

The Ancient History Bulletin

VOLUME TWENTY-NINE: 2015

NUMBERS 1-2

Edited by:

Edward Anson ✦ Michael Fronda ✦ David Hollander
Timothy Howe ✦ Joseph Roisman ✦ John Vanderspoel
Pat Wheatley ✦ Sabine Müller



ISSN 0835-3638

ANCIENT HISTORY BULLETIN

Volume 29 (2015) Numbers 1-2

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The End of the Four Hundred Regime

Nikos Karkavelias

Abstract

Widely accepted modern reconstructions of the post Four Hundred era take as point of departure Michael H. Jameson's ingenious proposal, that the collapse of the oligarchic regime did not come about suddenly, as Thucydides suggests, but gradually through a series of political trials, the outcome of which determined the political orientation of the regime of the Five Thousand, which superseded that of the oligarchy of the Four Hundred. This reconstruction, however, despite offering a neat and plausible picture of the political situation in Athens at the time, cannot stand close scrutiny. It does not tally with what we know about constitutional and juridical procedures in classical Athens, nor does it do justice to our main and most important source Thucydides. An attempt therefore to critically re-examine the relevant sources and to assess anew the military and political situation in Athens in the autumn of 411 is badly needed.

Introduction*

The dramatic events of September 411 that brought Athens to the brink of civil war culminated in a naval confrontation between Agesandridas and Thymochares' fleets and a subsequent, bitter Athenian defeat. This military setback in effect brought about the loss of the whole island of Euboea and signalled the abrupt end of the Four Hundred Oligarchy. Thucydides is the only contemporary, and by far the most reliable, source for these developments (8.89-98). Yet, his testimony has been interpreted by an impressive number of eminent scholars in such a way as to yield the meaning that the leading members of the regime, those frequently called 'hard-liners' or 'extremists', remained in Athens for some time after the collapse of the regime in the hope that they might regain control of affairs after the military defeat off Eretria.¹ According to these scholars, such prominent figures as Peisander, Alexicles and Aristarchus embroiled themselves in a series of political trials and fearing, or because of, the negative outcome of these legal struggles, they fled Athens before judgment could be passed on them. In this paper, I shall argue against this reconstruction of the initial phase of the post-Four Hundred era, since it is mainly based on an interpretation of Thucydides 8.97-98 which I believe is unacceptable, and on a passage from Lycurgus' *Against Leocrates*, a source, as I shall try to demonstrate, inferior in value to

* I would like to thank the journal's anonymous referees for their useful and constructive comments.

¹ Those include M. Jameson 1971; A. Lintott 1982: 15; M. Ostwald 1986: 404; D. Kagan 1987: 207-208 and no 71; B. Bleckmann 1998: 376, 383; S. Forsdyke 2005: 192; H. Heftner 2001: 312-322; 2005: 103-106; and J. Shear 2011: 61.

Thucydides, and, let us not forget, not contemporary. Since the different accounts of this turbulent period found in our sources are in my opinion incompatible with each other, I shall first try to refute the ingenious and widely accepted, but in my opinion incorrect, suggestion that Michael Jameson put forward in 1971. I shall then attempt to evaluate the ancient sources that transmit the relevant events and propose a different interpretation of the relevant passages in Thucydides which is more in accord with those of earlier scholars, and which I believe reflects more accurately the historical reality of September 411 in Athens.² Finally, I shall offer an explanation why the leading figures of the Four Hundred chose to abandon the city exactly at the time the news of the catastrophic defeat at Euboea reached Athens.

Jameson's reconstruction

Earlier scholars had accepted, one may say, a straightforward interpretation of Thucydides 8.98.1, arguing that the loss of Euboea occasioned the collapse of the regime, at which juncture its leading figures and most ardent members fled (see note 2). More recently, however, some scholars have, in effect, rejected Thucydides' emphatic statement that the most prominent members of the extremist faction within the Four Hundred fled to Deceleia immediately after the news of the defeat and the imminent loss of Euboea had broken in Athens. M. Jameson in a highly influential article was the first to put forward a reconstruction of the events that followed the sea-battle off Eretria that the leaders of the extremists did not immediately flee Athens but instead waited in the hope that they might (re)gain control of affairs in the city, after their authority had been challenged, at first tentatively but later audaciously and brazenly, by a rival faction within the regime led by Theramenes and Aristocrates. Their decision to stay and defend their conduct during the oligarchic reign ushered in an intense political struggle, conducted not in the Council but in the jury courts, where the so-called moderates managed to discredit their opponents in a series of political trials and become the dominant force in the newly formed Council. Jameson has taken three passages in Aristotle's *Rhetoric* as referring to one single occasion, and has reconstructed a situation in which Sophocles the poet was one of the *probouloi*, an administrative panel of senior citizens which had been appointed in 413 B.C. to address the ongoing crisis resulted from the disaster in Sicily, and active in the set up and during the reign of the Four Hundred,³ who bring Peisander to trial in defence of a dead man.⁴ Taking Peisander's presumed trial as a matter of fact and point of departure, Jameson goes on to piece together the days and weeks that followed the downfall of the Four Hundred and signalled the establishment of the regime of the Five Thousand, a turbulent period marked

² E. Meyer 1952-1958: 7.560: 'Mit der Niederlage von Eretria, Ende September 411, brach das Regiment der 400 vollends zusammen. Von den Kompromittiertesten rettete sich, wer konnte, durch die Flucht, darunter Peisandros und Alexicles'; Busolt 1893-1904: 3.2. 1510: 'gleich nach Absetzung der 400 verliessen Peisandros, Alexicles und diejenigen, die sich sonst am meisten kompromiert hatten, in aller Stille die Stadt und begaben sich nach Deceleia'; K. Pöhlig 1877: 252. They are followed by G. Pesely 1995: 72.

³ On the role of the *probouloi* during the oligarchic regime, see Heftner 2003.

⁴ The relevant passages are: 1419^a25-30; 1416^a14-17; 1374^b35-1375^a2.

by intense juridical activity and public prosecutions of ex-comrades.⁵ Before we turn to Thucydides and the other contemporary and later sources, I shall present Jameson's main arguments and briefly comment on them. In brackets the relevant pages of Jameson's article are given.

Jameson takes the Sophocles mentioned in the three passages in the *Rhetoric* to be the famous poet, on the grounds that three out of eleven references to his person in this work are made in neighbouring passages; if Aristotle had meant a different person, it would be awkward not to make it clear to his readers; more importantly, all three passages stem from a single occurrence, a forensic dispute (543, 546). Concerning the first part of the argument, the identity of this Sophocles is disputed, but for our argument it is immaterial who this Sophocles is.⁶ We should note, however, that, despite Jameson's arguments that all three non-dramatic references to a Sophocles in the *Rhetoric* should be to the poet, the identification of the Sophocles, who features as Euctemon's *sunegoros* in the passage quoted third by Jameson (*Rhet.* 1374^b35-1375^a2) with the poet, is by no means certain.⁷ As to the second part, it is not at all clear that, all three passages refer to a single incident,⁸ or that all three stem from a forensic dispute.⁹ The name of the other participant in the exchanges with Sophocles, Peisander, is also not certain. It has been proposed that at 1419^a25-30 the name could be Teisander, who in this instance acted as prosecutor against Sophocles (548 note 26).¹⁰ A likely candidate named Teisander was indeed active in Athens at the end of the fifth century B.C.,¹¹ but, one may admit, there is no reason in principle why the reading Peisander should not be allowed to stand. This argument, then, is not conclusive against Jameson. In the third passage, 1374^b35-1375^a2, a certain Euctemon is mentioned. There were three individuals bearing this name in late fifth century Athens: a Euctemon was archon in 408/7 B.C. (PAA 438265), there was a general Euctemon in 412/11 (PAA 438070), and one Euctemon was denounced by Teucros on the strength of his participation in the

⁵ The decree of Patrocleides makes reference to soldiers, who had stayed in Athens during the oligarchic reign and as a result had lost in part, their civil rights, and members of the Four Hundred, who had been disenfranchised (And. 1. 75, 79). Fragments of contemporary comic plays allude to a prolonged and fierce forensic activity during the post Four Hundred era (Ar. *Tryphales* K-A 563; Polyzelos K-A 3; cf. schol. Ar. *Frogs* 541; Hesychius τ 1332: τρία Θηραμένους; τ 1754 τῶν τριῶν ἐν). See Heftner 1999, who places these fragments in the context of the political struggle during the period of the Five Thousand. The trial of Polystratus, a member of the Four Hundred, stems also from this period ([Lys]. 20).

⁶ See Heftner 2003: 216 no 8 for bibliography.

⁷ M. Cope and J. Sandys 2009: 290. Cope identified the Sophocles in the three passages in question with the member of the Thirty; the Loeb edition of Aristotle's *Rhetoric* also identifies Sophocles with the orator and member of the Thirty (G. Goold 1975: 148). Note, however, that the PAA identifies this Sophocles with the poet (PAA 829200).

⁸ The PAA convincingly relates Arist. *Rhet.* 1416^a14-17, that is, the second passage quoted by Jameson, with the trial in which Sophocles successfully defended himself against charges of dementia brought by his son Iophon (cf. vit. *Soph.* 13; [Plu.] *Mor* 785a; Luc. *Macr.* 24; Cic. *Cat. Ma.* 22). I, for my part, cannot see how the first passage (1419^a25-30), the exchange between Peisander and Sophocles, can be securely related to the third one (1374^b35-1375^a2), since we do not know who the perpetrator of the *hybris* against Euctemon is.

⁹ While the context of the third passage is almost certainly forensic and the context of the second is also likely to be a forensic one, it is impossible to prove beyond doubt that the first passage stems from an actual trial.

¹⁰ T. Bergk 1872-1887: 3.363, pointed out that the manuscripts of Diodorus at 13.7.1 deliver a Πίσανδρος and Πείσανδρος as the Athenian archon of 414/3, whose name we know was Τείσανδρος (IG I³ 371,1).

¹¹ Plato *Gorgias* 487C. He is registered as PAA 877910.

scandals of 415 B.C. (PAA 438065) (556).¹² The identification of Euctemon with the participant in the scandals, is, however, crucial for Jameson's argument, because only in this case does Peisander's role in the trial become intelligible—the oligarch having been appointed as a public investigator into the Mysteries and Hermes affairs in 415, was thus likely to have occasioned Euctemon's death; Peisander as one of the leading figures of the Four Hundred rejected Euctemon's supposed plea to return to Athens; in defence of the latter's memory Sophocles is supposed to have spoken in court.

In conclusion, on the balance of probability, the prosopographical part of Jameson's elaborate argument is based on shaky grounds: none of the three participants in the three passages—Peisander, Sophocles and Euctemon—can be securely identified, the most important ring in this chain, Euctemon, being the weakest, since the existence of other bearers of this name renders the identification doubtful. Nor can it be argued beyond doubt that the passages in question in the *Rhetoric* are all taken from a single incident and that this incident was a legal dispute. Once the conviction that the context of Peisander's wrangle with Sophocles is forensic has been shaken, one may allow for the possibility of this verbal exchange having occurred in one of the Council's sessions during the Four Hundred regime (see below).

