

Royal Power, Law and Justice in Ancient Macedonia

Joseph Roisman

In his speech *On the Crown* Demosthenes often lionizes himself by suggesting that his actions and policy required him to overcome insurmountable obstacles. Thus he contrasts Athens' weakness around 346 B.C.E. with Macedonia's strength, and Philip's II unlimited power with the more constrained and cumbersome decision-making process at home, before asserting that in spite of these difficulties he succeeded in forging later a large Greek coalition to confront Philip in the battle of Chaeronea (Dem.18.234–37).

[F]irst, he (Philip) ruled in his own person as full sovereign over subservient people, which is the most important factor of all in waging war . . . he was flush with money, and he did whatever he wished. He did not announce his intentions in official decrees, did not deliberate in public, was not hauled into the courts by sycophants, was not prosecuted for moving illegal proposals, was not accountable to anyone. In short, he was ruler, commander, in control of everything.¹

For his depiction of Philip's authority Demosthenes looks less to Macedonia than to Athens, because what makes the king powerful in his speech is his freedom from democratic checks. Nevertheless, his observations on the Macedonian royal power is more informative and helpful than Aristotle's references to it in his *Politics*, though modern historians tend to privilege the philosopher for what he says or even does not say on the subject. Aristotle's seldom mentions Macedonian kings, and when he does it is for limited, exemplary purposes, lumping them with other kings who came to power through benefaction and public service, or who were assassinated by men they had insulted.² Moreover, according to Aristotle, the extreme of tyranny is distinguished from ideal kingship (*pambasilea*) by the fact that tyranny is a government that is not called to account. Demosthenes, however, states more correctly that the Macedonian king, whom Aristotle would have surely not defined as an extreme tyrant, was free from accountability.³ In this paper I intend to deal with the relations between Macedonian kings, law and justice and how they contributed to royal power and its lack of accountability during the Classical and Hellenistic ages. Because the

¹ Dem. 18.235, Yunis transl.; cf. Dem. 1.4; 19.184–86; Isoc. 5.14–15. Unless stated otherwise, all dates in this paper are B.C.E. It is my great pleasure to contribute to a volume dedicated to John Yardley, with whom I had the privilege of collaborating on *Ancient Greece from Homer to Alexander* (2011).

² Kings as benefactors: Arist. *Pol.* 5.8.5 1310b35–40. Assassinations due to insult (Amyntas II, Archelaus, and Philip II) 5.8.9–11 1310a37–b17. For Aristotle and Macedonian kingship, see, e.g. Nagle 1996, 157–164. Pace O'Neil 2000, 424, the philosopher nowhere lists Macedonian kings among monarchs who rule in the common interest.

³ Arist. *Pol.* 4.8.3 1295a17–23. Ps. Plato (*Definitions* 415e) too associates tyranny with lack of accountability, and cf. Plato *Laws* 875a–b. Otherwise, the association of unaccountable rule with monarchy is late: Dio Chrys. 3.43–44; cf. Philo *De Somniis* 2.244; Ehrenberg 1969, 162–63. Plato *Laws* 761e, however, suggests the judicial unaccountability of kings.

Macedonian monarchy often resembled other Hellenistic monarchies, our investigation will at times use the latter as illustrative examples.

But before commencing the investigation, something should be said about the evidence. As is well known, our extant literary sources for the Macedonian monarchy are much more informative on Alexander the Great, and to a lesser degree on Philip II and Philip V, than on the other Macedonian kings. This forces scholars to use historical anecdotes, whose reliability has been vigorously and quite persuasively assailed by Richard Saller. My position on the historical validity of anecdotes is less universally negative, especially when there is no other evidence that contradicts or questions their contents, when additional evidence seems to support it, and when the purpose of telling the anecdote by the extant source does not make the story unusable. But I also share Saller's view that anecdotes are valuable illustrations of people's expectations of, or disappointments with, a ruler. Thus even if the details of the anecdotes are uncertain, the ideas that informed them and even the context in which they are set can be assumed to be authentic.⁴

KINGSHIP AND LAW IN MACEDONIA: MODERN PERSPECTIVES

Interest in the nature of Macedonian monarchy is a modern phenomenon. No ancient author appears to have made it a subject of a focused investigation; orators such as Demosthenes in his political speeches or Isocrates in *To Philip*, as well as historians from Theopompus to Polybius, subordinated their general reflections on Macedonian monarchy to their greater interest in individual kings and their policies. In contrast, vigorous historical investigation of the character of Macedonian monarchy for the last two centuries has produced two distinct scholarly camps, with the inevitable middle position. The main division is between the "constitutional" school, which notes significant checks on royal power, and those who see that power as largely autocratic. In full awareness of the practical and cultural constraints on Macedonian royal power, I am closer to the "autocratic" school, and one of the aims of the present paper is to broaden its perspective of the nature of this monarchy.⁵

Among the central issues that divide scholars into the aforementioned camps is the relationship between kingship and law in the Macedonian state. Two statements in the histories of Alexander the Great are most relevant to the subject. The first one comes from Arrian, who ascribes it to Callisthenes, Alexander's contemporary historian and would-be adviser. In a speech designed to put down a rival counselor and to deter Alexander from fully adopting the Persian practice of *proskynesis*, or obeisance, Callisthenes contrasted Persian with Macedonian kings and argued that the latter ruled their people by *nomos* (law) and not

⁴ Saller 1980, who deals with Roman material but whose methodology and conclusions can be applicable to this investigation. Cf. also Gleason 2011, 77-78.

