

THEMISTOKLES AND EPHIALTES

On any view, the Aristotelian account of Athens' constitutional history between victory over the Persian invaders and Ephialtes' reforms of the Areopagus—and indeed beyond—must be regarded as factually grudging and difficult to follow. Worse, current orthodoxy¹ convicts it of a major chronological blunder for assigning a part in those reforms, which it places securely and beyond doubt correctly in the archonship of Konon (462/1), to Themistokles, who had been ostracized from the city perhaps as early as 473/2 and in any case by 467/6². The censure is unjustified, for the text necessitates no such reading. It offers merely:

ἔπειτα τῆς βουλῆς ἐπὶ Κόνωνος ἄρχοντος ἅπαντα περιείλετο τὰ ἐπίθετα δι' ὧν ἦν ἡ τῆς πολιτείας φυλακή, καὶ τὰ μὲν τοῖς πεντακοσίοις τὰ δὲ τῷ δήμῳ καὶ τοῖς δικαστηρίοις ἀπέδωκεν. ἔπραξε δὲ ταῦτα συναιτίῳ γενομένου Θεμιστοκλέους, ὃς ἦν μὲν τῶν Ἀρεοπαγιτῶν, ἐμέλλε δὲ κρίνεσθαι μηδισμοῦ. 25.2–3.

Next in the archonship of Konon he deprived the Council of all the attributes in virtue of which it had exercised its custodianship of the Constitution/Government, and gave away (or 'back'?) some of them to the Five Hundred, some to the People and the jury-courts. He consummated these reforms, although a share of responsibility for them belonged to Themistokles, who was one of the Areopagites, but was on the point of being brought to trial for Medism.

There follows an anecdote purporting to show how these two came to collaborate, and a notice of their subsequent collusion against the Areopagus in persistently bringing accusations against its members for the cognizance of the Council of Five Hundred and likewise in the popular assembly, until between them they destroyed its power. Crucially, however, it must be insisted that the word *συναιτίου*, while it conveys complicity or shared responsibility, cannot by itself imply any specific *chronological* relationship at all, and in conjunction with the aorist participle *γενομένου* might allow, but most certainly does not demand, synchronism. Rather, it may perfectly well refer back to collaboration in some episode or enterprise at some indeterminate time in the past.

There are serious objections to the notion that the author has in mind initial moves to undermine the authority of the Areopagus in the first appointment of archons by lot in 487/6—not least that there is no sound reason whatsoever to associate Themistokles with this reform.³ Even less convincing are attempts to rescue credence

¹ All the readily accessible and significant literature published before 1980 is cited at some point by P. J. Rhodes, *Commentary on the Aristotelian Athenaiōn Politeia* (Oxford, 1981), pp. 283–357, esp. pp. 286–322; also pp. 482–6. I readily accept Rhodes' notion of multiple sources for the *Ath. Pol.* at this juncture and others, but doubt if it correctly resolves this particular problem. I have found no later comment which specifically deals with it. Not available to me has been H. V. Schoeffer, *Jahresber. Fortschr. cl. Ant.* 73 (1895), 251, which appears to have adumbrated my own view without sufficient argument to command general assent.

² Hardly earlier than 473/2, and more probably after production of Aeschylus' *Persae* of 472 than before it, but not much later, if it was the Athenian forces besieging rebel Naxos which imperilled Themistokles' journey to Asia (Thuc. 1.137.2). This requires a date no later than 467. One MS reading of Plut. *Them.* 25.2 substitutes the siege of Thasos, which implies 465.

³ The suggestion is offered, without much elaboration or conviction, by S. Hornblower, *The Greek World, 479–323 B.C.*, 2nd edn (London, 1991), p. 37, and firmly rejected by F. J. Frost, *Comm. on Plut. Them.* (Princeton, 1980), p. 29. R. J. Lenardon, *Historia* 10 (1959), 23–48, esp. 47, citing C. A. Robinson, *AJP* 67 (1946), 263–6, countenances the view that *Ath. Pol.* has confused

for Themistokles' participation in Athenian politics in 462/1 by invoking Cicero.⁴ There is, however, no serious difficulty in taking the *Ath. Pol.* at face value—that is (at 25.3–4), as evidence for Ephialtes' political activity against the Areopagus before the exile of Themistokles and in collaboration with him, most probably in the middle or later 470s, and continuing after the latter's departure until consummation in the definitive reforms of 462/1. This narrative may be integrated readily enough with the author's overall account of developments from the repulse of the Persians to the start of the Peloponnesian War (23–7), once the structure of that narrative is properly understood. It accords with his intention to demonstrate the evolution of the Athenian constitution of his own day in a series of μεταβολαὶ or μεταστάσεις.⁵ This is the main theme to which he invariably returns, but his urge to dwell on causation and especially on the teleological effects of attendant circumstances, collective changes of attitude and policy, and the interventions of individual politicians leads him into various parenthetical digressions or 'loops' which disrupt smooth diachronic flow of narrative⁶ and introduce a troublesome degree of chronological complexity which his insertions of absolute and relative dating⁷ scarcely avail to resolve.