Detailed examination of Jameson's proposals exposes further weaknesses of his reconstruction. Jameson suggested that the legal procedure followed in the trial in which Euctemon was defended by Sophocles was a *graphe hubreos*, a procedure suggested by the term ὑβρισθεῖς in Aristotle's text (1374^b35-1375^a2). Jameson goes on to argue that it is also possible that the case was introduced as an *eisangelia* to the council or the assembly because it was a καινὸν ἀδίκημα, citing Lex. Rhet. Cant. s.v. εἰσαγγελία (557 and note 50).¹³ This is certainly wrong. To begin with, we may note that the procedures of *graphe* (of whatever sort) and *eisangelia* were incompatible with each other since a *graphe* was always introduced to the *thesmothetae* and involved the danger of paying a 1,000 drachmae fine for the prosecutor who failed to secure one fifth of the jury's votes.¹⁴ An *eisangelia*, on the other hand, was introduced to the council or the assembly and there was no penalty for the unsuccessful prosecutor.¹⁵ But we may also question the validity of the evidence of Caecilius in the Lexicon Rhetoricum Cantabriegiense since it contradicts that of Theophrastus, quoted also in the same source. Theophrastus in his fourth book of his *Nόμοι* enumerates only three possible offences against which a political *eisangelia* could be brought: subversion of democracy, taking bribes and not giving the best advice as *rhetor*, and treason; this corresponds with the evidence from Hypereides (3.7-8, 39), where the *nomos eisangeltikos* is quoted, albeit not in its full form. We should therefore give credence

¹² And. 1.35.

¹³ See also M. Hansen 1975: 16 no 15, for a collection of sources and texts on *eisangelia*.

¹⁴ And. 1.33, 76; Hyp. *Euxen.* 34; D. 21.47; 26.9; 58.6. See also, R. Bonner and G. Smith 1930: 2.56-57; A. Harrison 1968-1971: 2-83.

¹⁵ Dem. 21.47: Ἐάν τις ὑβρίζη εἰς τινά, ἢ παῖδα ἢ γυναῖκα ἢ ἄνδρα, τῶν ἐλευθέρων ἢ τῶν δούλων, ἢ παράνομόν τι ποιήσῃ εἰς τούτων τινά, γραφέσθω πρὸς τοὺς θεσμοθέτας ὁ βουλόμενος Ἀθηναίων οἷς ἔξῃστιν 'if anyone treats with hybris any person, either child or woman or man, free or slave, or does anything unlawful against any of these, let anyone who wishes, of those Athenians who are entitled, submit a *graphe* to the *thesmothetai*' (translated by D. Macdowell); cf. Isoc. 15.314; 20.2; Dem. 37.33, 45.4. In Isaeos 11 the legal procedure followed is given as both *eisangelia* (6, 15) and a *graphe* (28, 31, 32, 35), but we should, with Hansen, regard it as an *eisangelia* (1980: 90).

to Theophrastus and Hypereides and reject Caecilius' testimony that an *eisangelia* could be brought in an Athenian court for offenses other than the three catalogued by the former two authors.¹⁶ Jameson also argues that the exchange with Sophocles as reported in Aristotle's *Rhetoric* does not stem from the actual trial but from a preliminary hearing. Peisander did not wait until the day of the trial but escaped before it. Jameson (558) quotes [Dem.] 47. 41-43 as evidence, but this trial is a different kind of *eisangelia* and the procedure followed bears no relation to the presumed trial of Peisander: it is an *eisangelia* against magistrates for misconduct of office and should be distinguished from the *eisangeliae* introduced in the assembly against major public offences.¹⁷ We may conclude then that the trial in which Sophocles spoke in defence of Euctemon, if such a trial ever took place, was conducted before a popular court and if it was a *graphe hubreos*, as Jameson suggests, it should rather have been introduced to the *thesmothetae*, not to the council or the assembly.¹⁸ The problem is, of course, that in reality such a procedure was almost never employed in classical Athens and consequently one may additionally raise serious doubts that the case in Aristotle's passage is actually a *graphe hubreos*.¹⁹ Jameson claims that the type of procedure employed is suggested by the term *hubristheis* found in the third passage of the *Rhetoric* (1374^b35-1375^a2). But the word itself does not by any means warrant that the legal procedure followed was indeed a *graphe hubreos*, even if one assumes that the word is used here in its technical sense, a fact far from certain. In a number of cases of assault which found their way to court, the victims claimed that they should have prosecuted their opponents for *hubris* although in fact they brought in a *dike aikeias*.²⁰ And in Demosthenes' speech *Against Meidias* one can find 124 instances of the word *hubris* and its cognates, yet we know that this case was a *probole* not a *graphe hubreos*.²¹

¹⁶ Hansen 1980: 91-93; contra, P. Rhodes 1979: 107-108. Harrison seems to assume a compromising stance (1968-1971: 2.54). On the *nomos eisangelitikos*, see Hansen 1975: 12-20.

¹⁷ Hansen 1975: 21-28; 1980: 93-9).

¹⁸ There is disagreement as to the essence of *hubris*. D. MacDowell sees youthfulness, having plenty to eat and drink and wealth as the causes of *hubris* which he defines as having energy or power and misusing it self-indulgently (1976: 21; 1990: 18-23); N. Fisher, on the contrary taking Aristotle's *Rhet.* 1374^a11-15, 1378^b23-35 as his starting point sees the desire to dishonour another person as the decisive element in *hubris* (1976: 178-184; 1990: 7-35). O. Murray, following Fisher, sees the deliberate infliction of dishonour as the quintessential characteristic of *hubris*, and places the introduction of the law in the archaic period; the law was intended to regulate the behaviour of members of the aristocracy towards commoners, especially during and after a symposium (1990: 139-145).

¹⁹ We may identify only one case which actually reached the court as *graphe hubreos*, that of Isae. 8.41; fr. 5. [Dem.] 45.4 is probably another case which however did never come to court as a *graphe hubreos*. But unlike Sophocles', the motives of Diocles and Apollodorus' were somewhat less than altruistic since both men were engaged in long battles over their property and they had certain interest in the outcome of the trial, the accusation of *hubris* probably being a pretext (R. Osborne 1985: 50, 56; Fisher 1992: 40-42). Fisher adds to these cases the one under discussion; a number of violent assaults at festivals reported in Dem. 21. 36-40, 71-76, 175-181; Lys. Fr. 17 (Gernet/Bizos); [Dem.] 53.16, Dein. 1.23; he admits, however, that with regard to these cases the *graphe hubreos* is only one of many alternative procedures that might have been employed (1990: 125-126; 1992: 43). J. Lipsius adduces from the lexicographers a number of lawsuits introduced through *graphe hubreos* (1905-1915: 2.1.420-421). For the reasons why we seldom hear of a *graphe hubreos* in Athens, see Lipsius op. cit. 425; MacDowell 1976: 29; Murray 1990: 141; Fisher 1992: 43.

²⁰ Fisher 1992: 39.

²¹ Fisher 1992: 44.

Jameson interprets Thuc. 8.68.2 so as to yield a meaning that apart from Antiphon's other trials of members of the Four Hundred arose when the regime collapsed (553-555, 566-568). Jameson prefers the reading found in the manuscripts AB EF: καὶ αὐτός τε, ἐπειδὴ ἡ μετέστη ἢ δημοκρατία καὶ ἐς ἀγῶνας κατέστη † μετὰ τῶν τετρακοσίων ἐν ὑστέρω μεταπεσόντα ὑπὸ τοῦ δήμου ἐκακοῦτο †, ἄριστα φαίνεται τῶν μέχρι ἐμοῦ ὑπὲρ αὐτῶν τούτων αἰτιαθεῖς, ὡς συγκατέστησε, θανάτου δίκην ἀπολογησάμενος. There are, however, several difficulties arising from the endorsement of this text as it stands. First, as Andrewes has demonstrated (1945-1981: 5 174), the μετέστη ἢ δημοκρατία can only mean 'when the democracy was removed', not 'when the democracy was established as a result of (constitutional) change', as Jameson has it, because in the parallel passages adduced by Holzapfel (E. Hcl. 796; Pl. Rep. 553e, 571a; Arist. Pol. 1301b6f.) the condition from which the change is made is clearly stated, whereas in cases such as ours where the original condition is absent, it is presumed that the subject of the verb μετέστη is removed or changed (cf. Hornblower 1991-2008: 3.957). Furthermore, Jameson takes the τῶν τετρακοσίων (πράγματα) to be the subject of the verb ἐς ἀγῶνας κατέστη, thus seeing the passage as evidence for the conduct of a series of trials next to that of Antiphon and Archeptolemus, especially the presumed trial of Peisander. But the phrase ἐς ἀγῶνα καθίστασθαι requires a person as subject and that person can only be Antiphon alone and the interpretation of μετὰ τῶν τετρακοσίων as some members of the Four Hundred being jointly accused is strained.²² K. Maurer is not inclined to reject the longer reading of AB EF altogether on the grounds that the phrase ἐς ἀγῶνα[ς] κατέστη is Thucydidean (1995: 40).²³ He accordingly suggests the following text: καὶ αὐτός τε, ἐπειδὴ [μετέστη ἢ δημοκρατία] καὶ ἐς ἀγῶνα[ς] κατέστη τὰ <τε> τῶν τετρακοσίων ἐν ὑστέρω μεταπεσόντα ὑπὸ τοῦ δήμου ἐκακοῦτο.... It is interesting to note that, according to Maurer, the original text should have read ἐς ἀγῶνα, a fact that is suggested by Valla's translation as well: *ipseque in iudicium vocaretur* (1995: 98). But since the text cannot be reconstructed beyond dispute, it is advisable, *pace* Andrewes, to refrain from drawing any conclusions from this section concerning the conduct of trials other than the known ones of Phrynichus, Archeptolemus and Antiphon, or the collapse of the regime of the Four Hundred.²⁴

To recapitulate, Jameson's contention that the three passages in Aristotle's *Rhetoric* actually record a forensic dispute between Peisander and Sophocles the poet—at the time one of the ten *probouloi* who acted as *sunegoros* on behalf of a Euctemon—is unlikely to be correct. Furthermore, the juridical procedure which Jameson proposed could never have been initiated by anyone in classical Athens. One may, however, refuse to accept that the context of Arist. *Rhet.* 1419^a25-30 is a forensic one, but need not reject its historicity altogether. Indeed, as it has been proposed (discussed but rejected by Jameson), it might well have been a wrangle between the two men during a session of the council of the Four Hundred at a time when the regime was already trembling after Phrynichus' murder (hence Peisander's labelling of the regime as *πονηρά*) but not yet overthrown.²⁵ In Appendix 1 I propose a context for this incident.

²² Gomme, Andrewes and Dover 1945-1981: 5.175.

²³ Especially codex E, which alone preserves many 'extra stemmatic' Lambda readings (15).

²⁴ Gomme, Andrewes and Dover 1945-1981: 5.176.

²⁵ The idea was put forward by P. Foucart. See Jameson 1971: 549 and note 27.