⁵ For useful recent surveys of views of Macedonian monarchy, including references to earlier literature, see Borza 1990, 231-52; Müller 2003, 17-21; King 2010. Middle position: e.g., Griffith in Hammond and Griffith 1979, 2: 385-386; Mooren 1983.

by force (Arr. 4.11.6). In the case of Macedonia, *nomos* could be written form, but was chiefly unwritten or customary law.⁶ The second statement comes from the Roman historian Q. Curtius Rufus in the context of the trial of the general Philotas for conspiracy against Alexander. Curtius asserts that capital cases were tried in the Macedonian popular assembly at home, or in the army assembly on campaign, and that the king had no power in such cases unless his authority was already great.⁷

The scholarship on ancient Macedonian *Staatsrecht* or *Strafrecht* greatly relies on these statements, especially Curtius's, for its discussion of the nature of the judicial powers held by the king and the assembly, and of cases where the king played the prosecutor. But the question of what were the legal consequences when the king was the wrongdoer is hardly examined, even though it is highly significant for the relation between king and law in Macedonia. The reason for this silence, as any student of Macedonian history knows, is not that the Macedonian kings were blameless. Alexander's killing of Clitus at the end of their heated confrontation in the royal quarters is instructive in this regard. Alexander himself admitted and regretted his action, but no legal consequences followed. On the contrary, according to Curtius, in order that Alexander might feel less shame, the Macedonians decreed that Clitus' homicide was legal (*iure*) and that they would have refused him burial had not Alexander ordered it.⁸ Such a popular decision was required in order to remove legal and especially moral contentions (the commonest grievance or complaint against a king was that he acted unjustly) that could have interfered with Alexander's authority and his relationship with his army. The Clitus affair suggests, then, that in the conflict between crime and justice or between the king and *ius*, the latter gave way or was bent. Moreover, Curtius' statement that the king had no judicial power when the assembly judged capital cases refers to crimes against the king but not to crimes he committed, because the king was immune to legal prosecution. Given the many times that Macedonian kings sent people to the executioner without a trial, the procedure cited by Curtius must have limited their power only in those cases that they chose to bring to justice.⁹

Ostensibly, Callisthenes' statement that the kings ruled the Macedonians not by force but by law or tradition suggests the higher authority of the law. Yet the evidentiary value of this observation is questionable, especially when taken out of context.¹⁰ Callisthenes' declaration

⁶ For the absence of a written judicial code in Macedonia, see, e.g. O'Neil 2000, 242 with n4. All references to Arrian are to the *Anabasis*.

⁷ Curt. 6.8.25. See Errington 1978, 87–91 against the modern addition to the text suggesting that the king conducted the trial. Mooren 1983, 228, less convincingly, defends the emendation.

⁸ Curt. 8.2.12. The Clitus affair: e.g. Carney 1981; Alonso 2007. Many scholars view the decree as authentic, although O'Neil (1999b, 34–35, 38) doubts it on the basis of the unnecessary assumption that it would have had to follow a trial of the dead Clitus; cf. Bauman 1990, 139.

⁹ See also Carlier 2000, 265; Anson 2008.

¹⁰ Cf. Lévy 1978, 206–7; Errington 1978, 80–83, followed by Bosworth 1980–1995, 2: 84. For the following see also Müller 2003, 22–26.

about the primacy of law over force was designed to support both his biased presentation of the Persian and the Greco-Macedonian systems as perfectly incompatible opposites and his inaccurate depiction of his rival, Anaxagoras, as an advocate of Persian despotism. It also aimed to embarrass Alexander into giving up on making Europeans perform the proskynesis by raising the specter of the having to use compulsion to make them perform the ritual (Arr. 4.11.7–8). The dichotomy between force and law, then, was rhetorical before it was constitutional. Even if we accept L. Mooren's (1983, 219–23) suggestion that Callisthenes' words might be historic and that there is near-contemporary Thessalian evidence for the concept of ruling by *nomos*, we have not solved the problem of when a royal act was lawful or forced, because the distinction was often in the eyes of the beholder. There is little doubt, however, that Alexander did not try to force proskynesis on others, which makes Callisthenes' distinction between law and force somewhat disingenuous.¹¹

The rhetorical appeal of "Callisthenes" to law is hardly unique. Curtius reports a number of occasions when Alexander and even his enemies invoked the law, not to make a legal point, but to justify their position rhetorically.¹² In practice, the king could abrogate the law, as he did in the wake of the killing of Philotas and Parmenion, suspending the custom of killing the relatives of conspirators against the king.¹³ According to Curtius, when Alexander wished to prevent Callisthenes from speaking in Hermolaus' trial, the king argued that the historian had no such right because he was Olynthian (Curt. 8.8.19). In addition, the Macedonian kings were not answerable to the higher authority of the law when they violated it because there was no civil institution that could enforce the law on them: the mere existence of such a body would mean that it had more power and authority than the king.

KINGS IN JUDGMENT

The superiority of the king's authority over the law was supplemented by his judicial power over plaintiffs and lower-ranking judges, who were his appointees.¹⁴ Justice was supposed to guide the king both in making judgments and in nominating judges, and the more visibly, the better. A number of tales recorded by Plutarch illustrate the point, especially in regard to Philip II. One tells of a Macedonian defendant who wished to pay a fine for his misconduct without standing trial, thus saving himself from public humiliation. Philip, however, refused

¹¹ Unlike all other sources, Justin is the only historian who has Alexander order the performance of the ritual: 12.7.1. Curt. 8.5.22–24 tells that Polyperchon mocked the ritual and that an angry Alexander threw him on the floor and told him that his prostration amounted to performing proskynesis, which it was clearly not. The story is also questionable: Heckel 1978, but see also Bosworth 1980–1995, 2: 86–87.

¹² E.g. Curt. 4.1.12–13, 4.2.17, 6.9.36, 8.7.12, 10.2.15. For the following, cf. de Francisci 1970, 2: 371–389; Anson 2008.

¹³ Curt. 6.11.20; 8.8.18. Cf. Curt 6.6.2 on Alexander's ignoring his native traditions and practices.

¹⁴ For the Macedonian king's judicial power, see, in addition to the following discussion, e.g. Plut. *Alex.* 23.2; 42.2; Griffith in Hammond and Griffith 1979, 2: 393.

out of concern for his own reputation (Plut. *Moral.* 179a). Similarly, Antigonus Monophthalmus rejected his brother's request to stand trial at home rather in the agora because he wished to show the people that he did justice (Plut. *Moral.* 182c). Philip is also reported to have dismissed a judge whom he deemed untrustworthy (Plut. *Moral.* 178f). Royal justice, then, was expected to be visible, even performative in nature, although the stories also imply that the king could bend the rules.