The starting-point, at 23.1, after the scene is set with a reminder of earlier gradual progress towards the rule of the δῆμος *pari passu* with the city's aggrandizement, records a resurgence in the power and prestige of the Areopagus following τὰ Μηδικά. Notes are added (23.1–5) to explain this temporary reversal and to assess the worth and achievements of both the new dispensation as a whole—sound government and acquisition of Aegean hegemony at the expense of the Spartans—and of the two leading political personalities of these years (479/7), Aristides and Themistokles. Both are characterized as προστάται τοῦ δήμου, but this does not necessarily imply that they opposed the Areopagus. As ex-archons, both were in fact Areopagites,⁸ and the implication is no more than that they were politically pre-eminent and that the δῆμος followed their lead (or enjoyed their protection) in the ὁμονοία then prevailing.⁹ They

the reforms of 462/1 with those of 487/6, and hence associates Themistokles with Ephialtes. This is implausible.

⁴ Cic. *Fam.* 5.12.5—*Cuius studium in legendo non erectum Themistocli fuga redituque retinetur?* which should refer to the clandestine burial of Themistokles' mortal remains in Attica (Thuc. 1.138.6; compare Cic. *amic.* 42; *Brut.* 41ff.; *Att.* 9.10.3). Contra P. N. Ure, *JHS* 41 (1921), 165–78. See also M. L. Lang. *GRBS* 8 (1967), 273; J. H. Schreiner, *SO Suppl.* 21(1968), 63–77; *LCM* 3 (1978), 213f.

⁵ Summarized at 41.1–2. Compare the interim summary of 'demagogues' at 28.2, its continuation in 28.3 already offering comment on Kleophon in advance of covering the oligarchic coup of 411.

⁶ This general principle is well perceived and expounded by J. J. Keaney *HSCP* 67 (1963), 115–46; further, *AJP* 90 (1969), 406–23, esp. 412–3; and see now also his *The Composition of Aristotle's Athenaion Politeia: Observation and Explanation* (Oxford, 1992)—without, however, including the present case among his minutely sifted examples.

⁷ By archon-years, specified intervals, explicit conjunctions, or conjunctive phrases (e.g. μέχρι τούτου... μετὰ δὲ τὰ Μηδικά (23.1); μετὰ δὲ ταῦτα (24.1; 26.1; 27.1; πρῶτον... ἔπειτα... (25.2); ἕως... (25.4)), and, elusively but importantly, careful and subtle use of tenses both in main verbs and participles. The digressions typically return to their starting-point in palpable ring-composition before resumption of the main theme with the next episode in the overall evolution of the democracy.

⁸ Against identifying the archon of 489/8 as this Aristides, see the forceful but not quite conclusive argument of E. Badian, *Antichthon* 5 (1971), 11–13.

⁹ The term προστάτης is somewhat ambiguous, but whether here it means 'leader' or 'champion', or both, need not in the 470s imply hostile confrontation with the Areopagus, which after all had revived its influence by gaining general approval of its recent conduct of affairs, we are told. For this term used in this period of champions of the whole populace against tyrants, see H. Schaefer, *RE Supplbd.* 9 (1962), 1293–366; V. Ehrenberg, *Historia* 1 (1950), 529 and n.

were also, our author relates, personal rivals, but in this period of good government this did not prevent their cooperation in rebuilding the city's walls, although it was Aristides (he says) who contrived the revolt of Aegean communities against Spartan leadership, fixed the levies due from them and set up the new alliance under Athenian hegemony, dated to the archonship of Timosthenes (478/7).

