά, ὑπὸ πλεονεξίας, τὰ δὲ καὶ ὑπ' ἀμαθίας.
>
> So he named everything in the same way as best he could knowing the nature of men, that not all have the same (nature) nor all want the

32 Barnabé *ad* 485 F: "fort. τρισ- doctrinam religiosam redolet". On the significance of the number three in Orphic and Pythagorean thought: Betegh 2014: 160-62. Another possible source of inspiration is Menander (*Epit*. 1080); but the two need not perhaps be mutually exclusive.

33 Kouremenos, Parássoglou and Tsantsanoglou 2006.

34 See Betegh 2004.

> same things. When they possess power, they say whatever happens to come into the heart of each of them, whatever they happen to desire, never the same things, since they are induced by greed and to some extent by ignorance as well.
>
> (*PDerv* col. XXII.1-6; trans. Tsantsanoglou and Parássoglou)

There are similarities here, in both language and ideas, with the account of *phusis* we found in *Against Aristogeiton* 1. Human nature is associated with individuality and arbitrariness, with doing whatever one wants, though we note that the Derveni author also mentions underlying principles, πλεονεξία and ἀμαθία, as causes of this arbitrariness. There is no explicit contrast with *nomos* in this part of the papyrus. However, if the plausible reconstruction by Tsantsanoglou is accepted, Orpheus' act of esoteric name-giving is referred to earlier in the text as an act of νομοθεσία (col. VII): it brings order and meaning into the linguistic arbitrariness caused by human nature by imposing on words a deeper significance, a significance however which is accessible only to those with understanding. Many details admittedly remain unclear about how precisely to understand this idea and its place in the Derveni author's project. But it seems that the papyrus does provide us with at least the outlines of a *nomos-phusis* opposition comparable to the one we find in *Against Aristogeiton* 1.

Nomos and kosmos

The other passage I want to look at is part of the same general section of the speech as 15-16. In 18-19 the author offers a common rhetorical trope from Attic legal oratory: the otherwise admirable virtue of leniency should be restrained when it comes to this most wicked of criminals. But he then shifts gears again and announces a larger theme: "that the entire *kosmos* of the city and the laws is thrown into confusion and destroyed on account of this man – this too I intend to show you clearly" (19). He continues:

> (20) Λέξω δ' οὔτε καινὸν οὔτε περιττὸν οὐδὲν οὔτ' ἴδιον, ἀλλ' ὃ πάντες ὑμεῖς ἴσθ' ὁμοίως ἐμοί. εἰ γάρ τις ὑμῶν ἐξετάσαι βούλεται τί ποτ' ἐστὶ

τὸ αἴτιον καὶ τὸ ποιοῦν τὴν βουλὴν συλλέγεσθαι, τὸν δῆμον εἰς τὴν ἐκκλησίαν ἀναβαίνειν, τὰ δικαστήρια πληροῦσθαι, τὰς ἔνας ἀρχὰς ταῖς νέαις ἑκούσας ὑπεξιέναι, καὶ πάντα δι' ὧν ἡ πόλις οἰκεῖται καὶ σῴζεται γίγνεσθαι, τοὺς νόμους εὑρήσει τούτων αἰτίους καὶ τὸ τούτοις ἅπαντας πείθεσθαι, ἐπεὶ λυθέντων γε τούτων, καὶ ἑκάστῳ δοθείσης ἐξουσίας ὅ τι βούλεται ποιεῖν, οὐ μόνον ἡ πολιτεία οἴχεται, ἀλλ' οὐδ' ὁ βίος ἡμῶν τοῦ τῶν θηρίων οὐδὲν ἂν διενέγκαι. [...] (23) ὧν ἓν ἢ δύ' ἐρῶ παραδείγματος ἕνεκα, τὰ γνωριμώτατα. τὸ τὴν βουλὴν τοὺς πεντακοσίους ἀπὸ τῆς [ἀσθενοῦς]* τοιαυτησὶ κιγκλίδος τῶν ἀπορρήτων κυρίαν εἶναι, καὶ μὴ τοὺς ἰδιώτας ἐπεισιέναι· τὸ τὴν ἐξ Ἀρείου πάγου βουλήν, ὅταν ἐν τῇ βασιλείῳ στοᾷ καθεζομένη περισχοινίσηται, κατὰ πολλὴν ἡσυχίαν ἐφ' ἑαυτῆς εἶναι, καὶ ἅπαντας ἐκποδὼν ἀποχωρεῖν· τὸ τὰς ἀρχὰς ἁπάσας, ὅσας οἱ λαχόντες ἄρχουσιν ὑμῶν, ἅμα τῷ τὸν ὑπηρέτην εἰπεῖν 'μετάστητ' ἔξω' τῶν νόμων κρατεῖν ἐφ' οἷς εἰσεπέμφθησαν, καὶ μηδὲ τοὺς ἀσελγεστάτους βιάζεσθαι· ἄλλα μυρία.