Two additional anecdotes about kings in judgment are especially relevant to our topic. The first involves Philip II, who fell asleep while giving an audience to one Machaetas and nevertheless judged against him. The Macedonian demanded a retrial, and the angry king asked him by whom. Machaetas replied that he would appeal to a more awake and attentive Philip. The chastised king did not change the verdict but paid the fine himself (Plut. *Moral.* 178f-179a). Although the tale has humorous, entertaining qualities that render it suspicious, it confirms and supplements, rather than contradicts, other testimonies on the royal judicial power and the reactions to it in Macedonia. Thus, modern scholars draw attention to the freedom of speech that characterized Machaetas' and other Macedonians' interactions with their king. The story is valuable for additional reasons. It reflects a popular desire for royal fairness which the king in the tale violated. Indeed, not the law, impersonal and sovereign as in Athens, guided litigants and judge in Macedonia, but an amorphic notion of what justice entailed.¹⁵ What added frustration to royal miscarriage of justice was that there was no appeal against it. In Athens too there was no appeal of a court's decision, but laws such as those against false summons, perjury, and libel allowed litigants to reopen a case and even to change an adverse decision.¹⁶ In Macedonia, as in most other monarchies, the king's sentence was final, because no judicial magistrate or institution ranked higher (cf. Plato *Laws* 761e). Philip's angry puzzlement at the possibility of appeal suggested that it was seen as a test of royal authority and as questioning the premise that only the king could change a royal decision or remedy a royal injustice. Although reversing the verdict would have corrected the wrong, it could also have raised questions about the soundness of the king's judgment in other cases and challenged the (unrealistic) expectation that he should be always just or consistent. In his extended advice to the Cyprian king Nicocles on how to rule best, Isocrates counseled the king that, when sitting in judgment, he should be unbiased, not contradict himself, and issue consistent and identical verdicts on the same matters, adding that it is both seemly and advantageous not to change positions on matters of justice (Isoc. 2.18, cf. 2.22). The strong incentive against changing royal sentences explains why Philip in the story prefers to pay the fine he had imposed rather than reverse his verdict. The finality of a royal

¹⁵ Freedom of speech: Adams 1986, 48. The expectation of kings to judge justly: Schubart 1937, 6–7; Walbank 1984, 75, 80–8; Le Bohec 1993, 142.

¹⁶ Harrison 1971, 2: 190–199.

sentence complemented the fact that the king answered only to himself and could not be a defendant in the Macedonian judicial system.¹⁷

A comparable story to Machaetas' recounts how an old woman kept pestering a reluctant Philip II to look at her petition. When he dismissed her, pleading lack of time, she retorted: "Then don't be a king," thereby impressing Philip sufficiently to induce him to hear her case and others (Plut. *Moral.* 179c). Plutarch tells elsewhere a similar tale about Demetrius Poliorcetes in which the Diadoch goes even further in abusing his judicial power. Demetrius was notorious for alienating his subjects with rude treatment, once even throwing into a river some petitions he had pretended to receive willingly. The angry Macedonians contrasted him with the more accessible Philip, and only an old woman's reminder that he should act like a king or cease being one made Demetrius reverse his conduct and listen to her petition and others. Plutarch fittingly concludes the story with observations on the duty of kings to provide justice (Plut. *Demetr.* 42).

Almost identical stories are told about Antipater (Stob. *Anthol.* 3.13.48) and the emperor Hadrian (Cassius Dio 69.6.3). There is also a related anecdote about Philip II, who allegedly got drunk and derided the Athenians after his victory over them at Chaeronea, only to be sobered up and humbled by a cutting remark from an Athenian captive (Diod. 16.87.1–2; Plut. *Dem.* 20; *Moral.* 715c.). The reuse of the king–old woman encounter and the recurrent theme of an all-powerful ruler being told to shape up by a humbler person raise justified questions about the historicity of these events.¹⁸ Rather than try to ascertain the origins of these stories, or which ruler has better claim to them, it will be more useful to look at what they tell on popular perceptions of king in judgment. The episodes show that the only way people expected a king to change his action or decision was not by appealing to their legal or civic rights but by shaming him. Success was not guaranteed, however, and, judging by these cases, the king yielded when the stakes were relatively insignificant, the protesters posed no threat to the king, and no formal decision or verdict was overturned.

THE LEONTIUS AFFAIR

The limits of protests against royal judgment are evident also in a famous trial that took place early in Philip V's reign (218). It revolved around a dispute between the young king and powerful Macedonians in his administration, with the king's friend, Aratus of Sicyon, playing a semi-Mephistophelian role in the affair. The source is Polybius, whose account is

¹⁷ For Olympias' exceptional case, see below. Griffith in Hammond and Griffith 1979, 2: 394–95, is somewhat baffled by Philip's reaction in this trial. It is possible that the king heard appeals of lower instances (Griffith, *ibid.*). It may be relevant to compare a Ptolemaic ordinance that fined whoever had been judged by the king and then sought by concealment to bring his case to a judicial tribunal: Tait 1930, n30; Préaux 2002, 1: 276.

¹⁸ Millar 1977, 3–4, suggest that the anecdote shows how the notion of a king who was expected to dispense justice influenced perceptions of the Roman emperor.

problematized by his strong favoritism of Aratus and by ascribing to the participants motives whose authenticity he could not have verified.¹⁹

The affair took place during Philip's campaign in western Greece and originated in a boisterous, Macedonian-style symposium. A noisy and violent quarrel ensued between Aratus and three leading Macedonians, Megaleas, Crinon, and Leontius with their supporters. (Polybius accuses the three Macedonians, together with the prominent general Apelles, of conspiring to weaken Philip's and Aratus' power.) Aratus complained to the king's men that he had suffered injuries, and since Leontius disappeared from the scene, Philip called in Megaleas and Crinon and rebuked them with harsh words. But the two Macedonians refused to put an end to the feud until Aratus paid out, and their response angered the king, who fined them heavily and ordered their arrest until they paid the fine. The next day the king told Aratus that he was on his side. Leontius, who commanded the elite unit of the Peltasts, showed up in the royal quarters with some of his troops in order, says Polybius, to frighten the king into changing his mind. He demanded to know who dared arrest Megaleas, and when the king said that he gave the order, Leontius left the tent in anger. After a short trip to Leucas, the king summoned his friends to sit in judgment of the detainees. The prosecutor was Aratus, who listed past wrongdoings of Leontius and his men, with the defendants keeping silent. After the court found them guilty, Crinon remained under arrest but Megaleas was released after Leontius offered to guarantee the payment of his fine (Plb. 5.15.1–16.10).