Chapter 24 constitutes a digression on the development of the hegemony and the exploitation of its tribute to benefit the Athenian δῆμος. It has long since been observed that the working of the Athenian democracy here described is what eventuated chiefly under the guidance of Perikles in the years between the death of Ephialtes¹⁰ and his own in 429. The author, however, in the belief (right or wrong) that its viability depended on income from the Aegean allies, finds its origins in Aristides' foundation of the Delian League and the imposts which he made upon it, and, further, identifies him (again, rightly or wrongly) as the first to urge the policy of using these funds as income for the δῆμος and as the man responsible for making it possible.¹¹ He does not, however, attribute to Aristides the later (Periklean) development of the policy, but intrudes it here—somewhat infelicitously, one might well think—for two reasons. First, he needs to conclude his remarks on Aristides by showing the ultimate results of his exploits and counsel before switching back to the main narrative of Athens' political evolution and its next major episode—that is, to Ephialtes' reform of the Areopagus. The transition is clearly marked at 25.1 with the resumptive sentence ἡ μὲν οὖν τροφή τῷ δήμῳ διὰ τούτων ἐγίγνετο. The imperfect tense of the verb must be given its full value: 'So then, for these reasons provision for the livelihood of the Commons was becoming available.'¹²

Secondly, this growth helps to explain what follows. The narrative proceeds to set the scene once more. For some seventeen years after the Persian conflict Areopagite pre-eminence in the management of the state survived, though waning under increasing hostile pressures, but as the masses (conversely, and because of the prosperity originating in Aristides' policy) grew in strength, Ephialtes (here characterized as incorruptible and honest in government: contrast the presentation of later demagogues) put himself at the head of the δῆμος and set about attacking this Council.¹³ First he brought to ruin many of their number with prosecutions for maladministration, and then in the archonship of Konon (462/1) passed his definitive reforms to deprive them of all their accrued powers, now transferred in part to the Kleisthenic Council of 500, in part to the People, and in part

¹⁰ Diodorus puts it in 460/59; *Ath. Pol.*, probably better, in 462/1 (26.2).

¹¹ 23.5: τοὺς φόρους οὗτος ἦν ὁ τάξας . . . κτλ.; 24.1: συνεβούλευε . . . κτλ.; 24.3: κατεστήσαν δὲ καὶ τοῖς πολλοῖς εὐπορίαν τροφῆς, ὥσπερ Ἀριστείδης εἰσγγήσατο.

¹² Cf. 24.3: συνέβαιεν (imperf.) κτλ. = 'A resultant tendency was developing which ended in more than 20,000 getting a livelihood from tribute, revenues and the allies' (namely, from tribute, customs-dues, and cleruchies).

¹³ 25.3: . . . διέμεινε (again, imperf.) ἡ πολιτεία προεστώτων τῶν Ἀρεοπαγῶν, καίπερ ὑποφερόμενη κατὰ μικρόν. αὐξανόμενου (present participle, be it noted) δὲ τοῦ πληθοῦς γενόμενος (aorist) τοῦ δήμου προστάτης Ἐφιάλτης . . . ἐπέθετο τῇ βουλῇ. καὶ πρῶτον μὲν ἀνείλεν πολλοὺς τῶν Ἀρεοπαγῶν, ἀγῶνας ἐπιφέρων . . . ἔπειτα τῆς βουλῆς ἐπὶ Κόνωνος ἀρχοντος ἅπαντα περιείλετο τὰ ἐπίθετα . . . κτλ. P. N. Ure (op. cit., n. 4) took 'seventeen years after the Persian war' to provide the date (462/1) for the action of the verb ἐπέθετο, the archonship of Konon—which makes insoluble difficulties for any attempt to solve the conundrum by positing collaboration between Ephialtes and Themistokles in the 470s. The verb ἐπέθετο, however, is patently an inceptive aorist, and the action follows in two stages—πρῶτον μὲν . . . (with, we later learn, the involvement of Themistokles) . . . ἔπειτα . . . (in 462).