* del. Weil

(20) What I will say is neither new nor extraordinary or unusual, but only what you all know just as well as I. If one of you wishes to examine what it is that causes and brings about that the council is convened, that the people come up to the assembly, that the law courts are filled, that the outgoing magistrates voluntarily yield their office to the new, in short that all those things come to pass by means of which the city is managed and preserved, he will find that the laws are responsible, and the fact that those laws are obeyed by everyone. For indeed if the laws are dissolved and everyone is given license to do as he wishes, not only is the city destroyed but our life would be no different from that of wild beasts. [...] (23) I will give you one or two examples, those that are most well-known. The Council of Five Hundred is master over its secrets as a result of this barrier here, and private citizens do not enter. The Council from Areopagus enjoys complete peace and quiet by itself whenever it sits in Stoa Basileios and is parted off by means of a rope, and everybody leaves and departs. All the offices that those of you who are selected by lot hold, as soon as the assistant says 'Rotate!', exercise legal authority over the duties

> over which they have been assigned, and not even the most licentious resort to violence. There are countless others.
>
> ([Dem.] 25.19-23; my trans.)

What is striking about this passage is the author's strong and exclusive emphasis on institutional order and procedural regularity as the key manifestation of *nomos* in the city: the convening of council and assembly meetings; the selection and rotation of magistrates and judges; the physical framework that ensures institutional integrity and due process. Of course, this choice of emphasis makes some sense in the legal context of the trial – the opponent is Aristogeiton, whose alleged crime is to have broken procedural regulations by speaking public without full citizen rights (see esp. sections 26 and 28). But the historical legal context alone hardly suffices to explain the massive attention devoted by the author to this particular idea. Other passages recall and supplement the themes in 19-23 with their focus on the close link between lawfulness and the proper functioning of political institutions and offices (9; 90). What emerges from all this is an impression of the author as positively obsessed with institutional order and regularity.

There is a clear conceptual link here with the account of the *nomos-phusis* antithesis we discussed above: the order and regularity of *nomos* as opposed to the disorder and arbitrariness of *phusis*. But I think it is also worth examining the author's distinctive vision of *nomos* and *kosmos* in its own right. Echoes of the idea is found in philosophical texts from the Classical period. In a passage from Aristotle's *Politics*, the rule of law is equated with the rotation in political offices: "for the order is law" (ἡ γὰρ τάξις νόμος, 3.16 1287a16-18). But the text that springs to mind when first reading these sections of *Against Aristogeiton* 1 is Plato's *Laws*. As Luc Brisson has stressed, in the imaginary Cretan *polis* of Magnesia the institutional order and physical movement of magistrates is presented as expressive of an ideal of political *kosmos*.[35] The link between procedural *nomos* and political *kosmos* is never stated as explicitly and emphatically in the *Laws* as in our pseudo-Demosthenic speech, but a similar underlying vision can be discerned. It is therefore interesting to note that there is also another reason for linking the two texts: in his opening address to

35 Brisson 2019.

the new colonists of Magnesia, the Athenian begins by quoting a version of the same Orphic material that we found in the speech:

> "Ἄνδρες" τοίνυν φῶμεν πρὸς αὐτούς, "ὁ μὲν δὴ θεός, ὥσπερ καὶ ὁ παλαιὸς λόγος, ἀρχήν τε καὶ τελευτὴν καὶ μέσα τῶν ὄντων ἁπάντων ἔχων, εὐθείᾳ περαίνει κατὰ φύσιν περιπορευόμενος· τῷ δὲ ἀεὶ συνέπεται δίκη τῶν ἀπολειπομένων τοῦ θείου νόμου τιμωρός [...]"
>
> "Gentlemen", let us say to them in that case, "it is God, according to an ancient account, who holds the beginning and end and middle of all things in his hands. Straight is his course, so nature ordains, and behind him ever follows Dike, taking vengeance on those who depart from divine law."
>
> (Pl. *Laws* 715e-716a; trans. Griffith)

Here we have two of the Orphic reminiscences in *Against Aristogeiton* 1 (8 and 10-11) juxtaposed within a single short passage. So we might be tempted to stop here and speculate about some more or less direct influence of Plato on our author. But I want to suggest that we can go one step further and a bit more precise. As Des Places' work on the indirect tradition of the *Laws* has shown, the above-cited passage from Book 4 became one of the most popular passages of Plato in later authors.[36] One of these later citations is particularly interesting for our purposes. It is found at the end of the pseudo-Aristotelian *De mundo*, a text of uncertain date – suggestions range from mid-third century BCE to second century CE.[37] That the pseudo-Aristotelian author was not relying Plato alone as a source for his Orphic material is shown by other passages in the text: a few lines above he offers an extended citation of the Orphic *Hymn to Zeus* that we have seen both Plato and Pseudo-Demosthenes paraphrase ([Arist.] *Mund.* 401a28-b7). Other details catch the eye of a reader who has just been studying *Against Aristogeiton* 1 and the Derveni papyrus: the ref-

36 Des Places 1944: 34-35 (cf. 1951: 65 n. 2). He identifies no less than 32 citations and allusions in later authors.

37 Thom 2014: 7 (with references); cf. Gregorić and Karamanolis 2021: 8 ("between second half of third century BCE and the first half of the first century BCE").

erence to Adrasteia in the same part of the treatise (401b13), and the author's remark that his allegorical reinterpretation of divine names has reached its end οὐκ ἀτάκτως, "in a not disorderly fashion" (401b22-23).