The ancient sources: an examination

a) Phrynichus' death

We now turn to the second part of this paper, the cross-examination of the ancient sources which transmit Phrynichus' assassination and his posthumous trial, events in which certain prominent oligarchs such as Aristarchus and Alexicles participated, and which are directly linked to the collapse of the oligarchic regime (in Appendix 2 an attempt is made to evaluate the historical value of one of these sources, namely, Lycurgus' *Against Leocrates*). Since the names of the two oligarchs are mentioned in the context of Phrynichus' posthumous trial in the above-mentioned source, it is necessary to discuss the circumstances of Phrynichus' assassination first, before we investigate how and when these two members of the Four Hundred fled from Athens.

Soon after his return from Sparta, Phrynichus was assassinated. Note that Thucydides delivers this news immediately after he has discussed Eetioneia and the true purpose of its building: admittance of an enemy force and betrayal of the city. Thucydides claims that the act was premeditated, a plot carried out by a soldier, a member of the patrols. The murder occurred when the agora was full, and Phrynichus died on the spot, staggering a few steps before collapsing, not far from the council house. The perpetrator managed to escape, but his accomplice, an Argive, was caught and tortured by the Four Hundred. While in prison, he did not give any names of those implicated, but claimed that he knew a lot of men who secretly gathered in the house of the commander of the patrols and elsewhere and conspired against the regime. Despite those revelations, the Four Hundred remained quiescent.²⁶

Other sources, however, draw a different picture of the event. In a speech delivered in about 400-398 B.C. at an Athenian court,²⁷ the speaker is at pains to demonstrate that Agoratos, whom he claims to be a slave and informer, had contrived to secure certain privileges, not amounting however to full citizenship, through deception, i.e., pretending that he was implicated in Phrynichus' assassination. He reminds the Athenians that it was Thrasybulus from Megara and Apollodorus from Caledonia who committed the crime. Thrasybulus delivered the actual blow, while Apollodorus was standing by; both managed to escape. For his benefaction, Thrasybulus later was granted citizenship via a decree.²⁸ Some eighty years later, in another speech, delivered in about 330 B.C., the speaker gives a somewhat perplexed version of the events: Phrynichus receives the blow at night from Thrasybulus and Apollodorus, near a fountain at the osier beds. Those two are arrested by Phrynichus' friends and are brought to prison. When the news spreads around, the people release the prisoners and interrogate them with the use of torture. It is decided that the culprits had been unjustly imprisoned and that Phrynichus is guilty of high treason. On a motion of Critias a posthumous process against Phrynichus is set up, and it is stipulated that those who would step forward to defend the dead would share the same punishment if

²⁶ Thuc. 8.92.1-2; Phrynichus' assassination seen as a parallel episode to that of Hipparchus, the brother of the tyrant Hippias: J. Shear 2011: 28-29, 39.

²⁷ M. Bizos-L. Gernet 1955: 186 and no 1.

²⁸ Lys. 13.70.

the defendant would be found guilty.²⁹ The last extant source that reports the incident is Plutarch. According to him, the assassin is a certain Hermon, a member of the patrols, who later receives honours—along with his accomplices—by the Athenians.³⁰ Plutarch's testimony, however, should be rejected since it is based on a false premise, made by Plutarch, probably because of lapse of memory, or failure to consult his source for that part of the *Alcibiades*, which was undoubtedly Thucydides. Thucydides at 8.92.5 mentions one Hermon, the commander of the patrols at Munychia in the Piraeus, in connection with the demolition of the Eetioneia fort.³¹ There is also epigraphic evidence pertinent to Phrynichus' murder. *IG I³ 102 (=ML 85)* is a record of honours given to certain individuals in recognition of their presumed participation in the assassination of Phrynichus. It is dated to spring 409 (line 1) and grants citizenship to Thrasybulus as the actual perpetrator and gives lesser privileges to a number of other individuals, apparently metics.³²

How are we to evaluate these versions of Phrynichus' assassination? The accounts of Lysias and Lycurgus, the latter being somewhat confused, are to some extent compatible with each other and, significantly, with *IG I³ 102*, since they agree on the names of the perpetrator and the main accomplices. They are, however, at variance as to the fate of the culprits: Lysias emphatically says that both culprits managed to escape (13.71: ἐν τούτῳ κραυγὴ γίγνεται καὶ ὄχοντο φεύγοντες), whereas Lycurgus, drawing perhaps from Thucydides' version which mentions torture, has Thrasybulus and Apollodorus being captured and tortured (?). Thucydides' account, at first sight less substantiated, differs greatly from that of his contemporary Lysias, and attempts have been made to reconcile them.³³ Lenschau (1941: 907-908) thought Thucydides did not deal with the 409 events, either because he did not attach much importance to them, or he did not have the chance to revise the relevant passage. Gilbert maintained that the Argive who was caught in Thucydides should be the same man as Apollodorus from Megara.³⁴ Busolt (1893-1904: 3.2 1503) noted the differences between Lysias and Thucydides, but deemed the historian more trustworthy, i.e., he believed that the accomplice was caught on the spot and was tortured. F. Sartori (1957: 123) also included in the group which prepared and carried out the murder the names found in both Lysias and Thucydides' accounts. Andrewes believed that

²⁹ Lyc. *Against Leocr.* 112-115.

³⁰ *Alcibiades* 25.10

³¹ Avery 1959: 255; Heftner 2001: 267. Andrewes adds that if Hermon had been implicated in the murder, it would have been impossible for him to command the patrol at Munychia, for the Four Hundred were still in power when the Eetioneia incident occurred (Gomme, Andrewes and Dover 1945-1981: 5.309); contra Grossi 1984: 91; Lenschau 1941: 909; both authors believe that Plutarch is using an independent source here.

³² For useful discussions, see I. Valeton 1908; J. Pečirka 1966: 20-21; R. Meiggs and D. Lewis 1969: 262-263; Gomme, Andrewes and Dover 1945-1981: 5.309; C. Bearzot 1981. Bearzot demonstrates how Lysias' account corresponds with *IG I³ 102*. In particular, she claims that Lysias reads out two decrees, neither of which is identical with *IG I³ 102*; that there should have been other decrees now lost to us in a series of resolutions moved after and in connection with the murder of Phrynichus which Bearzot groups in four phases (1: at the time of the posthumous trial of Phrynichus, when citizenship was granted to Thrasybulus, a Theramenian. 2: shortly after the fall of the Five Thousand, when doubts about Apollodorus' complicity were raised. 3: ML 85. 4: the results of the investigation ordered in ML 85, Apollodorus does not regain citizenship, but probably maintains lesser privileges).

³³ Avery 1959: 257, however, thinks the accounts are similar; G. Pesely (1983: 136) argued that Thucydides was in error with regard to this incident, and that his informant was Hermon.

³⁴ Gilbert 1877: 322.

Thucydides was ignorant of the series of honorary decrees (among which *IG I³ 102* represents one step of a long drawn political process) which were proposed around 409 in connection with Phrynichus' murder, and for that reason he abstained from naming the perpetrators.³⁵ Pesely also cast doubts on Thucydides' account: if the actual perpetrator was an Athenian, a *peripolos*, he could not have failed to come forward after the fall of the Four Hundred and claim the honour of the deed, especially if there were many witnesses (but being an Athenian, he would have lacked the extra motive of being granted citizenship as a reward, and he would have run the risk of incurring the vengeance of Phrynichus' friends and relatives instead). Pesely believes Thucydides has chosen to ignore the two principal figures, the explanation being he trusted informants from among the associates of Phrynichus and Antiphon.³⁶

Yet H. Erbse (1989: 23) pointed out that Thucydides described a situation in which uncertainty and conflicting information about the events prevailed. This confusion is reflected in Lysias' accusations against Agoratus that the latter was posing as Phrynichus' assassin so that he would reap the benefits from the state, i.e., citizenship and grant of land, and that he bribed the proposer of the decree awarding those privileges in order to have his name inscribed on the *stèle* as benefactor (Lys. 13.72; cf. *IG I³ 102*, 39-43). We do not know whether Thucydides believed Thrasybulus was a member of the patrols or that the information that his accomplice was an Argive was mistaken, simply a lapse in the memory of his informant. But even in Book Eight, Thucydides' statement on method and scrutiny at 1.22.2 should stand. We should therefore assume that the historian deliberately chose to dissent from the official story and not to include any names. I believe this approach is sound. We had better not accept unconditionally that the people who stepped forward to reap the benefits of the rewards, Thrasybulus included, were the actual assassins. At least Thucydides, in his usual, implicit way posed a question which we should take into consideration seriously.³⁷ Far from being an incomplete and imprecise description, Thucydides' version is patently formulated so as to raise suspicion with respect to the 'official' version of the story, as told by Lysias and documented in *IG I³ 102*. Rather than betraying ignorance of the events of 409 B.C., or lack of revision, his narrative faithfully reflects the atmosphere of uncertainty and intrigue that prevailed in that period; the historian had undoubtedly carried out extensive, meticulous investigations, yet, he was not convinced that Thrasybulus and Apollodorus were the actual slayers,³⁸ and we may go one step further if we agree with L. Canfora (2006: 16) that Thucydides was an eye-witness of the 411 events because at the time he was residing in Athens. On the other hand, Lycurgus

³⁵ Gomme, Andrewes and Dover 1945-1981: 5.371. These comments appear in the chapter 'Indications of Incompleteness' (of Book Eight). Andrewes' argument was that Thucydides wrote about the events narrated in Book Eight shortly after they occurred and that this book was left in an unpolished condition and unrevised. That is why Thucydides never came round to completing the names of the murderers.

³⁶ Pesely 1983: 137.

³⁷ S. Hornblower 1991-2008: 3.1020: 'the emphatic negatives οὐδενός...οὐδέ (8.92.2) can be seen as a disapproving comment both on the swarm of people who later came forward to claim the credit and material rewards for the killing, and on the willingness of others to believe them'; cf. Meiggs and Lewis 1969: 263: 'As far as the true facts, as opposed to the official decision, are concerned, the variant story of Thucydides must be borne in mind.'

³⁸ See the discussion in Erbse 1989: 23; Meiggs and Lewis 1969: 263; Gomme, Andrewes and Dover 1945-1981: 5.371: 'Thucydides appears not to know of subsequent decrees, passed earlier than spring 409, for the murders of Phrynichos.'

presents—let us not forget, some eighty years later—a confused version of an admittedly bizarre and unclear situation, the events surrounding Phrynichus' death. His story is an amalgamated version of Thucydides and Lysias' accounts, together with the version presented in *IG I³ 102* and likely oral traditions. Minor discrepancies aside,³⁹ for reasons discussed below and in Appendix 2, Lycurgus' account, apart from Critias' motion whose historicity we have no reason to doubt since the orator and politician had certainly access to the state archives or to the stone itself, does not help us to reconstruct the post-Four Hundred era in Athens. Rather, it throws some light on the kind of memories shared by and stories circulating among the Athenians in the 330s about the turbulent days of September 411.

b) Phrynichus' posthumous trial

In this paper (see especially Appendix 2) I argue that Lycurgus' use of history is tendentious; historical examples usually serve a purpose in his speech, and he has no scruples about distorting details to press his point. With these remarks in mind we shall now turn to Alexicles and Aristarchus and try to investigate their putative role in Phrynichus' posthumous trial as highlighted in the *Against Leocrates*. Here, Lycurgus essays to demonstrate how the Athenians of old dealt with traitors. Not surprisingly, he picks Phrynichus as the most suitable example. Those men were so steadfast in their determination to punish those who would harm their country that they decreed a law, on Critias' motion, which stipulated that the dead be put on trial, and, if found guilty, his bones be thrown out of Attica.⁴⁰ What is more, those who would defend the dead should be sentenced to the same punishment as Phrynichus' corpse was. Lycurgus claims that two prominent members of the oligarchy, both generals, Aristarchus and Alexicles, undertook to defend the memory of their dead comrade, and thereby met their death, while they were denied burial in Attica.⁴¹ We know that Phrynichus' trial took place early in the regime of the Five Thousand, certainly before the trial of Antiphon, Archeptolemus and Onomacles.⁴² If Lycurgus' version is correct, then we must suppose that the two men did not immediately flee the city, as Thucydides emphatically stresses, but stayed until the trial. It is important

³⁹ Apart from the actual time of the murder, Lycurgus gives a different topography, on which, see Heftner 2001: 266 and note 221.