Although this was not the end of the affair (see below), it is common to view it from its inception as a power struggle in which legal actions were the weapons of choice.²⁰ Yet, it would be wrong to consider honor and insult as no more than pretexts for the conflict. The feuding parties had a history of mutual antipathy that increased their sensitivity to slights. Polybius describes a one-sided quarrel in which the Macedonians insulted and threw stones at Aratus, but it is hard to imagine that he remained passive. Similarly, the historian's depiction of the Macedonians' defiance of Philip represents a distinctly royal view of their response. Megaleas' and Crinon's declaration that they sought retribution from Aratus was also a request or suggestion that Philip stay out of the conflict because it was a matter of honor that concerned the disputants alone. A more cautious king would have heeded their advice, remembering that royal decisions in disputes over honor had led the aggrieved parties to murder two former Macedonian kings, Archelaus and Philip II.²¹ We can only speculate as to why the king decided to support Aratus in the dispute, but once he had

¹⁹ For discussions of the affair, its background, and the sources, see Walbank 1940, 24–61; 1957–79, 1: 549–562, and Errington 1967, who claims that Philip conspired to get rid of men in his court and used Aratus for this purpose, but see below.

²⁰ Esp. Walbank 1957–79, 1: 555–552, and Errington 1967, 32; Hatzopoulos (1996, 1: 298–303), however, claims that Philip followed strictly legal procedures.

²¹ Aristotle *Pol.* 5.8.10, 13. For honor and the Macedonian royalty and court under Alexander, see Roisman 2003.

intervened, the continuation of the feud reflected on him, possibly impugning his authority, honor, and reputation for fairness. Accordingly, the king fined and arrested the two Macedonians. Polybius claims that Leontius intervened in the hope of intimidating the king into changing his decision, but it is no less likely that he tried to deescalate the conflict. Asking who had seized Megaleas and led him to prison did not challenge Philip's fining of Megaleas and might have even given the king the opportunity to transfer responsibility for the arrest to the men who actually made it. (It also allowed the blame for everything to be placed on the other detainee, Crinon, whose arrest Leontius did not protest). By stating that he gave the order himself, Philip showed his self-confidence and his determination not to reverse royal decisions, especially legal ones. Leontius acknowledged this privilege when he left the premises with no more than a subdued protest. Soon thereafter Philip involved other Macedonians in the affair by setting up a court of his friends with Aratus as the prosecutor, thereby distancing himself from the responsibility and perhaps the lack of popularity associated with punishing Megaleas and Crinon. That the trial had, at best, little to do with the sympotic fight that triggered the crisis or even with the fines imposed is evinced by Aratus' speech and by the presentation of evidence that dealt, not with these subjects, but with the transgressions of Leontius and his associates during past military operations.²² The defendants' silence was in recognition of the political nature of the event and of their impotence against a coalition of the king and his friends.

According to Polybius, it was not long before Leontius and his partners secretly instigated the troops to mutiny against Philip. Philip took care of this and other business, and after Megaleas skipped bail, the king sent the Peltasts on a mission away from their commander, Leontius, and arrested him as Megaleas' surety. When Leontius informed his troops of his imprisonment, the Peltasts sent envoys to Philip urging him not to try Leontius in their absence on any other charge than standing bail, saying they would regard such a trial as a grave offense. Polybius adds parenthetically that the Macedonians had always used frank language (*isegoria*) when addressing their kings. The troops added that if Philip were concerned about the bail, they would pay it. But Philip was distressed by the Peltasts' pertinence and put Leontius to death sooner than he had intended (Plb. 5.27.1–8).

Historians disagree on whether the Peltasts' request to participate in Leontius' trial was based on a Macedonian civic right to a trial in the assembly, especially in treason cases. Polybius' aside on the Peltasts' petition has also been used as a proof of the Macedonians' freedom of speech in confronting their kings.²³ It is nowhere attested, however, that Leontius was charged with treason, and the troops did not demand a trial in an assembly, but only the opportunity to attend and participate—as speakers, witnesses, or active audience for the defense—in a judicial process picked by the king.²⁴ In short, they wished to influence the

²² See also Errington 1967, 32 with n52; cf. Anson 2008, 147. *Contra*: Hatzopoulos 1996, 1: 299.

²³ Trial in the army assembly: Aymard 1950, 129–131; Walbank 1957, 1: 561; Anson 2008, 148–149. Freedom of speech: Adams 1986, 46–47.

²⁴ See also Errington 1967, 84; Hatzopoulos 1996, 1: 301.

outcome before the king made up his mind, either before or after the trial, knowing that his decision was irreversible. The finality of his decision also explains why they did not dispute Leontius' arrest or the bail, but offered to pay it. They imagined a decision by trial because Philip had used his council to try Leontius' friend Megaleas earlier. But the right to a court was not guaranteed when the king was involved, and if he so determined he could execute men he deemed a risk to himself without a trial and without delay. The fact that the Peltasts did not protest the execution of Leontius suggests that they respected this royal prerogative.²⁵ The Peltasts' indecorous language should also be put in perspective. Although it resembles the Macedonians' criticism of Philip II's or Demetrius' judicial performance, the resemblance is more in form than in substance. Indeed, the Peltasts' urging was counterproductive because, unlike the old woman and Machaetas, the Peltasts appeared to challenge Philip's judicial discretion.²⁶ Significantly, they justified their request in the name of honor and insult, which were among the few grounds (along with injustice) for legitimate complaints against kings.

Undoubtedly, much of Philip's conduct in the Leontius' affair can be explained by his wish to assert his power and maturity publicly in the face of perceived or real challenges. He won because he was stronger and shrewder than the people he confronted, but also, and no less important, because the opposition respected the rules that gave the king supreme judicial power and the right of incontestable decision. The next case, however, tested the limits of this power.

OLYMPIAS' TRIAL

Alexander's mother was an exceptional woman in many respects, one of which seems to have escaped notice. She was the only attested person of royal rank to be put on trial. Her case seemingly contradicts the thesis that monarchs were immune to legal procedure, but only in a very narrow sense.