However, what is most striking about *De mundo* is that it is the only text (known to me) that offers a comparable account of the role of *nomos* in political *kosmos*. A bit of background to the text and its argument is necessary here. In chapter 5, the author introduces what will be the key question for the second half of the treatise:

> Some have indeed wondered how the cosmos, consisting of opposite principles, I mean dry and wet, cold and warm, has not long ago been destroyed and perished – just as one would wonder how a city endures, since it consists of opposing classes, I mean of poor and rich, young and old, weak and strong, bad and good. They fail to recognize that this was the most wonderful thing about civic concord, I mean that it accomplishes one disposition out of many and a similar disposition out of diversity, a disposition allowing for every nature and fortune.
>
> ([Arist.] *De mundo* 396a33-b7; trans. Thom)

Chapter 6 consists in an elaborate attempt at explaining the ultimate cause that accounts for such harmony and concord in the *kosmos* (397b9-13). The author agrees with the traditional view that the ultimate cause should be identified with God, but he disagrees with those philosophers, such as the Stoics, who claim that God functions as a cause of order by being present in the material world itself. By contrast, he argues for a version of the Aristotelian position that God controls and orders the world while remaining distinct and separate from it (397b13-24). His argument proceeds by way of a long series of analogies intended to show how it is possible for an ordering cause to function in this way. At the end of the series, he returns to the analogy between *polis* and *kosmos* and specifically identifies the internalization of law as the cause of political order:

> καθόλου δὲ ὅπερ ἐν νηὶ μὲν κυβερνήτης, ἐν ἅρματι δὲ ἡνίοχος, ἐν χορῷ δὲ κορυφαῖος, ἐν πόλει δὲ νόμος*, ἐν στρατοπέδῳ δὲ ἡγεμών,

τοῦτο θεὸς ἐν κόσμῳ, πλὴν καθ' ὅσον τοῖς μὲν καματηρὸν τὸ ἄρχειν πολυκίνητόν τε καὶ πολυμέριμνον, τῷ δὲ ἄλυπον ἄπονόν τε καὶ πάσης κεχωρισμένον σωματικῆς ἀσθενείας· ἐν ἀκινήτῳ γὰρ ἱδρυμένος δυνάμει πάντα κινεῖ καὶ περιάγει, ὅπου βούλεται καὶ ὅπως, ἐν διαφόροις ἰδέαις τε καὶ φύσεσιν, ὥσπερ ἀμέλει καὶ ὁ τῆς πόλεως νόμος ἀκίνητος ὢν ἐν ταῖς τῶν χρωμένων ψυχαῖς πάντα οἰκονομεῖ τὰ κατὰ τὴν πολιτείαν· ἐφεπόμενοι γὰρ αὐτῷ δηλονότι ἐξίασιν ἄρχοντες μὲν ἐπὶ τὰ ἀρχεῖα, θεσμοθέται δὲ εἰς τὰ οἰκεῖα δικαστήρια, βουλευταὶ δὲ καὶ ἐκκλησιασταὶ εἰς συνέδρια τὰ προσήκοντα, καὶ ὁ μέν τις εἰς τὸ πρυτανεῖον βαδίζει σιτησόμενος, ὁ δὲ πρὸς τοὺς δικαστὰς ἀπολογησόμενος, ὁ δὲ εἰς τὸ δεσμωτήριον ἀποθανούμενος. γίνονται δὲ καὶ δημοθοινίαι νόμιμοι καὶ πανηγύρεις ἐνιαύσιοι θεῶν τε θυσίαι καὶ ἡρώων θεραπεῖαι καὶ χοαὶ κεκμηκότων· [...] οὕτως ὑπολεπτέον καὶ ἐπὶ τῆς μείζονος πόλεως, λέγω δὲ τοῦ κόσμου· νόμος γὰρ ἡμῖν ἰσοκλινὴς ὁ θεός, οὐδεμίαν ἐπιδεχόμενος διόρθωσιν ἢ μετάθεσιν, κρείττων δέ, οἶμαι, καὶ βεβαιότερος τῶν ἐν ταῖς κύρβεσιν ἀναγεγραμμένων.

*νόμος mss : νομο<θέτη>ς Lorimer.