⁴⁰ *Lyc. Against Leocrates* 113-114.

⁴¹ *Lyc. Against Leocrates* 115: Ἀκούετε ὦ ἄνδρες τούτου τοῦ ψηφίσματος. ἔπειτα ἐκεῖνοι μὲν τὰ τοῦ προδότου ὅστ' ἀνορύξαντες ἐκ τῆς Ἀττικῆς ἐξώρισαν, καὶ τοὺς ἀπολογουμένους ὑπὲρ αὐτοῦ Ἀρίσταρχον καὶ Ἀλεξικλέα ἀπέκτειναν καὶ οὐδ' ἐν τῇ χώρᾳ ταφῆναι ἐπέτρεψαν 'you listened, members of the jury, that decree. Afterwards, they (the Athenians) dug up the traitor's tomb and banished them from Attica, while those who spoke in his defence, Aristarchus and Alexicles, they killed them, and did not allow them to be buried in the country.'

⁴² [Plu.] *Life of Antiphon* 833E3-F12 gives us the date of the trial: μιὰ καὶ εἰκοστῇ τῆς πρυτανείας, while 834A-B provides us with the information that Phrynichus' trial has preceded Antiphon's. Pesely believes that the dating system recorded in the prescript of the decree cannot have started after the collapse of the Four Hundred, that is, the trial did not take place twenty-one days after the overthrow of the oligarchy, and since we know from *Athenaion Politeia* 33.1 that the regime of the Four Hundred lasted two months in the archonship of Theopompus, the date must correspond to the twenty-first day of the second *prytany*, which he estimates to have fallen in the vicinity of August 5th 411 B.C. (1995: 74-76).

to note at this juncture that Critias' decree did not stipulate a separate trial for the defenders of Phrynichus' corpse. Rather, the verdict was to be enforced on both accused and defence witnesses alike. But Lycurgus' account raises a very serious problem, namely whether Aristarchus had already delivered Oenoe to the enemy at the time of Phrynichus' trial, or not. We must rule out the first alternative, though, for Aristarchus could not have hoped to return to Athens and meddle in politics as if nothing had happened. If we accept the second alternative, defence of Phrynichus first, then escape and betrayal of Oenoe on the part of Aristarchus, then Lycurgus' account cannot stand as it is, for the orator claims that both oligarchs met their death as a result of their appearance in the trial as defenders of Phrynichus.

There are indications, coming from another contemporary source that Lycurgus' account cannot stand in its entirety. In Xenophon's *Hellenica* Euryptolemus, a third cousin of Alcibiades and a friend of the accused general Pericles, delivers a speech in an effort to defend the six Athenian generals accused of neglecting to recover the bodies of the dead sailors.⁴³ In this speech Euryptolemus protests that it is inconceivable that the Athenians had allowed Aristarchus to stand trial according to the law, and had conceded him a whole day to defend himself as he pleased, but were denying the same right to the people who had delivered such a crashing defeat to the enemies. Euryptolemus must be alluding here to a trial in which Aristarchus defended himself alone, a trial that was conducted under a democratic court, the accusation being his conduct in relation to the Oenoe fort, and subversion of the democracy, not defence of Phrynichus at his posthumous trial.⁴⁴ It emerges, therefore, that Lycurgus presents a distorted account of the events connected with Phrynichus' posthumous trial.⁴⁵ With regard, at least, to Aristarchus and Alexicles' appearance in Phrynichus' trial as his defenders, we may be allowed to suspect that the orator distorted historical reality to serve his interests in the trial in which he was personally involved against Leocrates, namely he wished Leocrates' defenders to be viewed by the jury in the same light as Phrynichus'.⁴⁶ But perhaps Xenophon and Lycurgus' accounts are not totally irreconcilable. Given that Euryptolemus was addressing a contemporary audience perfectly aware of the fate of so controversial a personality as Aristarchus, some of whom may have sat as jury in his trial, his testimony rather corroborates Lycurgus in that both Aristarchus and Alexicles were condemned to death. It seems, then, that either the fourth century orator misunderstood the context in which their trials arose, two unconnected processes which resulted from the otherwise unknown to us arrest of the two oligarchs, which may have occurred between 411 and 406 B.C.,⁴⁷ or

⁴³ Xen. *Hell.* 1.7.28.

⁴⁴ For suggestions as to the date of the trial, see Avery 1959: 69; Ostwald 1986: 403.

⁴⁵ On the use and misuse of history by the Attic orators P. Rhodes has commented: 'the extent to which inaccuracy could be risked even in examples of recent history where we might think that the inaccuracy could too easily be exposed for the risk to be worth taking is itself striking.' Rhodes cites Andocides 3. 3-12, which is full of errors, and Aeschines 2.172-176 (1993: 62). On the use on the part of the orators of official documents as supporting evidence, among which they inserted decrees sometimes forged, see R. Thomas 1989: 83-94.

⁴⁶ At section 63 Lycurgus argues that Leocrates' *sunegoroi* ought to be convicted to death if they claim that one person alone cannot cause so great a disaster as Lycurgus insinuates that Leocrates caused; cf. Engels 2008: 166.

⁴⁷ Bleckmann 1998: 383 and note 87; Heftner 2001: 314.

he followed an oral tradition which has amalgamated Phrynichus' process with Aristarchus and Alexicles', both of whom were undoubtedly thought to have been arch-traitors in the eyes of the democrats of the fourth century.⁴⁸ Jameson attempted to save the credibility of Lycurgus' version by assuming that the orator had got the reason for their execution wrong. The oligarchs did stay to defend Phrynichus, but when their defence failed, they managed to escape.⁴⁹ This escape scenario has also been invoked by Heftner in his investigation of the circumstances under which the decree(s) recorded in *IG I³ 102* were proposed, and the events surrounding them. Since Heftner has offered one of the most comprehensive accounts of the first oligarchy in Athens it is worth trying to summarize his argument here.

Because Thucydides says that the perpetrators escaped after their deed, and that in spite of the rigorous efforts of the Four Hundred to unravel the case it all came to grief, it follows that the arrest of Thrasybulus and Apollodorus which Lycurgus records was effected not immediately afterwards, so Heftner argues, but after some time had intervened—not too long though, because after the definitive flight and discrediting of the Four Hundred, nobody would have flinched from stepping forward as avenger of Phrynichus. The arrest must have taken place during the transition period between the regime of the Four Hundred and that of the Five Thousand, when it had not yet become clear which faction would take the upper hand and dominate the political scene in Athens. Thrasybulus and Apollodorus may have timely presented themselves as Phrynichus' assassins, whereby the latter's friends brought them to prison through *ἐπαγωγή*.⁵⁰ Alexicles and Aristarchus, who appeared in the trial to defend their dead and dishonored comrade managed somehow to escape, only to be caught again at a later juncture.⁵¹

Escape, however, seems to have been unlikely since in the Athenian courts the jury's verdict was usually enforced at once—the Eleven were responsible for the immediate arrest of the defendant and execution of the penalty if that involved capital punishment and were present in the court where the trial was conducted. In cases where an immediate execution of the penalty was not warranted, the imprisonment was brief, amounting to a very short time, usually until the next dawn when the executions of the convicts took place.⁵² Besides, if one assumes the defendants managed somehow to dash to the exit before the Eleven could get hold of them, it is hard to imagine how they could escape the numerous bystanders outside the court who were watching the proceedings inside and could hear

⁴⁸ Hansen has drawn a similar conclusion. He makes the astute observation that Lycurgus only mentions the names of Aristarchus and Alexicles after he had Critias' decree read out to the court or the assembly. This, according to Hansen, proves that the orator could not find the oligarchs' names in the bronze *stèle*. His mentioning of them is the result of an inference on his part: 'Phrynichus' defenders were sentenced to death. Aristarchus was Phrynichus' friend. Aristarchus was sentenced to death. Conclusion: Aristarchus was sentenced to death as Phrynichus' defender.' (1975: 83 and no 8). This inference could have drawn on oral tradition.

⁴⁹ Jameson 1971: 552-553; Ostwald 1986: 404.

⁵⁰ H. van Herwerden proposed *ἀπαχθέντων* in place of the codices' *ἀποτεθέντων* at 112 (1862: 73), whereas L. Cohn 1887: 77, preferred *κατατεθέντων* citing Dem. 24.63, Pollux 8.71, and Thuc. 1.115, 3.28, 35, 72, 102, 4.57, 5.61, 84, 8.3, and H. Frohberger 1874: 543, *παραδοθέντων*.

⁵¹ Heftner 2001: 314.

⁵² D. MacDowell 2000: 563-568.

what was going on.⁵³ In a public trial such as that of Phrynichus' corpse, one would expect hundreds of people to have been present outside the building. One would also expect their attitude towards the two escapees who had dared to flout the will of the people to be particularly nasty.