After Alexander's death Olympias, who resided in Epirus, was marginally involved in Macedonian politics. But in 319 Polyperchon, the regent of Alexander's heirs, Philip III and Alexander IV, asked her to return to Macedonia as guardian of young Alexander IV. Polyperchon was involved in a struggle with Cassander, the son of the former regent, Antipater, over the control of Macedonia and Greece. Through his alliance with Olympias Polyperchon hoped to offset the alliance between Cassander and Eurydice-Adea, Philip's III wife, who in 317 took over the royal government and made Cassander her general. Olympias traveled to Macedonia, escorted by an Epirote force, young Alexander IV, his mother, and Polyperchon. When the opposing army faced each other, the Macedonians moved to Olympias' side. Olympias then executed Eurydice, Philip, Cassander's brother, and one

²⁵ See Anson 2008, 140–148; cf. Errington 1978, 84–85.

²⁶ Polybius' comment on the Peltasts' *isegoria* actually suggests that they had no right to intervene in the dispute between the king and Leontius; cf. Griffith in Hammond and Griffith 1979, 2: 392.

hundred prominent Macedonians who were Cassander's friends. The trail of blood was one of the reasons that Cassander had little difficulty in regaining control over Macedonia. Olympias and her entourage took shelter in the city of Pydna, which Cassander besieged. After receiving his pledge to secure her safety, Olympias surrendered but remained cautiously behind Pydna's walls (Diod. 19.11.1-9, 35.1-36.6, 49.1-50.8).

The two main sources for what happened next are Diodorus (19.51.1-5), and Justin (14.6.1-12), who are largely in agreement. According to Justin, Cassander called a meeting that deliberated Olympias' fate, and after relatives of her victims, prompted by Cassander, described her atrocities, the Macedonians decreed her death. Diodorus' more widely accepted account makes the meeting look more like a trial, saying that Cassander ordered the relatives of Olympias' victims to make accusations against her in a common assembly of the Macedonians. Although Olympias was not there to speak for herself, the Macedonians condemned her to death. But Cassander worried that her great reputation and the Macedonians' volatility might lead to repercussions, and he secretly offered Olympias an escape to Athens by ship, planning for her to die en route. Olympias countered with a request to be tried by all the Macedonians. Fearful that the people might change its mind, Cassander ordered 200 of his troops to kill her, but they were intimidated by her fame and retreated. The relatives of her victims were less inhibited and murdered the old queen (cf. Paus. 9.7.2).²⁷

Scholars' interest in the legal aspects of the episode tends to focus on the alleged right of Macedonians to trial in the assembly and the exact composition of this institution.²⁸ They have largely ignored the fact this is the only known case of a royal ruler being subjected to legal proceedings. I describe Olympias as a royal ruler because of the ambiguity of her status after she returned to Macedonia. Her power and authority were ultimately derived from her relations to Philip and Alexander (and Polyperchon), and Elizabeth Carney even suggests that the Macedonians "did not think in terms of specific defined offices."²⁹ Nevertheless, she was not a female version of an adult king, if only because she did not command an army and because Macedonian royal women were primarily perceived as transmitters and temporary preservers of sovereignty.³⁰ Diodorus describes her duties as the guardianship (*epimeleia*) of Alexander IV and the royal regency (*prostasia*), and says that she was supposed to get back her regal honor and prominence of Alexander's time (Diod. 18.49.4, 57.2, 65.1; cf. 19.11.1, 9).

²⁷ For the final chapter of Olympias' life, see conveniently Carney 2006, 60-87.

²⁸ For the composition of the assembly that condemned Olympias, see Briant 1973, 298-99 followed by Bauman 1990, 162-63, 207n48. Against these scholars' reconstruction of the legal procedures: Lévy 1978, 208-209. *Pace* Bauman and Carney 2006, 83-85, the evidence does not suggest that Olympias was charged with treason, but for murder and her cruelties; cf. Griffith in Hammond and Griffith 1979, 2: 385.

²⁹ Carney 2006, 70; Cf. O'Neil 1999a, 11, who characterizes her power as informal, and see generally Savalli-Lestrade 2003, esp. 66-67.

³⁰ Mirón-Pérez 2000. Philip III was an adult king, but was treated like a minor because of his disability. With the notable exceptions of Cynnane and perhaps her daughter Eurydice, royal women followed campaigns but did not lead troops into battle; see Carney 2004.

Yet the exact meaning of these roles and status and the extent of their powers are far from clear. Furthermore, the historian reports these honors and responsibilities as part of Polyperchon's offer to her, but does not state if they were ever duly confirmed. In any case they were not identical to a kingly rank or power.³¹ Olympias' lesser status and her sex probably made it easier to bring her case to popular judgment. But even if her trial is not a case of a king answering for his wrongdoing, there was no precedent for persons of her standing being held formally responsible for their deeds in a public procedure.

The trial itself resembled other legal cases that mixed politics and law. The closest parallel would probably be the royal army's resolution in 320 in Egypt to condemn allies of the murdered regent Perdiccas to death *in absentia*. There too the atmosphere was hostile, no one spoke for the defense, and the verdict of the manipulated assembly was predictable.³² Megaleas and Crinon were present at their trial in Philip's V court, but their voice (like Olympias's) was not heard and the prosecutor was their enemy and was backed by the most powerful person on the scene. In all these cases it was the ruler or the strong men who decided whether to conduct a trial and in what form.³³ Moreover, in the case of the Perdiccas and Olympias, the verdict was reversible, because a legal decision by a deliberative assembly, unlike a royal sentence, could be overturned by another popular decree or simply ignored. Thus among the troops in Egypt who condemned the Perdiccan Eumenes of Cardia to death there were many soldiers who later served under him and rejected the calls of other generals to honor the sentence.³⁴ Cassander and Olympias too believed that her original condemnation could be reversed because the case was political before it was legal, and Diodorus' references to the fickleness of the Macedonians confirms their opinion. In short, Olympias was put on trial not because of her crimes but because she was weaker than Cassander and threatened him. Conversely, Cassander's concern was to avoid repercussions in public opinion by transferring responsibility for her death first to the assembled Macedonians in Pydna and then to her enemies.³⁵

Olympias' trial is thus an exception that proves the rule that kings were exempt from legal procedures and used the law to attain their ends rather than being constrained by it. Moreover, their power extended to the finality and irreversibility of their decisions, the aspects of royal power that I will address next.