And in general, what the helmsman is on a ship, and the driver in a chariot, and the leader in a chorus, and the law in a *polis*, and a commander in an army, this god is in the cosmos, except as so far that for them to command is exhausting, restless and full of care, but for him it is without pain, without toil and removed from all physical weakness. For he, established in the unmovable, moves all things with power and leads them around, where and how he wills, in different forms and natures, just as, for instance, the law of the *polis*, being immovable in the souls of those who use it, administers all things in public life. For it is clear that in obedience to the law the archons go to their offices, the thesmothetai to the appropriate courts, and the councilors and members of the assembly to their respective meeting-places; one man walks to the prytaneum to eat, another to the courts to defend himself, still another to prison to die. Ordained by law there are also public feasts and annual festivals, sacrifices to the gods, cults of heroes, libations to the deceased. [...] So we must also think about

> the greater *polis*, I mean about the cosmos: for god is an evenly-balanced law to us, admitting no correction or change, but stronger, I think, and surer than those inscribed on the triangular tablets.
>
> ([Arist.] *Mund.* 400b6-3; trans. Thom)

There are some minor differences here from what we saw in *Against Aristogeiton* 1. Whereas the Demosthenic author focuses exclusively on the order and regularity of political bodies and office-holders, the author of *De mundo* takes a broader view and includes in his portrayal of a well-regulated *polis* the orderly progress of the ritual and cultic calendar – and even what looks like a veiled reference to Socrates' trial and death. But these divergences are insignificant in comparison with the similarities that link the two accounts: the authors clearly share a very specific vision of the role of *nomos* in creating a political *kosmos*, manifesting itself in the orderly workings of public life, the institutions and offices of the *polis*. Moreover, both authors emphasise, as a precondition for this *kosmos*, that *nomos* needs to be anchored in the souls of the citizens themselves: compare the above passage with [Dem.] 25.34-35, where altars of Dike, Eunomia, and Aidos are said to erected "in the very soul and nature of each individual" (ἐν αὐτῇ τῇ ψυχῇ ἑκάστου καὶ τῇ φύσει).

My sense is that the parallels between *De mundo* and *Against Aristogeiton* 1 are too many and too specific to be coincidental. But any concrete suggestions with regard to patterns of influence and the identity of common sources are bound to be very speculative, at least at this stage of my research. I want to end by offering a few provisional reflections. It seems to me that the direction of influence is unlikely to go from *Against Aristogeiton* 1 to *De mundo*. While the Demosthenic author's account of *nomos* and *kosmos* strikes the reader (ancient and modern) as artificial and out of proportion in its rhetorical and legal context, the corresponding account in *De mundo* is perfectly appropriate for its function in the author's overall argument against Stoic theories of God and universe.[38] This suggests that the idea is more likely to have originated in a philosophical context than in a legal-rhetorical context. It is perhaps also worth mentioning here that the author of *De mundo* writes from the point of view of

38 See the careful analysis of the structure of Pseudo-Aristotle's long series of analogies in Betegh and Gregorić 2020.

the Peripatetic school, which, going back at least to Demetrius of Phaleron, often displays a strain of hostility towards Demosthenes and his political legacy.[39] This makes it unlikely (though of course not impossible) that the author of *De mundo* would have been turning for inspiration to a speech included in corpus of Demosthenes' works. More plausibly, the author of *Against Aristogeiton* 1 – who need not have shared Demosthenes' political sympathies – looked to philosophical literature when composing his fictive speech against Aristogeiton and stumbled across an idea that he could use: the idea that institutional and procedural regularity is not just a matter of legal technicalities, as someone in Aristogeiton's situation might argue, but an expression of something deep and important, the very *kosmos* of the city.

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39 Canevaro 2018: 75-76.

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THE THREE SOCRATIC FATHERS OF CHION THE TYRANNICIDE

By Chr. Gorm Tortzen

Summary: In the early Imperial epistolary novel *Chion's Letters* the main character Chion (375?-353 BC) attends Plato's Academy in order to become a true philosopher. A reading of the novel makes it clear that the main source for the young man's development into a philosophical tyrannicide is not inspired by Plato but by Xenophon, who is actually the most influential of his three Socratic fathers.

Chion's Letters are the oldest known Greek examples of the epistolary novel genre. It consists of 17 short letters, allegedly from a correspondance between Chion of Heraclea Pontica, his father and, among others, Plato, of whom Chion was an ambitious young student. In the middle of the fourth century BC Chion left his hometown in order to study philosophy at the Academy in Athens, at the instigation of his father, but after five years of Academic studies he returned to Heraclea and killed the tyrant Clearchus, in accordance with the ideology of his teacher, as he explains.

It has long been widely accepted that the novel is a fraud manufactured in the early Empire – a pious fraud, certainly, but nevertheless a fiction. On the other hand, the story of the brave young Platonic student who gave up his studies in order to kill the tyrant of his hometown is based on well documented and indisputable facts.[1] There is no doubt that a student of Plato's called Chion of Heraclea actually did plan and succeed in killing the tyrant Clearchus, and was killed immediately afterwards together with a few fellow assassins, probably in 353 BC. Fascinating

1 Isocr. 7.12; Diod. Sic. 15.81, 16.36; Philodemus: *Philosophorum Academicorum Index Herculanensis* ed. Kilian J. Fleischer (2013) Textkritische Ausgabe: P. Herc. Col 6. line 13-16). Here Chion is mentioned among other students: 'Chion who killed the tyrant of Heraclea'; Memnon *FHG* III.526; Just. *Ep.* 16.4.4-8; Ael. fr. 86. Brodersen 2026: 62-87 gives a handy bilingual synopsis of the historical testimonia. I am very grateful to Professor Brodersen for sending me his book directly from the press.