As mentioned above, Heftner argues that Apollodorus and Thrasybulus were arrested not on the spot, but at some time later, when the Four Hundred had already been deposed and the Five Thousand were in power, but had not shown signs of their political orientation yet. But this does not emerge from Lycurgus' text. On the contrary, the orator wants us to understand that the arrest of Apollodorus and Thrasybulus is made immediately and as a direct consequence of the murder, and more importantly (here the confusion in Lycurgus' account is fully exposed), the *demos* was able to set the prisoners free while the Four Hundred were still in power. This is an attempt to reconcile Thucydides' account with that of Lycurgus, but I do not think that both can stand. Thucydides makes clear that while the perpetrator managed to escape after the murder in the turmoil that ensued, the accomplice was caught, *we are to understand on the spot*, by the Four Hundred. This is a perfectly intelligible account: the murder took place in broad daylight in the market place, near the Council House, presumably after a session of the Four Hundred had just finished. Those who caught the Argive could have been either members of the council, or their sympathizers who happened to be present in the nearby streets. Since there are indications that the administration of justice was left to the Four Hundred during their reign, it also makes perfect sense that the Four Hundred conducted the interrogation and the torture.⁵⁴ But the investigation into Phrynichus' assassination did not yield any information as to who the other perpetrators were and whose orders they followed. It is therefore perfectly legitimate to infer from Thucydides' narrative that the Argive captive made no revelations but died instead at the hands of his torturers.⁵⁵ But this is not all. Lycurgus' account is not consistent and coherent either. Lycurgus seems to be saying that when the *demos* found out about the imprisonment, they took the two captives out of prison and interrogated them via torture, the outcome of which was that Phrynichus was found guilty of treason, and the two perpetrators had been unjustly incarcerated. The text at this point is not clear. C. Scheibe and F. Blass' edition has αἰσθόμενος ὁ δῆμος τὸ γεγονός τούς τε εἰρχθέντας ἐξήγαγε, καὶ βασάνων γενομένων τὸ πρᾶγμα ἀνέκρινε, καὶ ζητῶν εὔρε..., but in the codices the words τὸ πρᾶγμα are transposed to before ζητῶν. Blass commented: 'nisi transponatur τὸ πρᾶγμα, sunt οἱ εἰρχθέντες etiam ἀνέκρινε verbi obiectum, etsi propter τε novum obiectum expectatur, et quaestio (βάσανος) de libertatis fit' (1899: xix). Blass obviously meant that the construction with the connectors τε...καί, separated by a number of words, which requires the same syntactical structure for the part introduced by τε and the part introduced by καί. Indeed, this is valid for most of the cases in the *Against Leocrates* but not for all. The τε...καί construction is attested ten times in Lycurgus' speech (5, 10, 22, 33, 35,

⁵³ Boegehold, A., J. Camp, M. Crosby, M. Lang, D. Jordan, and R. Townsend 1995: 27-28, especially the testimonia numbered 189, 190, 192, 193, 194, 195, 197, 229 and 231.

⁵⁴ R. Brock 1988; when Andocides makes an attempt to return to Athens in 411 he is arrested by the Four Hundred and is remanded in custody for a certain period (And. 2.13-14).

⁵⁵ Unless it has escaped my attention, no one seems to have made this observation before. Thucydides' allusion to the Argive's death through torture is an indication, in my opinion, that his account is not compatible with the 'official' ones as narrated by Lysias and Lycurgus and evidenced through the state record inscribed on the stone.

50, 56, 100, 112, 113). Of these occurrences two, 50 and 100, defy Blass' argument. I quote the two passages here: 50 ἅμα γὰρ οὗτοί τε τὸν βίον μετήλλαξαν, καὶ τὰ τῆς Ἑλλάδος εἰς δουλείαν μετέπεσεν; 100 ὅτι τὰ τ' ἄλλ' ἦν ἀγαθὸς ποιητής, καὶ τοῦτον τὸν μῦθον προείλετο ποιῆσαι. There is no compelling reason, then, to transpose τὸ πρᾶγμα as Blass argued. If we retain Scheibe and Blass' reading, it is not clear who the tortured individuals are, although the mention of Apollodorus and Thrasybulus in the previous lines makes the association likely. If one denies that the two assassins are meant in this passage as the objects of torture, one has to explain who those tortured men could have been. The assassination had been designed and executed in the most clandestine way; it would have been then almost impossible for the *demos* to find and interrogate people who could have been privy to the machinations that resulted in Phrynichus' murder. If we retain the mss reading—accepted by A. Thalheim in his edition of the text—the meaning becomes more intelligible, the object of ἀνέκρινε becomes Apollodorus and Thrasybulus. In the orators the object of the verb ἀνακρίνω is almost invariably a person in the accusative. This is the usual syntax in later authors as well.

It becomes obvious, then, that Lycurgus' account does not make much sense. One normally tortures a suspect to make him admit that he himself committed a crime, be it treason, or murder, or whatever.⁵⁶ In Lycurgus' story, we are asked to believe that the assassins or a third party were tortured to reveal information about Phrynichus' presumed treason, an outstandingly absurd procedure indeed. This occurrence of torture would fall under what scholars call 'judicial' (as opposed to 'evidentiary') torture. Judicial torture was carried out by the Athenian state in order to investigate cases of public interest. Apart from Thuc. 8.92.2, other sources mention judicial torture: in Lysias 13.59 it is proposed through a decree that a certain Aristophanes be subjected to torture on suspicion of posing as an Athenian citizen. In Demosthenes 18.133 a certain Antiphon, an Athenian, a spy of Philip according to the speaker, comes to the Piraeus with a view to destroying the fleet anchored at the shipyards by means of arson. The man is discovered and the council of the Areopagus hand him over to the assembly whereby the man is subjected to torture. The same story albeit from a different perspective is told in Dinarchus 1.63; in Plutarch's *Nicias* 30 a stranger arrives in the Piraeus and while at a barber's shop casually talks about the disaster in Sicily, not realizing that the Athenians do not know about it yet. The barber dashes for the city and communicates the story to the archons who immediately arrest the man and torture him; Andocides (1.43-44) reports that Peisander moved a motion in the Council that the decree of Scamandrius be suspended and that all men who were on Diocleides' list, some forty-two Athenians, might be subject to torture so that they can give information. This provision, however, was never carried out (cf. V. Hunter 1994: 174-176). What all these stories have in common is, of course, the clear rationale behind the torturing, that is, an attempt by means of violence to extract information from a person (an outsider) suspected of a crime, but never to extract information from a non-suspect in order to ascertain whether or not a third person had committed a crime. C. Carey (1988: 241-245) adduces other cases of private character, in which, as he claims, the persons subjected to torture cannot have been free non-citizens. Important for our argument, however, is the rationale

⁵⁶ An exception to this rule is Plu. *Phocion* 34-35; on arrival in Athens in 318 B.C. Phocion faced a capital charge to be decided in the Assembly through a vote. To this proposal an amendment was attached to the effect that Phormion was to be tortured before be put to death; the rationale then of this torture was not to extract information from Phocion, but to prolong his suffering and make his death more agonizing.

underlying the torture in these cases, namely, to elicit information from the victim of torture in order to establish his participation in a crime or his guilt.⁵⁷ As to the time of the arrest, *pace* Heftner, ‘der Disput um die Phrynichosattentäter gehört in jene Phase der πυκναῖἐκκλησίαι, bei denen es sich, wie wir sahen, wohl tatsächlich um Versammlungen des Gesamt Demos handelte...’ (See timeline below).⁵⁸

To recapitulate, both Lysurgus’ testimonies that a) Apollodorus and Thrasybulus were incarcerated and tortured as a result of their participation in Phrynichus’ murder, and b) Alexicles and Aristarchus appeared in court to defend their dead comrade, raise insurmountable difficulties which cannot be explained in any satisfactory way. For reasons discussed above, both statements should be rejected, and we are therefore compelled to pose Aristarchus and Alexicles’ flight at a time anterior to Phrynichus’ posthumous trial. We shall now turn to the circumstances surrounding the announcement of the Athenian defeat at Eretria and the subsequent fleeing of the oligarchs. My argument is that Jameson and Bleckmann’s interpretation of Thucydides is not admissible. To illustrate this, a close investigation of Thucydides’ language in the relevant passages is necessary.

Thucydides on the end of the oligarchy

Let us now see what Thucydides actually says about the downfall of the Four Hundred. I quote the two relevant passages:

8.97.1: Ἐπὶ δ’ οὖν τοῖς ἠγγελημένοις οἱ Ἀθηναῖοι ναῦς τε εἴκοσιν ὅμως ἐπλήρουν καὶ ἐκκλησίαν ξυνέλεγον, μίαν μὲν εὐθύς τό τε πρῶτον ἐς τὴν Πύκνα καλουμένην, οὐπὲρ καὶ ἄλλοτε εἰώθεσαν, ἐν ἧπερ καὶ τοὺς τετρακοσίους καταπαύσαντες τοῖς πεντακισχιλίοις ἐψηφίσαντο τὰ πράγματα παραδοῦναι.

Nevertheless, as soon as the announcement was made, the Athenians manned twenty ships and summoned an assembly, one then immediately for the first time at the so-called Pnyx, where they used to summon in the past, in which they deposed the Four Hundred and handed over affairs to the Five Thousand.

8.98.1: Ἐν δὲ τῇ μεταβολῇ ταύτῃ εὐθύς οἱ μὲν περὶ τὸν Πείσανδρον καὶ Ἀλεξικλέα καὶ ὅσοι ἦσαν τῆς ὀλιγαρχίας μάλιστα ὑπεξέρχονται ἐς τὴν Δεκέλειαν· Ἀρίσταρχος δὲ αὐτῶν μόνος (ἔτυχε γὰρ καὶ στρατηγῶν) λαβῶν κατὰ τάχος τοξότας τινὰς τοὺς βαρβαρωτάτους ἐχώρει πρὸς τὴν Οἰνόνην.

In this change of constitution immediately those around Peisander and Alexicles and those most deeply involved in the oligarchy ran away to Deceleian secret. But Aristarchus alone (he happened to be a general) took in a hurry some barbarian archers with him and made it for Oenoe.

⁵⁷ For torture in Athens in general, see D. Mirhady 2000; M. Gagarin 1996: 1-18; V. Hunter 1992; G. Thür 1977; 1996.

⁵⁸ Heftner 2001: 318.

In the first passage Thucydides explicitly says that when the news of the defeat at Euboea arrived in the city, the Athenians prepared twenty ships for battle and immediately (εὐθὺς) summoned an assembly at the Pnyx, during which they deposed the Four Hundred and established the Five Thousand. The second passage informs us that when this change of constitution was ratified, immediately (εὐθὺς) those most involved in the oligarchy, and those around Peisander and Alexicles fled to Deceleia, Aristarchus being the only one who took a different route, as he betrayed the fortress of Oenoe to the enemy. Jameson interprets the passages as follows:

I would understand the εὐθὺς of the extremist party of Peisander and Alexicles (which made a clean break) to be in contrast with those members of the previous regime who participated in the new government until the full democracy regained control. Thucydides is not concerned to modify his contrast by speaking of trials, not even that of so prominent an oligarch as Antiphon which he has mentioned earlier out of chronological context, but simply draws a distinction between the oligarchs and the new regime at its outset (composed of moderate members of the old).⁵⁹

In other words, Thucydides contrasts those oligarchs who fled early in the regime of the Five Thousand, but stayed long enough in the city to be brought to trials, to those who stayed for the eight approximately months until the restoration of full democracy in May/June 410 B.C. Bleckmann, who follows Jameson in the main, observes that Thucydides' narrative at this point is condensed; the historian narrates the events in a summary fashion because he wants to get to the Hellespont events as soon as possible. Furthermore, the words ἐν δὲ τῇ μεταβολῇ ταύτῃ should not be understood literally, but should be associated with the events that ensued after the fall of the oligarchy. According to Thucydides' narrative, so Bleckmann, there followed multiple assembly meetings in which power was transferred to the Five Thousand step by step, and the above-mentioned phrase should describe this transitional period.⁶⁰ Both interpretations are unconvincing, since they do not tally with what Thucydides actually says. Another solution is to posit a mistake on the part of the historian at this point as Heftner has done.⁶¹ But such a blunder committed by Thucydides at a point where he stresses the hurried escape of the arch-oligarchs in panic would inevitably raise questions on the trustworthiness of his method of historical enquiry in general. It is thus necessary, in order to reconstruct the train of events that followed the defeat in Euboea, to undertake a twofold task. First, to elucidate the exact meaning of εὐθὺς at 8.97.1, 98.1 and in Thucydides in general, and second, to evaluate the importance of the negative outcome of this naval engagement for the Athenians and the oligarchy.