³¹ For an attempt to clarify the meanings of these titles that are problematized by deficient sources, see Meeus (2009, 300–302), who thinks that, at most, Olympias shared the regency with Polyperchon.

³² Roisman 2012, 107–110.

³³ See Lévy 1978, 217; Anson 2008, 140–144.

³⁴ Roisman 2012, 158–160, 186–190, 193–196, 212–214.

³⁵ Diod. 19.51.3–4. Hatzopoulos (1996, 1: 273–276) suggests, however, that the trial of Olympias was interrupted before a final decision was reached, and O'Neil (1999b, 41) thinks she challenged the composition of the assembly that judged her. Both scholars seem to respect Macedonian legal procedures more than the key players in the affair did.

IRREVERSIBLE ROYAL DECISIONS, LAW AND JUSTICE

Both historical and epigraphic evidence suggest that kings were reluctant to change their decisions, especially after they were made public. This is shown in their dealings with cities in their sphere of jurisdiction. Recently scholars have proposed a more balanced relationship between kings and cities under their control, a relationship in which negotiations with the king won the cities royal concessions and commitments in return for their acceptance of his authority.³⁶ Yet Alexander's refusal to change his mind concerning allowing exiles to return to Samos in spite of Athenian opposition, or about keeping in power the tyrants Dionysius and Hecataeus in Heracleia on the Pontus and Cardia, respectively, suggest that the king's decision, once announced, could only slightly be affected by negotiations.³⁷ This is not to argue that Alexander or other kings stood by their decisions at all times, but that the need to appear unwavering and consistent was significant among their motives. Consistency connoted stability, reliability, legitimacy, good government, strength, and even masculinity.³⁸ It also contributed to justice. Isocrates' aforementioned advice to King Nicocles, which highlights the need for a king to avoid changing his legal decisions, links consistency to his performance and image as a just judge (Isoc. 2.18). Obviously, kings were as inconsistent as the masses that are often depicted, and especially in Diodorus, as volatile and subject to mood swings. Unlike the masses, however, the king could not afford appearing unsteady and had to justify a change of mind, as the assembled people did not.

Thus, the reluctance to change royal decisions could serve both king and subjects. It strengthened the sense that his judgment was fair and enduring and added to his power when it made his judgment final and irreversible. The same happy co-incidence pertained to the expectation that royal decisions cohere with decisions of previous monarchs. Thus, probably after an appeal from the citizens of Philippi, Alexander confirmed the grants of land made to them by his father, Philip II, adding his own rulings. Similarly, King Cassander confirmed for one Perdiccas, son of Coenus, the ownership of pieces of land and exemptions from taxes which Philip II had granted Perdiccas' grandfather. Cassander also sustained the status of another piece of land that the same Perdiccas had purchased from a recipient of similar grants from Alexander. Antigonos Gonatas confirmed for Hippocles his hereditary immunities from duties which he had received from Philip II. Finally, Antiochus I (or II) granted the city of Erythrae its request for autonomy and tax exemption, supporting his decision with the fact that they had "justly" received these privileges from Alexander and

³⁶ Chaniotis 2005, 57–77; Ma 2006, 182–183; Mari 2006; cf. O'Neil 2000; Dmitriev 2005, 291–301.

³⁷ Alexander, Athens and Samos: Plut. *Alex.* 28; Curt. 10.2.6–7; Shipley 1987, 165–6, 297; Whitehead 2000, 414; Dmitriev 2005, 91–92 (with ample bibliography). Dionysius (reportedly helped by Alexander's sister, Cleopatra) and Heracleia: Memnon *FGrHist* 434 F 4.1. Hecataeus: Plut. *Eum.* 3.4.

³⁸ For the latter, see Roisman 2005, 147–48, 199–203.

Antigonus Monophtalmus.³⁹ In all of these edicts, subjects justified their requests, and rulers their honoring them, by citing previous rulings, especially if the claims were contestable. For the kings, reauthorizing past decisions created a sense of continuity even when they and their predecessors belonged to different dynasties. It also made the decision seem fair and less arbitrary.⁴⁰

The royal qualm about changing a decision could conflict with the wish to correct a bad one. Yet kings rarely admitted their errors, especially in public, because such admission raised doubts about their judgment and ability to do justice. The few kings who openly admitted mistakes naturally stressed the benefit of correcting them or blamed them on others or on ignorance. For example, king Antigonus Monophtalmus admitted his missteps regarding the unification of Teos and Lebedos (that fell through) c. 303. In his letters to the Teians he disclosed that his provisions for the city's import of grain and its finances and for compensating the Lebedeans for the unification were inadequate and that he took measures to correct them.⁴¹ Significantly, Antigonus' letter devotes more space to defending his original ruling than to discussing the new one. He explains that he did not wish the joined cities to spend much money on the import of grain, that there was an available supply in a tributary land, that his regulation would have relieved the cities of debt, and that he had nothing to gain from the trade. He adds that his (problematic) intervention in the cities' affairs was for their own good and was well balanced by his granting them freedom and autonomy otherwise. Throughout the letters he justifies his past and present suggestions with phrases such as "we thought it just (right)" or "best," as befitted a king, who was supposed to be his subjects' benefactor and a fair ruler. Antigonus nowhere states that he was wrong, because that could have undermined his authority and image, although after he corrected himself it is doubtful that the people affected by his decision cared.⁴²

Although the case of Antigonus and the cities had little legal consequences, King Lysimachus' judgment in the case of Priene and Samos show similar difficulties in reversing a royal decision. Lysimachus admitted making a wrong decision but blamed others for it. In 283/2 he was asked to arbitrate between the claims of Priene and Samos to the territory of Batinetis on the plain of Anaia, north of Mycale. In his letter to Samos (*OGIS* 13), however, Lysimachus complained that had he known that the Samians had occupied the said land as

³⁹ Philippi: *SEG* 34.664; Hammond 1988. Cassander and Perdiccas: *Syll*³ 332; Errington 1974, 23–25; Hatzopoulos 1988, 22–26, 45–49; Criscuolo 2011, esp. 466–467. Antigonus Gonatas and Hippocles: *SEG* 47, 893. Erythrae: Welles 1934, no.15; Austin 2006, no. 183; Billows 1995, 76–77.