Chr. Gorm Tortzen: 'The Three Socratic Fathers of Chion the Tyrannicide' C&M Supplementum 4 (2026) 809-820.

though the historical background of a philosophical tyrannicide is, I shall here leave it aside and concentrate on the anonymous author's plan, or stage setting of the novel, in order to understand why he chose Chion as the protagonist, electing to write a novel about a political assassination carried out about four hundred years earlier.

A Platonic dialogue has several similarities with an epistolary novel: The author is absent from the scene, but never the less communicates with the reader in an indirect and rather sophisticated way, since the understanding of the text is wholly dependent on the reader's ability to pick up the messages sent from the author through the persons of the dialogue or the writer of letters. In short: Here, I am not interested in the historical Chion but in the portrait of him and his philosophical inspiration as described by the author.

In the fifth book of the *Politics* Aristotle gives a detailed disquisition on tyranny and tyrannicides (1311a1-1313a15). Here he mentions Python and Heraclides who killed Cotys, king of the Odrysians (in 359/358). In the *Index Academicorum* (col. 6.13-15) they are listed as members of the Academy together with Chion and just after another member, Dion, 'who put an end to the tyranny of Dionysius'. The fragmentary state of Philodemus' *Index* does not permit too many conclusions about this list, but it is worth noting that these four assassins are mentioned together as if they were a group of political activists. Aristotle also lists the common reasons for becoming a tyrannicide: hatred, jealousy, lust for power and honour – but not philosophical conviction. Aristotle may have forgotten Chion, or – equally plausibly – the motives of the historical Chion were not philosophical at all, but an invention of the author, based on nothing more than the fact that Chion had attended the famous Academy of Plato. We do not know, but if he invented the combination of philosophy and tyrannicide, it presented him with both a range of narrative problems as well as possibilities.

The novel

The Greek text is transmitted in several manuscripts and is normally referred to in the standard edition of Ingemar Düring.[2] The letters form only Chion's part of the correspondence between him, his father Matris, his friends in Heraclea and Clearchus the tyrant; the novel opens *in medias res* with a response of Chion to a letter given to him by his father, to be opened only at Chion's arrival in Byzantium on his way to Athens. The correspondance consists mainly of letters between father and son but ends with a farewell letter from Chion to Plato.[3]

It is evident that the letters are not part of a real correspondence but a work of art: they are carefully composed in ring composition, a *stephanos*, which presupposes knowledge of (or plans for) future events.[4] In the history of European literature, the first epistolary novel is traditionally dated to the 17th century, but the Chion novel fulfils all the requirements of the genre, and among scholars of ancient novels there has long been agreement that it is an ancient forerunner to a type of epistolary novels which later on became very popular.[5]

2 Düring 1951 is the first to call the Chion letters a novel. Düring's text has been reprinted several times: W.R. Connor (ed.) in *Greek Texts and Commentaries*. New York (1979), and Pierre-Louis Malosse, *Lettres de Chion d'Héraclée*. Cardo; 1. Salerno (2004), with Düring's text and a French translation. While I was working on this article an important edition of the text was published: Andrea Beghini: *[Chione] Lettere. Saggio introduttivo, edizione critica, traduzione e commento* (Diotima 13) Baden Baden 2025. Unfortunately, I did not have access to this book. – Perry 1967: 85 doubts whether they could be called a novel at all.
Quotations from the letters are taken from Düring's English translation (with a few alterations). Some years ago, I made a preliminary Danish translation of *Chion's Letters* (Tortzen 2017a), and hope to publish an emended Danish translation with commentary in a not too distant future.

3 As Düring has pointed out (Düring 1951: 18-19) the letters are composed according to Hellenistic epistolary conventions, similar to the categories stated by Demetrios in his Τύποι ἐπιστολικοί, see my analysis in Tortzen 2017b.

4 Excellent analyses of the composition in Düring 1951; Constan & Mitsis 1990; Usher 1987; Holzberg 1994 (esp. pp. 28-32; Rosenmeyer 2001.

5 Hägg 1980: 173 has a short comment in his influential survey *Den antika romanen (= The Ancient Novel)*. See also Holzberg 1994: 28-32.

Düring's linguistic studies of the text and his *index verborum* have convinced most readers that the anonymous author lived hundreds of years after the assassination of the tyrant; probably in the first (or early second) century AD: several words and phrases are undoubtedly Hellenistic, and, perhaps more importantly, the reckoning of the hours of the day (e.g. 'the sixth hour' for noon) follows a practice known no earlier than the texts of the New Testament. The author is thus, in a way, a composer of a historico-philosophical novel. The text has often disappointed readers (initially including myself) who dreamt of reading a sort of historical novel about Plato and his teaching, written by an eyewitness, just as *Plato's Letters* have been read as sources for the life and ideas of the philosopher. There are short descriptions of the philosophical life in the Academic community (see ep. 5 below) and some chit-chat about problems in Plato's family life (ep. 10), but philosophy in itself does not interest Chion. In the following I shall try to explain why the anonymous author found the old story about a young upper-class philosophical tyrannicide fascinating enough to turn it into an epistolary novel.