In connection to the first task, a preliminary comment may be apposite. A modern reader, eager to determine the course of events, the sequence and temporal interrelations

⁵⁹ Jameson 1971: 555.

⁶⁰ Bleckmann 1998: 376.

⁶¹ Heftner 2001: 317 and note 161.

of actions and counter-actions, may be struck, or even disappointed, by the ambiguity and laxity with which the ancient writers approached their subject. Thucydides is not immune to such criticism, but it is clear that, unlike many ancient authors, he has striven to be precise with regard to the timing of events a good deal. Whenever he fails to provide us with a dating which would perhaps meet our standards of accuracy, this is due to the impossibility of getting access to the relevant piece of information.⁶²

Εὐθὺς appears 252 times in Thucydides. Seldom, it is used as an adverb of place, its meaning being 'straight', 'above', or 'next to something'.⁶³ It also denotes a logical consequence, the result of an action.⁶⁴ But the bulk of instances fall into two categories, the criterion being whether one can determine, to a degree which would satisfy our modern standards of precision, the amount of time the word εὐθὺς indicates in each particular case. Of the remaining 232 cases, 62, or 26.7%, do not provide the reader with any clue to help quantify the amount of time indicated; that is, εὐθὺς is used vaguely. This is not to say that a considerable amount of time lapses between the actions mentioned in the passage in question. On the contrary, sometimes a sense of urgency and hastiness is conveyed in connection with the action accomplished.⁶⁵ The remaining 170 instances, or 73.3%, concern situations in which a scene, or an event in progress is described, and the word εὐθὺς refers to the transition from a previous to a subsequent phase of the event in question. The described action is usually a campaign, a battle scene, or assembly meeting, though in three instances it refers to the symptoms of the pestilence in Athens. In many cases the context provides such strong clues that it is possible to infer that the amount of time in question is no more than a few hours to one day.⁶⁶ Turning now to our passages, 8.97.1 and 98.1, there are four close parallels in Thucydides which can contribute a great deal to our understanding. First, the story of Chrysis, the priestess of Hera in Argos. Thucydides tells us that in the ninth year of the war the temple of Hera in Argos was burnt due to an accident inadvertently caused by the priestess of the goddess during a summer night. Chrysis was in a panic and scared to death. She fled the temple that very night in secret as a result.⁶⁷ The second and third parallels make unequivocally clear what happened in a classical Greek city amid war and *stasis*, when the political enemies or the rival faction within the city gained

⁶² See, for example, 1.2.6: The population of Attica increased rapidly because people, driven out of their homeland, became Athenian citizens as soon as they resorted to Athens; 1.93.8: the Athenians built their city walls as soon as the Persians departed from Greece.

⁶³ Four times in total, 4.118.4; 6.96.1; 8.90.4; 8.90.5.

⁶⁴ Sixteen times, 1.140.5; 2.61.1; 3.47.2; 3.47.3; 4.73.3; 4.103.5 ; 4.104.2; 5.102.1; 6.91.3; 6.91.7; 7.56.2; 7.64.1; 7.77.4; 8.71.1; 8.86.4.

⁶⁵ For example, at 4.110.1 Brasidas interrupts the siege of Sane and Dion, and in haste launches an attack against Torone.

⁶⁶ For example, at 8.92.6 when the Four Hundred get informed about the developments at Eetioneia, they want to rush off to the Piraeus to meet the challenge from the mutinied soldiers. At 4.134.2 the Tegeans set up a trophy to commemorate their victory against the Mantineans as soon as the night falls. 1.89.3 is the most vague instance in this largest group; here the Athenian folk return to Attica when it has been made clear that the Persians have left. But even here we can draw the inference that they began the repatriation on the day they got the news of the enemy flight.

⁶⁷ 4. 133.3: καὶ ἡ Χρυσίς μὲν εὐθὺς τῆς νυκτὸς δέισασα τοὺς Ἀργεῖους ἐξ Φλειοῦντα φεύγει 'Chrysis as soon as the night came, fearing the Argives, escapes in Phleious.' Note Chrysis' state of mind and the verb φεύγει at the end.

control, especially when the presence of a dominant power in the area tipped the balance in their favour. At 6.51.2 when some citizens of Catane, politically attached to Syracuse, realized that the city was flooded with Athenian soldiers who had entered the city to purchase food, they escaped in a state of panic, whereas the rest of the Catanians voted for an alliance with Athens.⁶⁸ Here, Thucydides used the verb *ὑπεξέρχομαι*, ‘go out secretly’, for a scene almost identical with ours. There was an assembly going on and the political faction that cannot carry the day withdraws stealthily. In the next instance, at 4.74.2, those of the Megarians who had actively supported the Athenians withdrew secretly at once, as soon as the latter deserted Megara, prudently, one might say in the light of the subsequent developments. Note here that Megara, like Athens, was beset by *stasis*, a state of affairs which posed the ultimate danger for those who happened to be on the losing side.⁶⁹ Once again the verb used was *ὑπεξέρχομαι*. In another interesting instance the Peloponnesians, alarmed by the arrival of Eurymedon with sixty ships, waited until the night fell and then hurriedly evacuated Leukas by land, all the while carrying their ships over the Leukas isthmus so as to avoid detection by the Athenian fleet, which was approaching the area (3.81.1). The text goes οἱ μὲν οὖν Πελοποννήσιοι τῆς νυκτὸς εὐθὺς κατὰ τάχος ἐκομίζοντο ἐπ’ οἴκου παρὰ τὴν γῆν ‘the Peloponnesians, then, as soon as the night fell returned home hurriedly through land’. The present passage, along with that of 8.98.1, Aristarchus’ flight to Oenoe, are the only ones in Thucydides in which *εὐθὺς* and *κατὰτάχος* appear in the same context, the effect being that a sense of urgency, secrecy, and fear is forcefully conveyed. The Peloponnesians feared the numerically superior Athenian fleet, while Aristarchus the wrath of the Athenian *demos*.

There should, therefore, remain little doubt that the *εὐθὺς* at 8.97.1 and 98.1 belongs to the larger group, and that it is possible with a fair degree of certainty to estimate the amount of time indicated by the adverb. The news of the defeat may have reached Athens the day after the disaster, at which point an assembly meeting was hastily summoned to address the new development and take counter-action. In this assembly which was summoned at the Pnyx, a place laden with overtones of a long democratic tradition, a highly symbolic gesture, and indicative of the current mood of the Athenians, a change in the constitution was effected.⁷⁰ It was the beginning of the regime of the Five Thousand and the end of the Four Hundred. I take then, contrary to Bleckmann, the *μεταβολή* of 98.1 to refer to this single assembly, while the subsequent ones of 97.2 as dealing with other constitutional issues of less importance.

We can, then, reconstruct the day of the assembly on the Pnyx as follows: early on that day the news from Euboea breaks in Athens. Immediately, the Athenians organize their

⁶⁸ τῶν δὲ Καταναίων οἱ μὲν τὰ τῶν Συρακοσίων φρονοῦντες, ὡς εἶδον τὸ στράτευμα ἔνδον, εὐθὺς περιδεεῖς γενόμενοι ὑπεξῆλθον οὐ πολλοὶ τινες, οἱ δὲ ἄλλοι ἐψηφίσαντό τε ξυμμαχίαν τοῖς Ἀθηναίοις ‘those of the Catanians who were pro Syracuse, when they saw the troops be inside the town became immediately very timid, and ran away in secret, not many of them, whereas the rest voted for an alliance with the Athenians.’

⁶⁹ οἱ δὲ ἐν τῇ πόλει Μεγαρήν, ἀποχωρησάντων καὶ τῶν Ἀθηναίων ἐπ’ οἴκου, ὅσοι μὲν τῶν πραγμάτων πρὸς τοὺς Ἀθηναίους μάλιστα μετέσχον, εἰδότες ὅτι ὤφθησαν εὐθὺς ὑπεξῆλθον ‘the Megarians in the city, since the Athenians returned home, those who had been most involved in the affairs in favour of the Athenians, knowing that they had been exposed, immediately ran away in secret.’

⁷⁰ In the opening scene of the *Acharnians* 1-42, Dikaiopolis waits alone early in the morning at the Pnyx for the *prytaneis* to come and convene the meeting.

defence, equip twenty ships and summon the assembly. The extremists, among whom, Aristarchus, Alexicles, Peisander and others, do not contemplate very long. Having been utterly discredited politically, they decide to take swift action. They do not dare to appear in the meeting because they know how unpredictable, vengeful and nasty the Athenian *demos* is. A relevant question is, of course, who gave the order to summon the assembly. It is highly unlikely that the order was issued by the extremist faction of the Four Hundred. Those around Peisander and Antiphon had decreed that the assembly of the Five Thousand would be summoned at the discretion of the Four Hundred and when the latter saw fit (Thuc. 8.67.3). It is characteristic that when under adverse circumstances the Four Hundred were compelled for the first time to call an assembly meeting to reconcile with the mutinied hoplites, the place is the precinct of Dionysus (Thuc. 8.93.3). The meeting under discussion takes place not at Colonus, but at the Pnyx, a place laden with democratic memories, where the crowd is beyond the oligarchs' control.⁷¹ In the utter confusion and chaos prevailing in the city they do not waste time. Aristarchus with his faithful mercenary troops makes it for Oenoe, while Peisander, Alexicles and many others run for safety to Deceleia.⁷²

We have offered a reconstruction of the developments in Athens after the sea battle off Eretria, arguing in a sense that those oligarchs most compromised in the eyes of their compatriots and most involved in the coup fled as soon as news of the defeat reached the city. This interpretation rejects the evidence, in the form of allusions and confused statements found in other sources, but relies on Thucydides. This is not to say that there is not a single grain of truth in Lycurgus (Critias' decree, for example, seems authentic); but the right procedure, when the two relevant sources divert from each other, is to correct Lycurgus through Thucydides and not the other way round. It remains, then, to offer an explanation for the oligarchs' decision to flee.

The decision to flee

In the third part of the paper I am proposing an explanation for why the inner circle of the oligarchs, the hardliners, decided to flee from Athens on arrival of the news from Euboea. The key to understanding the state of mind for the Athenians in general, and the oligarchs in particular, when they heard the bad news is Thucydides' statement that the defeat caused great consternation among the people, even greater than the disaster in Sicily. Such consternation was understandable under the current circumstances, i.e., the Athenians were beset by *stasis*, lack of ships and crews, imminent civil war, loss of their most valuable asset, Euboea, and faced an imminent invasion by the enemy that would compel the fleet on Samos to sail to the Piraeus to defend the city, the outcome of which would be the loss

⁷¹ Kagan comments: 'The return to the Pnyx must have been the result of a deliberate choice meant to indicate a return to a situation before the establishment of oligarchy' (1987: 201).