⁴⁰ Similar considerations informed Polyperchon's "Freedom of the Greeks Decree" that purported to restore Philip's and Alexander's regulations: *Diod.*18.56.1–7.

⁴¹ Text and translations: *Syll*³ 344; Welles 1934, no. 3/4; Bagnall and Derow 2004, no. 7; Austin 2006, no. 40. For the claim that Antigonus originally tried to profit from the grain regulations see Préaux 1954; Billows 1990, 286–87.

⁴² See also Billows (1990, 212–14), who emphasizes Antigonus' attempt not to appear imposing or self-interested.

long as they did, he would not have taken the case, meaning presumably that he judged in their favor. Alas, he had been informed by envoys from Priene that the Samians had possessed the land for a short time only. The inscription breaks off before recording the Samian proofs and his decision, but there is little doubt that he confirmed their claim to the territory of Batinetis (but not to the land around Carion).⁴³

Like Philip II in handling the appeal of Machaetas (above), Lysimachus was both the judge and the court of appeal. Unlike Philip, however, Lysimachus changed his verdict, but also blamed the change on the Prienians for apparently misleading him. He even quotes at length their arguments in order to show that his original decision was apt. Clearly, his new ruling was a tribute to the persuasive power of the Samians, and Lysimachus may have been trying to do right; even tyrants may lapse into impartiality. At the same time, by shirking responsibility for a bad judgment, the king displayed a soundness of mind and fairness that added legitimacy to the change rather than raising doubts about his decision making.⁴⁴

Nevertheless, it was unusual for kings to admit their judicial error, because it amounted to public acknowledgment of misjudgment and inconsistency. It is impossible to tell how much this concern deterred kings from correcting their mistakes, but the rarity of their public admissions of them, or of public royal regrets for that matter, suggests that the power of the expectations of a king to be just, consistent and of service to his people could be offset by his uncontested, supreme judicial authority and by the fact that law and custom often served him more than his subjects. This reality informed the conduct of king and of his people. Lest this study creates the false impression that the Macedonian kings were busy asserting their judicial power in face of challenges to it, it should be noted that contesting royal authority was more the exception than the rule. And for all we know, each of the Macedonian kings discussed here wished his actions to be lawful, just and beneficial, or at least to appear this way. However, in conflict situations the king's ability to decide what law and justice meant normally prevailed and so showed its important role in defining royal power.

JOSEPH ROISMAN
COLBY COLLEGE

⁴³ In a letter to Priene from apparently 287-285 (*OGIS* 12), Lysimachus granted Priene a request, whose nature is unknown. Texts and translations of Lysimachus' letters: Welles 1934, nos. 6-7; Bagnall and Derow 2004, nos. 11-12. For discussion, see Sherwin-White 1985, 77-80; Crowther 1996, 223. For the dates, see Sherwin-White 1985, 78; Crowther 1996, 233. For the following, see Crowther 1996, 224.

⁴⁴ Scholarly praise of Lysimachus' fairness: Lund 1992, 195; cf. Ager 1996, 93.

BIBLIOGRAPHY

- Adams, W.L. 1984. "Antipater and Cassander: Generalship on Restricted Resources in the Fourth Century." *AncW*10: 79-88.
- Adams, W.L. 1986. "Macedonian Kingship and the Right of Petition." *Ancient Macedonia* 4: 43-52.
- Ager, S.L. 1996. *Interstate Arbitration in the Greek World, 337-90 B.C.* Berkeley.
- Alonso, V. 2007. "Alexander, Cleitus and Lanice: Upbringing and Maintenance." In Heckel, W., Tritle, L. and P. Wheatley, eds. *Alexander's Empire. Formulation to Decay.* Claremont, CA, 109-124.
- Anson, E.M. 2008. "Macedonian Judicial Assemblies." *CPh* 103: 135-149.
- Austin, M.M. 2006. *The Hellenistic World from Alexander to the Roman Conquest.* 2nd. Ed. Cambridge.
- Aymard, A. 1950. "Sur l'assemblée macédonienne." *REA*. 52: 115-137.
- Bagnall, R.S. and P. Derow, eds. 2004. *The Hellenistic Period. Historical Sources in Translation.* 2nd edition. Malden, MA.
- Bauman, R.A. 1990. *Political Trials in Ancient Greece.* London.
- Billows, R.A. 1990. *Antigonos the One-Eyed and the Creation of the Hellenistic State.* Berkeley.
- Billows, R.A. 1995. *Kings and Colonists: Aspects of Macedonian Imperialism.* Leiden.
- Borza, E. 1990. *In the Shadow of Olympus: The Emergence of Macedon.* Princeton.
- Bosworth, A.B. 1980-1995. *A Historical Commentary on Arrian's History of Alexander.* 2 vols. Oxford.
- Briant, P. 1973. *Antigone le Borgne: les débuts de sa carrière et les problèmes de l'assemblée macédonienne.* Paris.
- Carlier, P. 2000. "Homeric and Macedonian Kingship." In Brock, R. and S. Hodkinson, eds. *Alternatives to Athens. Varieties of Political Organization and Community in Ancient Greece.* Cambridge, 259-268.
- Carney, E.D. 1981. "The Death of Clitus." *GRBS* 22: 149-160.
- Carney, E.D. 2004. "Women and Military Leadership in Macedonia." *AncW*35: 184-195.
- Carney, E.D. 2006. *Olympias. Mother of Alexander the Great.* NY.
- Chaniotis, A. 2005. *War in the Hellenistic World: A Social and Cultural History.* Oxford.
- Criscuolo, L. 2011. "La formula ἐν πατρικοῖς nelle iscrizioni di Cassadrea." *Chiron* 41: 461-485.
- Crowther, C.V. 1996. "I. Priene 8 and the History of Priene in the Early Hellenistic Period." *Chiron* 26: 195-250.
- De Francisci, P. 1970. *Arcana Imperii.* 3 vols. Rome.