The characters

To answer this question, we must investigate the literary *persona* of Chion, and what he says about himself and the purpose of his studies in Plato's Academy. First of all, his father Matris – who is depicted as a rich merchant and shipowner in Heraclea – had also made the journey to Athens in his youth and had met Socrates, a story Chion must have heard several times in his childhood and proudly mentions in ep. 3. From a letter to his friend at home, Bion (ep. 9), we learn that they both attended some sort of a school in Heraclea and that Chion must have been about 20 years old when he left – much to the chagrin of his parents, especially his mother, as he explains in ep. 1. The young man misses his family too, but his *epithymia* for learning compels him to stay in the Academy with its fascinating atmosphere – although we do not hear of other students and the famous lectures, let alone anything about Plato's *ungeschriebene Lehre.*

But we have to start from the beginning. On his way to Athens, Chion arrives at Byzantium where he (ep. 3) meets none other than Xenophon

the Athenian, another former student of Socrates. He too is travelling but on the return journey from his Persian Expedition with what little is left of the 10.000 Greek mercenaries. Chion reports to his father:[6]

> When Cyrus fell in the first battle and, contrary to the treaty, the Greeks were beheaded, he was elected general on account of his gallantry and skill in various matters, for the believed that he had the best qualifications for rescuing the Greeks", Chion reports, retelling the adventures of the *Anabasis*. "This is remarkable," he continues, "but much more remarkable and more important is what I now witnessed."

In what we may call standard chronology, it is obviously not possible for a young man of 20 years to meet Xenophon and his army passing through Byzantium in 399 BC, only to kill a tyrant five years later, in 353.

Normally this is explained – or rather explained away – as a slip of the mind: the author is not well versed in the history of the fourth century and therefore he is not aware of the anachronism – or he assumes his reader either does not know or care. It has also been suggested that the letters mentioning Chion's chance meeting with Xenophon are interpolated.[7] This ingenious idea presupposes, of course, that the other letters are genuine. But the *stephanos* composition of the letters makes it clear that the author meant them to be integral part of the story. This means either that we have a clumsy disposition of the text or – as I shall argue – that the author considered the *persona* of Xenophon too good for his stage setting to leave out.

If we accept the general opinion that the author lived in the first or second century AD, he will have had the same sources for the murder of the Heracleote tyrant Clearchus in 353 BC that we have. He may even believe the tradition[8] that Clearchus was a student of Plato, although he

6 *Ep*. 3.1.

7 Coberus 1765; Brodersen 2026: 13-14.

8 According to Aelianus fr. 86 H and *Suda* s.v., the young Clearchus went to Athens and studied for some time at the Academy. In a dream he saw a woman cursing him and saying: "Leave the Academy and keep away from Philosophy! It is not θέμις for you to touch her." After that experience he went back to Heraclea, where he was killed "first by Dike, then by the hand of Chion."

does not mention it. He also has an idea of describing the main character Chion as a young idealistic man who began his Academic career as an eager student of Plato and ended up as a determined tyrannicide. I believe the anonymous author inserted Xenophon in order to make his young protagonist more realistic and energic, lending him the vigour of Xenophon that he did not find in Plato. His inspiration is of course literal: he knows from his studies of Hellenistic historical literature that Chion attended the famous Academy in order to study philosophy, and added to the CV of his epistolographer his father Matris' tour to Athens and Socrates; he knows that Plato was adored as a charismatic teacher by his students, but also that he was a man of letters and not politically active, except perhaps for the catastrophic adventure in Syracuse known from *Plato's Letters*. On the other hand, he knows Xenophon from the *Anabasis.* Before his departure for the military expedition to Persia, Xenophon consults Socrates about his participation in the rash expedition against the Great King and he is advised by him to consult the Delphic Oracle.[9] He also knows that Xenophon (according to his own report in the *Anabasis*) was the main architect of the Greek soldiers' safe return and his own success as a leader later on. On the other hand, the author knows nothing about the motives of the young Chion and therefore must supply his main character with plausible reasons for his heroic deed. Xenophon's appearance in Byzantium, and his way of calming down his enraged soldiers makes a great impression on Chion, and in my opinion this is the most important meeting in the novel.[10] Chion observes the hopeless situation in the town and prepares to fight for his life, but Xenophon's calm behaviour changes everything, including Chion. From Xenophon's other works, e.g. the *Cyropaedia, On Horsemanship,* and *Hieron,* the writer (and we) know that his ideal leader propagates exactly the same ideas of leadership as Chion's hero practises in Byzantium, according to Chion.