⁷² Another contemporary source, namely Lysias 13.73, states that the majority of the members of the Four Hundred fled after Phrynichus' death. Although we do not know the exact number of those who fled, it cannot have been the majority and certainly those who did flee did not do so at Phrynichus' death but, at any rate after the sea-battle off Eretria. We had better take the statement of Lysias' speaker as rhetorical exaggeration.

of the whole of Ionia, the islands and the empire.⁷³ In addition to the occupation of Deceleia and its financial repercussions, underscored by Thucydides earlier in a passage where he undertakes an analysis of the Athenian finance at the time of the Sicilian expedition,⁷⁴ the loss of Euboea, foreshadowed by the loss of Oropos,⁷⁵ must have had a tremendous impact on the Athenians. A lot of them had property on the island, land which they had acquired either through inclusion in a *cleruchy*,⁷⁶ or simply purchase from a *cleruch*.⁷⁷ It is true that the Four Hundred had understood well the strategically important role of Euboea for the nourishment of the population within the city walls, a role immensely enhanced since the permanent presence of the enemy in Attica at Deceleia, and the loss of control of the fleet on Samos, which simply meant that the Hellespont and its wheat were inaccessible to the regime. The meagre information we have indicates that the oligarchs had taken measures to secure the route from Euboea to the Piraeus through Sunium.⁷⁸ Those Athenians mostly affected by the loss of the island and the subsequent loss of landed property and income, would naturally belong to the *hoplite* class, the sort of people who one would naturally expect to have supported the oligarchy. Those people must have been disenchanted with, and even outraged by their leaders' false promises to successfully pursue the war. Another important point Thucydides raises, in connection with the reception of the news of the defeat and the Athenians' mindset, is the expectation that everything had been lost and

⁷³ Thuc. 8.96.

⁷⁴ Thuc. 7.28. Note in particular: (1) ἢ τε τῶν ἐπιτηδείων παρακομιδὴ ἐκ τῆς Εὐβοίας, πρότερον ἐκ τοῦ Ὀρωποῦ κατὰ γῆν διὰ τῆς Δεκελείας θάσσωσιν οὐσα, περὶ Σούνιον κατὰ θάλασσαν πολυτελής ἐγγίγνεται... 'the transportation of the foodstuff from Euboea, while in the past it was quicker from Oropos through Deceleia, now it had become expensive by sea through Sounion' (the occupation of Deceleia); (4) δι' ἃ καὶ τότε ὑπὸ τε τῆς Δεκελείας πολλὰ βλαπτούσης καὶ τῶν ἄλλων ἀναλωμάτων μεγάλων προσιπτόντων ἀδύνατοι ἐγένοντο τοῖς χρήμασιν 'for those reasons at that time due to Deceleia which caused a lot of harm and the other expenses which had incurred, they became poor.'

⁷⁵ Thuc. 7.60.1. On the importance of Oropos as an Athenian bridgehead into Boeotia, see L. Losada 1972: 121.

⁷⁶ Herodotus tells us that as early as 506 B.C., Athens had established a *cleruchy* of 4000 men in Chalcis (5.77). For the Athenian *cleruchy* on Euboea under Tolmides in Carystus (453/2 or 452/1): Paus. 1.27.5; Diod. 11.18. Diodorus raises the number of *cleruchs* sent to Euboea and Naxos to one thousand; under Pericles in 446/5: Thuc. 1.114; *FrGrHist* 328 Philochorus F118. Diodorus (12.22) mentions one thousand *cleruchs*, whereas Theopompus *FrGrHist* 115 F386 raises the number to two thousand. A. Moreno argues for Athenian *cleruchies* also elsewhere on the island, e.g., Chalcis and Eretria (2007: 99-100).

⁷⁷ Moreno argues that the typical Athenian owner of land on Euboea was an absentee landlord (2007: 89-93). There is epigraphic evidence that many rich Athenians owned multiple lots of land in a pattern reminiscent of aristocratic land ownership in Attica, i.e., many scattered agricultural units. The Attic *stelae*, lists of confiscated property owned by individuals involved in the Mysteries and Hermes affairs in 415 B.C., reveal that a certain Oeonias of Atene owned land in Lelanton, Diros and Geraestus, the value of which fetched over 81 talents (*IG I³ 422, 217-218, 375; IG I³ 428; IG I³ 430, 36*).

⁷⁸ Thus, the decision of the Four Hundred to embark the crew of the *Paralos* on a transport ship, and send them to Euboea (Thuc. 8.86.9), and the appointment of Polystratus as an officer in Eretria can be best understood as parts of a defence strategy, the objective of which must have been the protection of Euboea ([Lys.] 20.14). The appointment of Polystratus in Eretria was made eight days after he had entered the Council. This should be understood as falling at the beginning of the oligarchic rule, rather than the end (K. Apostolakis 2003: 38-39, 174). W. McCoy summarises well the priorities of the Four Hundred after they assumed power with respect to Athens' defence and the security of the regime (1997: 181).

that soon the enemy would knock at the gates.⁷⁹ This expectation, one may infer, would have been shared by the extremists as well. From their perspective, the extremists knew well that after the defeat their fate had been sealed, especially since the extremist faction did not manage to get hold of and punish those who stood behind Phrynichus' assassins—mainly due to the Argive captive dying at the hands of his torturers—and the role of certain oligarchs in the last embassy to Sparta had been exposed in the eyes of the public. According to my reconstruction, Antiphon and his comrades had deliberately chosen a somewhat large number of delegates for the infamous embassy—twelve⁸⁰—because this would give it prestige and legitimacy in the eyes of the oligarchic council in Athens and their supporters. I believe that most members of the factions within the Four Hundred were included in this embassy, but only Antiphon, Phrynichus and probably a couple more were involved in the secret dealings with the Spartans. Those members who were not privy to these meetings and were opposed to a capitulation to the enemy, tipped the moderate opposition back in Athens on arrival about the treacherous dealings of Phrynichus and Antiphon in Sparta. In the intervening days from Phrynichus' death to the naval confrontation with Agesandridas' fleet, the moderate opposition would have been in a position to smear their political opponents unpunished and turn the public opinion against them. It might be appropriate at this point to note that at least two of the oligarchs whom Thucydides names, Aristarchus and Alexicles, seem to have been relatively young; they probably had an obscure social background and were certainly politically inexperienced. They owed their quick ascendancy to the Athenian political scene to their zeal for the oligarchic cause and their involvement in the terror campaign prior to the takeover. The prospect of having to defend themselves against charges of treason before a popular court would have been appalling to them.⁸¹ Under these conditions, from the oligarchs' point of view, it would have seemed prudent to seek shelter at the enemy's camp rather than face the wrath and the fury of their fellow-citizens. Their swift action on arrival of the news from Euboea indicates that these individuals had already planned their flight well in advance.

Appendix 1: A proposed timetable of the events after Phrynichus' assassination

Day 0: Phrynichus' murder; the accomplice is arrested on the spot (Thuc. 8.92.2: καὶ ὁ μὲν πατάξας διέφυγεν, ὁ δὲ ξυνεργὸς Ἀργεῖος ἄνθρωπος ληφθεὶς καὶ βασανιζόμενος ὑπὸ τῶν

⁷⁹ Thuc. 8.96.3: μάλιστα δ' αὐτοὺς καὶ δι' ἐγγυτάτου ἐθορύβει, εἰ οἱ πολέμοι τολμήσουσιν ἐνικηκότες εὐθὺς σφῶν ἐπὶ τὸν Πειραιᾶ ἐρῆμον ὄντα νεῶν πλεῖν· καὶ ὅσον οὐκ ἤδη ἐνόμιζον αὐτοὺς παρεῖναι 'what bewildered them (the Athenians) the most, due to the proximity (of the enemy force), was that they venture to sail against the Piraeus, now that the harbour was empty of ships; they actually thought that they were already there.'

⁸⁰ For the view that there might have been only ten men in total in this embassy, see R. Develin 1989: 162; Ostwald 1986: 393.

⁸¹ N. Karkavelias 2015: 25-42; 79-89.

τετρακοσίων ‘the person who delivered the blow escaped, but his accomplice, an Argive man, was caught and got tortured by the Four Hundred.’).

Day 3: interrogation may have lasted a couple of days, in the course of which the Argive dies inadvertently at the hands of his captors, that is the Four Hundred; arrival of the Peloponnesian fleet in Epidaurus (92.2).

Day 4: the turmoil at Eetioneia (92.4-11).

Day 5: hoplite assembly in the Piraeus, session of the Four Hundred in Athens (93.1 Τῆδ’ ὕστεραίᾳ); the Four Hundred and the hoplites arrange an assembly (93.3 ἐς ἡμέραν ῥητὴν ἐκκλησίαν ποιῆσαι ἐν τῷ Διονυσίῳ περὶ ὁμονοίας ‘[they decided] to call an assembly at the precinct of Dionysus about reconciliation on a fixed day’).

Day 8: the assembly at the Dionysus precinct; Hegesandridas sails off Salamis (94.1); Hegesandridas arrives in Oropus (95.1).

Day 9: Thymochares in Euboea, sea battle (95.3-7).

Days 1-9: the exchange between Peisander and Sophocles takes place possibly in the council of the Four Hundred (Arist. *Rhet.* 1419^a25-30).

Day 10: the news of the defeat breaks in Athens; the Athenians immediately convene an assembly at the Pnyx; the Four Hundred are deposed; the Five Thousand are introduced (97.1: μίαν μὲν εὐθὺς τό τε πρῶτον ἐς τὴν Πύκνα καλουμένην ‘one meeting for the first time at the so called Pnyx’); the extremist faction flees on the same day (98.1: Ἐν δὲ τῇ μεταβολῇ ταύτῃ εὐθὺς οἱ μὲν περὶ τὸν Πείσανδρον καὶ Ἀλεξικλέα καὶ ὅσοι ἦσαν τῆς ὀλιγαρχίας μάλιστα ὑπεξέρχονται ἐς τὴν Δεκέλειαν ‘in this change of constitution those around Peisander, Alexicles and those most involved in the oligarchy immediately made their way secretly to Deceleia’).

Days 10+: frequent assemblies (97.2: καὶ ἄλλαι ὕστερον πυκναὶ ἐκκλησίαι).

Appendix 2: The *Against Leocrates* as a historical source

Discussion about the credibility of the speech *Against Leocrates* as a historical source and the way in which Athenian history is manipulated in it is necessary in order to be able to pass a fair and informed judgement on what Lycurgus says about Phrynichus and his version of the events that unfolded immediately after the collapse of the oligarchic regime, most probably in September 411 B.C. In this speech, delivered in about 330 B.C., the Athenian

orator, statesman and priest accused Leocrates of treason and impiety, *asebeia*. Here, Lycurgus is at pains to demonstrate how the Athenians of yore made their city the most mighty in the Greek world, how they became the champions of freedom on behalf of the entire Hellas in their struggle against the barbarians and how they reserved particularly harsh treatment for traitors of the kind of Leocrates.⁸² Throughout the speech, Lycurgus makes extensive use of historical and mythological examples that highlight and underscore Athens' greatness and lofty ideals: Athens is the saviour of Greece's liberty; her dead at Chaironeia fought not only for Athens but for the common liberty of the whole of Greece (42, 50). These brief excursuses are scattered throughout his speech and serve to underpin his argument, namely that Athens became a *hegemon* city in the fifth century because, among other reasons, the Athenians were steadfast in their determination to punish traitors severely. This unprecedented extent of abuse of history in an Attic forensic speech can be best understood if one considers the actual time and context in which the speech was delivered: the existential danger in which Athens' autonomy was put in the aftermath of Alexander's crashing victories in Asia.⁸³ Understandably, these references are neither devoid of ideological tint, nor of blunders and inaccuracies. On the contrary, they are specimens of a nationalistic or even jingoistic view of great historical events that shaped the Greek world in the fifth and fourth centuries B.C. Consequently, when Lycurgus' historical references can be checked against other ancient sources their propagandistic nature and indifference to historical accuracy are fully exposed.