- Dmitriev, S. 2005. *City Government in Hellenistic and Roman Asia Minor*. Oxford.
- Errington, R.M. 1967. "Philip V, Aratus, and the 'Conspiracy of Apelles.'" *Historia* 16.1: 19-36.
- Errington, R.M. 1974. "Macedonian 'Royal Style' and Its Significance." *JHS* 74: 20-37.
- Errington, R.M. 1978. "The Nature of the Macedonian State under the Monarchy." *Chiron* 8: 77-133.
- Garoufalas, P. 1979. *Pyrrhus King of Epirus*. London.
- Gleason, M. 2011. "Identity Theft: Doubles and Masquerades in Cassius Dio's Contemporary History." *ClAnt* 30.1: 33-86.
- Hamilton, J.R. 1969. *Plutarch, Alexander: A Commentary*. Oxford.
- Hammond, N.G.L. 1983. *Three Historians of Alexander the Great: The so-called Vulgate authors, Diodorus, Justin and Curtius*. Cambridge.
- Hammond, N.G.L. 1988. "The King and the Land in the Macedonian Kingdom." *CQ* 38.2: 382-391.
- Hammond, N.G.L. 1989. *The Macedonian State: The Origins, Institutions, and History*. Oxford.
- Hammond, N.G.L. and G.T. Griffith. 1979. *A History of Macedonia*. Vol. 2. Oxford.
- Harrison, A.R.W. 1971. *The Law of Athens*. 2 vols. Oxford.
- Hatzopoulos, M.B. 1988. *Une donation du roi Lysimaque*. Athens.
- Hatzopoulos, M.B. 1996. *Macedonian Institutions under the Kings*. 2 vols. Athens.
- Heckel, W. 1978. "Leonnatus, Polyperchon and the Introduction of the *Proskynesis*." *AJP* 99: 459-461.
- King, C.J. 2010. "Macedonian Kingship and Other Political Institutions." In Roisman, J. and I. Worthington, eds. *A Companion to Ancient Macedonia*. Malden, MA, 373-391.
- Le Bohec, S. 1993. *Antigone Dôsôn. Roi de Macédoine*. Nancy.
- Lévy, E. 1978. "La monarchie macédonienne et le mythe d'une royauté démocratique." *Ktema* 3: 201-225.
- Lund, H.S. 1992. *Lysimachus. A Study in Early Hellenistic Kingship*. London.
- Ma, J. 2006. "Kings." In Erskine, A, ed. *A Companion to the Hellenistic World*. Malden, MA, 177-195.
- Mari, M. 2006. "L'activité législative du roi et des cites en Macédoine." In Guimier-Sorbets, A-M., M.B. Hatzopoulos, and Y. Morizot, eds. *Rois, Cites, Necropoles. Institutions, Rites et Monuments en Macédoine*. Athens, 209-224.
- Meeus, A. 2009. "Some Institutional Problems Concerning the Succession to Alexander the Great: *Prostasia* and Chiliarchy." *Historia*. 58.3: 287-310.
- Millar, F. 1977. *The Emperor in the Roman World*. Ithaca.
- Mirón-Pérez, M.D. 2000. "Transmitters and Representatives of Power: Royal Women in Ancient Macedonia." *AncSoc* 30: 35-52.

- Mooren, L. 1983. "The Nature of the Hellenistic Monarchy." In van't Dak, E. et al. (eds.), *Egypt and the Hellenistic world*. Proceedings of the international colloquium, Leuven 24-26 may 1982. Louvain, 205-240.
- Mossé, C. 2004. *Alexander: Destiny and Myth*. J. Lloyd, trans. Baltimore.
- Müller, S. 2003. *Massnahmen der Herrschaftssicherung gegenüber der makedonischen Opposition bei Alexander dem Grossen*. Frankfurt am Main.
- Nagle, D.B. 1996. "The Cultural Context of Alexander's Speech at Opis." *TAPhA*. 126: 151-172.
- O'Neil, J.L. 1999a. "Olympias; the Macedonians Will Never Let Themselves Ruled by a Woman." *Prudentia* 31.1: 1-14.
- O'Neil, J.L. 1999b. "Political Trials under Alexander the Great and His Successors." *Antichthon* 33.1: 28-47.
- O'Neil, J.L. 2000. "Royal Authority and City Law under Alexander and His Hellenistic Successors." *CQ* 50.2: 424-431.
- Préaux, C. 1954. "Sur l'origines des monopoles Lagids." *CE*. 29: 312-337.
- Préaux, C. 2002. *Le monde hellénistique. La Grèce et l'Orient de la mort d'Alexandre à la conquête romaine de la Grèce 323-146 Avant J.-C.* Revis. Edit. 2 vols. Paris.
- Roisman, J. 2003. "Honor in Alexander's Campaign." In Roisman, J., ed. *Brill's Companion to Alexander the Great*. Leiden, 279-321.
- Roisman, J. 2005. *The Rhetoric of Manhood. Masculinity according to the Attic Orators*. Berkeley.
- Roisman, J. 2012. *Alexander's Veterans and the Early Wars of the Successors*. Austin, TX.
- Saller, R. 1980. "Anecdotes as Historical Evidence for the Principate." *G&R* 27.1: 69-83.
- Savalli-Lestrade, I. 2003. "La Place Des Reines À La Cour Et Dans Le Royaume À L'Époque Hellénistique," In Frei-Stolba, R., A. Bielman, and O. Bianchi, eds. *Les femmes antiques entre sphere privée et sphere publiques: actes du diplôme d'études avancées, Universités de Lausanne et Neuchatel*, Bern, 59-76.
- Sherwin-White, S.M. 1985. "Ancient Archives: The Edict of Alexander to Priene: A Reappraisal." *JHS* 105: 69-89.
- Schubart, W. 1937. "Das hellenistische Königsideal nach Inschriften und Papyri." *Archive für Papyrusforschung und verwandte Gebiete*. 12: 1-26.
- Shipley, G. 1987. *A History of Samos 800-188 BC*. Oxford.
- Tait, J.G. 1930. *Greek Ostraca in the Bodleian Library at Oxford and Various Other Collections*. London.
- Walbank, F. 1940. *Philip V of Macedon*. Cambridge.
- Walbank, F.W. 1957-1979. *A Historical Commentary on Polybius*. 3 vols. Oxford.
- Walbank, F.W. 1984. "Macedonian and Monarchic Ideas;" "Macedonia and Greece." *CAH*² 7: 62-100; 221-256.

Welles, C.B. 1934. *Royal Correspondence in the Hellenistic World: A Study in Greek Epigraphy*. New Haven.

Whitehead, D. 2000. *Hyperides: The Forensic Speeches*. Oxford.