Xenophon's personal appearance, and his calm yet energetic attitude to his rebellious soldiers make a great impression on Chion, who in despair had bravely fetched his shield and spear and run to the city walls. From here, the readers get a 'teichoscopic' report: the soldiers are exhausted from the journey and are evidently suffering from what we

9 *Anabasis* 3.1.4-8.

10 The scene is a paraphrase of *Anabasis* 7.1.7-39.

might today call PTSD; they have taken part in all the troubles on their homeward journey depicted in the *Anabasis*, and now they have finally come to a Greek city with all they have dreamt of: food, money, luxury, women. They are planning raids, plunder and rapes, but from a distance Chion witnesses the speech of the warlike, yet Socratic Xenophon, delivered to the roaring solders, and his effective quelling of the riot, all the while explaining what is right and wrong:[11]

> I saw a man wearing long hair, a person of beautiful and mild aspect, striding in their midst and stilling their passions. That was Xenophon. When, on the contrary, the soldiers exhorted him to yield to numbers, since he was alone, and finally let them make an end of their wearisome and hard roaming, he shouted: 'Come to order and take counsel! [ἀνάγετε οὖν ἐπὶ πόδα καὶ βουλεύσασθε] There is no risk that the matter in our charge shall pass from our hands while we are deliberating.' Since they were ashamed of disobeying him, at least in his appeal, Xenophon came forward in their midst and addressed them in an admirable way, as appeared from the result of his speech. For it was not possible for me to hear it clearly.

Here the author uses a very clever narrative trick. Chion admits that he did not actually *hear* the details of what Xenophon says to the soldiers; he simply concludes from Xenophon's appearance and gesture, and from the soldiers' reactions:

> ... What I witnessed was a display of Xenophon's personality, his sound judgement and eloquence... I introduced myself to him, and he remembered your [i.e. Matris'] friendship with Socrates and encouraged me to study philosophy and, for the rest, did not talk at all like a soldier but like a very educated man... It will interest you to hear that I am now much more eager to sail to Athens and study philosophy,

Chion continues, adding that at home the exhortations of his father had made him a bit skeptic:

11 The following quotations are taken from *Ep*. 3.3-6.

> ... on one point I was full of fear. For it seemed to me that philosophy made men more serious in other matters upon which it touched (in fact I thought that men drew soundness of mind and justice from no other source than philosophy) but greatly enfeebled their power of action and made the timorous and meek. Inactivity and tranquillity were, as you used to say, the subject of admirable eulogies by philosophers.

In Chion's eyes, Xenophon proves the ideal combination of a philosopher and a man of action, a combination of *vita activa* and *vita contemplativa*, as it were. As we shall see, Plato is sketched in the same way, but just that: only sketched. Chion's first philosophical hero is Xenophon, who is obviously based on the *persona* Xenophon as described in the *Anabasis* – and the speeches therein held and written by Xenophon himself. It is also interesting to note that Xenophon is described as καλὸς κἀγαθός, with long hair like an Athenian aristocrat, and good manners. Their meeting was short, only one day, but of enormous consequence for the young man – and, indeed, for the anachrony of the novel.

On the journey from Byzantium to Athens (we are in the end of September), the ship is caught in a terrible gale:[12] "And having endured hardships which I refrain from describing, we landed at midnight in Perinthos and fell asleep. But another gale was in store for us, not easier to overcome than the gale at sea," because Perinthos was occupied by some Thracians, and Chion and his friends are forced to defend themselves against these fierce barbarians. "At present we are in Chios after having enjoyed fair winds[13] all the way," Chion concludes his report to his father, once again pointing out his ability to take part in military action.

On his arrival in Athens, Chion is introduced to Plato:[14]

> We have arrived in Athens and talked with Plato, the disciple of Socrates. He is a wise man in all respects and endeavours to make philosophy appear to his disciples as not incompatible with an active life, in

12 *Ep*. 4.2.

13 Here as elsewhere the weather situation corresponds to Chion's actual conditions.

14 *Ep*. 5.

> fact as something with its face turned towards practical life as well as towards quiet contemplation. You wrote to me that in making friends with him too, your intimacy with Socrates might be of no small advantage to me. So, it will interest you to learn that he pays considerable heed to all those who have been together with Socrates even for one day only, and he makes particularly those persons his friends who are most capable of drawing benefit from him.

Chion is not very specific about Plato's teaching, but he is very proud of his assistance when the oldest of Plato's nieces is going to be married to Speusippus. The philosopher cannot afford the whole dowry, so Chion proudly chips in a talent (*ep.* 10).[15]

When the news about the *coup d'état* in Heraclea and Clearchus' tyrannical behaviour reaches Athens, Chion changes his mind and plans to sail home instead: "I cannot any longer stand being better off in respect to my security than my fellow citizens, and if it please God, I shall sail by the spring. Now in the middle of winter, it is impossible" (*ep.* 12). But the tyrant has sent the Thracian spy Cotys[16] to Athens where he tries to kill Chion in Pericles' Odeum:[17]

> I understood at once what was at stake. When I saw him grimly grasping his dagger, I scared him with a shout, rushed out and, bending and wrenching his arm round, I threw away his dagger. I was wounded when he was knocked down, but not seriously. Giddy as he was I pinioned him with his belt and brought him before the magistrates ... As to myself, my mind has not changed. Living or dying I shall remain good. In order that I may be able to serve my city, persuade Clearchus to believe that I cling to quiet studies and that I am no man of action,

the brave young Xenophon *redivivus* writes to his father.