Lycurgus makes a number of clear blunders which are difficult to attribute to a certain motive, nor do they seem to contribute to his cause in some way; rather they should be accounted for on grounds of carelessness or indifference for the accuracy of details he provides in his speech. So, to illustrate his point that razing a city was equal to its death, he gives at section 62 the example of Messene, a city that was re-populated by men of indiscriminate origin five hundred years after its destruction by the Lacedaemonians, an event that occurred in the context of the Second Messenian War in the second half of the seventh century⁸⁴—i.e., only three hundred years before the age of Lycurgus.⁸⁵ At section 128, Lycurgus names Pausanias as king of Sparta, although in reality he was only regent to the underage Pleistarchus, son of king Leonidas.⁸⁶ Another error, probably due to rhetorical exaggeration, is committed at 72. There, he argues that the Athenians imposed their *arche*

⁸² The speech has been described as a sermon on patriotism by one of its editors (J. Burt 1954: 10). D. Allen has pointed out that words like *patris* appear in the *Against Leocrates* relatively more frequently than in other forensic speeches of other orators (2000: 6 and note 1).

⁸³ J. Engels 2014: 27.

⁸⁴ M. Meier 1998: 91-99.

⁸⁵ In comparison to other ancient authorities Lycurgus is the most inaccurate with regard to the dating of Messene's destruction. See, Engels 2008: 147-148.

⁸⁶ Hdt. 9.10. On Pausanias see: Thuc. 1.128-134; Diod. 11.44-46; Plu. *Arist.* 23; *Cim.* 6; Paus. 3.17.7-9; cf. Gomme, Andrewes and Dover 1945-1981: 1.431-437; S. Hornblower's comment on Thuc. 131.2 is worth quoting: 'unless a *καί* has indeed dropped out of the text, it looks as if Thucydides has temporarily forgotten that Pausanias was not king' (1991-2008: 1.217). Another fourth-century orator makes the same blunder, calling Pausanias king of Sparta, namely Apollodorus ([D.] 59. 96). J. Trevett has attributed this error to the orator's carelessness or ignorance rather than to a deliberate attempt to link Pausanias more closely to the official Spartan policy (1990: 409).

on the rest of the Greek cities for a period of ninety years, an apparent impossibility if one takes the year 405 as the end of the Athenian Empire in the 5th century.⁸⁷

But when Lycurgus uses examples from Athens' history to press his point that his and the jury's predecessors bestowed their benefactors with the greatest honours as much as they reserved the harshest punishment to traitors, he is found guilty of more sinister errors, errors that betray a highly nationalistic, athenocentric and crudely biased view of Greek history. Thus, in 480 B.C., on the eve of the sea-battle at Salamis the Spartan Eteonicus, the Corinthian Adeimantus and the Aeginetan navy abandon the Greek camp and withdraw in safety, leaving the Athenians alone in their struggle against the barbarians (70).⁸⁸ This is an astoundingly false version of a story well documented by Herodotus, who narrates that the Aeginetans fought most bravely among the Greeks, the Athenians coming only second in effort (8.74, 93).⁸⁹ At the battle of Marathon, mentioned at section 104, not a single reference is reserved for the Plataians, despite the fact that in the Stoa Poikile the Plataian presence and participation in the battle was documented and set on display.⁹⁰ Lycurgus is in this instance inclined to follow and endorse, what in effect was by his time in Athens, a widespread, quasi-official version of probably the most glorious moment of Athenian history, in which the Athenians were the only ones to take to the field and defeat the barbarians, becoming thus, alone, the saviours of Greece.⁹¹

At 106-107 Lycurgus makes the startling statement that the whole of Greece knows that on their request the Spartans received Tyrtaeus the Athenian as their general.⁹² His assistance by means of poems tipped the balance in favour of Sparta in her fight against the Messenians, while he arranged the education of the Spartan youth in an orderly and decent way that contributed to their hearts being infused with manliness and courage. Lycurgus is here suggesting that the man who contributed to, or even created the Spartan mirage was actually an Athenian. Thus, while looking at Sparta to find possible answers to Athens' great existential problem—exacerbated after the defeat at Chaeroneia, i.e., degeneration and loss of civic identity—Lycurgus inextricably links Athens' glorious past and magnificent men with Sparta's optimal constitution and way of life.⁹³

⁸⁷ Engels 2008: 151, rightly retains the mss number 'ninety' instead of the emendations proposed by various editors of the speech, among whom probably the most authoritative, that of N. Conomis' ἐβδομήκοντα. In their editions of the speech, C. Rehdantz (1876) and T. Thalheim (1880) retain the mss tradition ninety. cf. A. Schöne (1869: 742), who compares Lycurgus' information on the duration of the Empire with other sources.

⁸⁸ Already noticed by van den Es in the 19th century (H. Froberger 1874: 479).

⁸⁹ A. Masaracchia 1996: 203.

⁹⁰ [D.] 59.94; cf. E. Harrison 1972: 357.

⁹¹ Hdt. 6.111.1: The Plataians occupy the left wing (but no numbers are given); C. Nepos *Milt.* 5; Paus. 10.20; Plu. *Mor.* 305B; Justin 2.9 mentions 1000 Plataians taking to the field. The journal's anonymous referee has rightly pointed out to me the existence of a propagandistic version of the battle of Marathon already in the fifth century, in which Plataea's contribution is conveniently silenced. That would lessen Lycurgus' culpability in the case at hand, of course (Hdt. 7.10.1; 9.27.5; Thuc. 1.73.4).

⁹² The Athenian origins of Tyrtaeus are also attested in Diod. 8.27; 15.66; Paus. 4.15.6; cf. Strabo 8.4.10.

⁹³ On Lycurgus' Platonism and Laconism, see Fisher 2002: 327-344; Fisher notes that the claim that Tyrtaeus was an Athenian is also to be found in Plato's *Laws* 629a. He suggests that the first allusion to the Athenian Tyrtaeus might be Isocrates' *Archidamus* (6.31); The idea of Tyrtaeus' Athenian origins might have

But perhaps Lycurgus' misrepresentation of Greek history reaches its climax when the orator cites a version of the oath the loyalist Greeks were supposed to have sworn at some point in the context of Xerxes' invasion of Greece. We happen to know this oath also through Diodorus who probably found it in Ephorus (11.29.2-3) and through an inscription which is supposed to transmit the actual oath together with the oath sworn by the Athenian ephebes, the so-called Acharnae *stele*. Now the historicity of this oath, at least as it is transmitted in the inscription, has been fiercely debated and the prospect that scholarly consensus will be reached is faint.⁹⁴ Relevant to our investigation is, however, the fact that Lycurgus chooses to read out to the jury a text of the oath that most probably stems from Ephorus and is a conglomeration of the Ionian oath found in Isocrates (4.156), the oath against the collaborators of Persia (Hdt. 7.132.2) and the Acharnae *stele*, thus papering over any unpleasant pro-Spartan and anti-Theban colouring which is present in the inscriptional version of the oath, but absent from the literary one.⁹⁵ What is more, to boost the national morale of his audience, Lycurgus reminds the jury that at the time of the ultimate danger Greece was in the Greek states acknowledged de facto Athens' supremacy and leadership as they turned to her to gather strength, spiritual guidance and inspiration for the great struggle that was looming large.⁹⁶ Siewert proposed that Lycurgus actually read the inscription to the jury and that a later editor of the *Against Leocrates* not being able to find the inscriptional text of the oath added the version found in Ephorus. This is not convincing, since in this case Lycurgus would have blatantly contradicted himself by first confidently claiming Athenian supremacy in 479 B.C. (μιμησάμενοι τὸν παρ' ὑμῖν εἰθισμένον ὄρκον) and then citing a text that revealed the full extent of Sparta's hegemonic position in

gained momentum after the battle of Leuctra, so Fisher 2002: 332, or may date back to the fifth century. T. Figueira 1999: 230-231; cf. R. Renehan 1970; Allen 2000.

⁹⁴ Two major recent studies have reached diametrically opposite conclusions: H. van Wees argues that the oath, in the form it has been transmitted to us epigraphically, originated from the one sworn by the Spartan *enomotiae*, sworn bands, and that such an oath was actually taken by the Greeks who fought Mardonius at Plataea (2007: 125-164). But P. Cartledge has called the monument on which the oath was inscribed 'ideologically motivated pseudo-historical commemoration' and prefers to see the text of the Oath of Plataea as the product and in the light of contemporary, i.e., 330s, Athenian propaganda whose aim was to reshape, mobilise and regenerate Athenian resources on both ideological-ethical and financial-political level in an attempt to respond to the new realities and power balance that emerged in the Greek world after Chaeroneia (2013: 152). Another recent study has judiciously suspended judgement on the question of historicity (P. Rhodes and R. Osborne 2003: 449). The best defence of the authenticity and historicity of the inscriptional version of the oath, (and in my opinion convincing), remains that of P. Siewert's (1972: 21-45, esp. 44-45). His most decisive argument, that is, the language of the text reflects an archaic mode of thinking about and interpreting reality, a mode that is almost impossible to have been imitated so faithfully by a fourth-century forger has not been adequately answered by the supporters of the forgery theory. Moreover, contrary to the two literary versions of the oath, in which Athens is portrayed as having a dominant role in the Greek camp, the inscription reflects Sparta's uncontested leading position in the struggle against the Persians, a fact that is difficult to account, for if one sees the text as a fourth century Athenian propaganda tool. For further bibliography on the question of the oath's historicity, see van Wees 2007: 125 and notes 4, 5, and Siewert 1972: 2-4, with exhaustive references on earlier scholarship.

⁹⁵Siewert 1972: 106-108.

⁹⁶*Against Leocrates* 80: ταύτην πίστιν ἔδοσαν αὐτοῖς ἐν Πλαταιαῖς πάντες οἱ Ἕλληνες, ὅτ' ἔμελλον παραταξάμενοι μάχεσθαι πρὸς τὴν Ξέρξου δύναμιν, οὐ παρ' αὐτῶν εὐρόντες, ἀλλὰ μιμησάμενοι τὸν παρ' ὑμῖν εἰθισμένον ὄρκον 'such pledges of good faith gave one another all the Greeks at Plataea, when they were about to draw up in battle order and fight Xerxes' force; they found them not among themselves, rather they borrowed them from the oath which is customary among you.'

the Greek camp. It would be perhaps less complicated if we assumed that Lycurgus chose in this instance to use Ephorus out of political considerations—i.e., Ephorus' text was more congenial to him as it manipulated history in a way consonant with current Athenian and Lycourgean propaganda aims.

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