15 The author has found this story in Plato's 13th letter (361c). It is interesting to note that the letter is considered genuine.

16 It may be a coincidence that the name of the assassin is the same as the Odrysian king killed by the two Academics mentioned earlier.

17 *Ep*. 13.

In the long and rather high-flown farewell letter to his father (ep. 14), Chion argues that he is free, and the tyrant actually a slave. Düring compares his opinion with Plato *RP* 579b (ὁ τῷ ὄντι τύραννος τῷ ὄντι δοῦλος 'the real tyrant is really a slave'), but there are remarkably few other quotations from the works of the master he has followed for five years.[18] Chion is a man of action, not a man of letters.

Letters 15 to his father and 16 to Clearchus show how clever and cunning Chion is. To his father he explains how he is planning his attack, while to Clearchus he plays the rôle of the bookish philosopher, uninterested in the real world and totally harmless:[19]

> ... Even if I had not been a student of philosophy, I think that it is a sufficient testimony to my not being your enemy that I have never been injured by you. For not even unphilosophical persons, unless they are not completely mad, make enemies for their own sweet pleasure ... While I was studying philosophy in Athens, my father and some of our common friends wrote to me that I was suspected by you and asked me to refute this calumny. I think this is just and also good for myself... Up to this day there has been between you and me no act of hatred, either great or small. Yet you exhibit only suspicion and indictments, although I am absolutely innocent of such things. What would be the object of suddenly revolting against you, particularly when, up to this day, I have not yet seen my native city under your rule ... I was not without natural talent for the study of philosophy, and I assisted nature to the best of my powers. As a young man I did not set my heart on magistracies or official honours, but from the beginning I was seized with passionate desire to become one who contemplates the nature of things. And this desire brought me to Athens and made me the friend of Plato, and I have still not had enough of him. I had thus such a natural bent for a quiet life the even as a young man I despised everything that could lead to an active and disturbed life... The very first precept of his [Plato's] was: seek stillness. For that

18 Düring 1951: 106 has some more quotations, i.a. the famous scene in the *Crito* 50b where the Laws confront Socrates in a dream, just as Dike confronts Clearchus (see n. 8) and 'a beautiful woman' appears to Chion in the farewell letter to Plato (*Ep*. 19).

19 *Ep*. 16.

> is the light of philosophy, whereas politics and meddlesomeness wrap it in gloom and make the way to philosophy hard to find for those who search.

His verbose and utterly mendacious letter goes on expounding his eagerness to acquire knowledge about God, who surveys all things, and about the state of the world, contemplating the principles of nature, learning to honour justice and whatever else philosophy teaches:

> ... This is what I longed for and endeavoured to learn, but as to politics (you will excuse my speaking frankly) I did not even consider it worth while to remember. However, I learnt particularly some lessons which I now intend to apply in my relations with you, namely to honour a man who does no wrong, to prefer to requite with good a man who does wrong, and, if this is not possible, to keep quiet... Do you really consider me at treacherous person, when I know this? God forbid! Let the arts of peace and war be reserved for you, set apart for me just so much of your tyranny as seems fit to allow a man of inactive disposition to lead a tranquil life... It is clear, then, that you have nothing to fear from me, for my tranquillity does not want to be disturbed by your affairs.

In his farewell letter to Plato, he explains his real plans:[20]

> ... at the Dionysia I intend to make an attempt upon the tyrant's life." Like a genuine martyr he looks forward to his own death, and is certain that he will obtain joy and happiness after his death, having killed Clearchus... "I myself have seen a sight, clearer than in a dream. I saw a woman of marvellous beauty and stature who crowned me with wild olive and headbands. After a while she showed me a very beautiful tomb and said: 'Now when your work is done, Chion, go and find rest in this tomb.' After this dream I am in good hope of meeting an honourable death... Farewell, Plato, and may you remain happy until your old age. I am sure that I now speak to you for the last time.

20 *Ep*. 17.

Here the novel ends without a clear conclusion. The reader may know that the assassination was of no consequence: After the murder of Clearchus his brother followed him as a tyrant and Heraclea was not rid of tyrants for decades. This ambiguity has led to all kinds of speculation as to whether the text is a *roman à clef*, but at least we can conclude that the inventive author has given Chion no less than three Socratic fathers: his own biological father Matris (this character is probably created by the author himself), and the two well-known Socratics, Plato and Xenophon, the latter being the more influential ideal for the young man. Unfortunately for the author, Xenophon never founded a school in Athens, but his *persona* was too well suited for the purpose at hand to be excluded from the gallery of characters.

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