to the jury-courts.¹⁴ At this point our author, still intent on accuracy in such matters, wishes to point out that although it was Ephialtes who finally consummated the reform, responsibility did not belong to him alone, for Themistokles too had a share in it. Explanation requires a further digression, this time not anticipatory as in ch. 24, but back-tracking to relate Themistokles' intrigues which led the pair of them to present continual charges both in the Kleisthenic Council and in the popular assembly against the Areopagite chamber, until between them they destroyed its power.¹⁵ To be sure, the chronology is imprecise, but it is not patently and catastrophically absurd. Neither is there any great difficulty in Themistokles' alleged motive for the intrigue that led to his cooperation with Ephialtes—that he was about to face trial for medism. His actual condemnation for this of course came later, *in absentia* and after his departure from Athens under ostracism, but that does not preclude markedly earlier vulnerability to such accusations or even an indictment (or the threat of one), which he used to evade the strategem here recorded by the *Ath. Pol.*—for the present.¹⁶ There remains no sustainable objection to locating the political debut of Ephialtes and his collaboration with Themistokles in the period of incipient Areopagite decline,¹⁷ which of course must be supposed to start before Themistokles' exile, and is carefully noted by the author to explain the circumstances and scope for reform. Nevertheless, just as with the previous digression in ch. 24, so too here the author returns to his point of departure (ἕως περιείλοντο αὐτῶν τὴν δύναμιν) before adding a note on the final fate of Themistokles¹⁸ and the murder of Ephialtes.

It may well be thought again somewhat clumsy of him to begin ch. 26 with a second summation ('*Ἡ μὲν οὖν τῶν Ἀρεοπαγιτῶν βουλὴ τοῦτον τὸν τρόπον ἀπεστερήθη τῆς ἐπιμελείας*'), but it is not untypical of his methods to re-set the scene once more before proceeding with the next episode¹⁹—the rise of demagogues enabled by a string of laws in the 450s, with rather ineffectual opposition from Kimon and the ranks of the upper classes thinned by war. The narrative technique is not much smoother in ch. 27. First comes in outline the predominance of Perikles, which passed with the advent of the Peloponnesian War into the hands of the People at large, and then, among various measures of his which made the city even more radically democratic, his jury-law is singled out for detailed treatment and hostile comment, based on an event which dates at least twenty years after Perikles' death.²⁰

¹⁴ 25.2.

¹⁵ Persistent accusations of the Areopagites (25.4 *κατηγοροῦν* (again, imperf.)—cf. 25.2 *πολλοὺς... ἀγῶνας*) until they finally *περιείλοντο* (pl., since both had been involved, even though it was Ephialtes who competed the task) *αὐτῶν τὴν δύναμιν*.

¹⁶ As related by *Ath. Pol.*, the item is anecdotal and heavy compression has doubtless greatly impaired its lucidity, but there is no reason (least of all its omission by Plutarch!) to doubt the essential point—that under threat of political extinction Themistokles joined with Ephialtes, whether or not he had contrived to put the latter under a similar threat. On the threat to Themistokles *Ath. Pol.* 25.3 *ἔμελλε κρίνεσθαι μηδισμοῦ* is extremely vague, but should provide the motivation for his strategem, and therefore the date before his later actual condemnation in exile, when further 'evidence' became available. It should, however, be reflected in Plut. *Them.* 23.3—a reference to *ταῖς προτέραις κατηγορίαις*—and in Diod. 11.54.5—dated, however accurately or not, in 471 (cf. 55.8: *τῆς προγεγενημένης κατηγορίας*).

¹⁷ 25.1 *καίπερ ὑποφερομένη κατὰ μικρόν. αὐξανόμενον δὲ τοῦ πληθους*...

¹⁸ Generally presumed to be the content of the lacuna before *ἀνῆρέθη* in 25.4—by far the best solution to the textual problem. See Rhodes ad loc.

¹⁹ Compare (e.g.) 23.1, 25.1, 28.1 (after a leap forward to 409/8 B.C. at 27.5!), 29.1, 34.1.

²⁰ 27.5 The trial of Anytos apparently in 409/8 B.C.: cf Diod. xiii.64.5–7 and Rhodes, *Comm. on Ath. Pol.* p. 343 ad loc.

Now in chronological terms it cannot be maintained that this account, despite the author's readiness to record some items of absolute and relative dating,²¹ is anything less than thoroughly messy. In terms of its own explanatory logic, however, even if the author cannot readily be acquitted of faulty inference, quirky selectivity, imperfect conflation of sources, bias, and perhaps outright error,²² in this exposition of the Athenians' political evolution towards their own peculiar brand of participatory democracy a certain measure of coherence can be discerned. At all events, on this interpretation of the text at the very least it can be taken to offer evidence on Athenian political history of the mid-470s B.C. that cannot after all be summarily dismissed out of hand.²³ Neither is it methodologically acceptable to reject it simply on the grounds that it is unparalleled in the rest of the surviving tradition. The story of Themistokles' cunning escape from political danger in all its detail just might be the invention of legend to suit his perceived character, but there is no solid reason to doubt the essential point—that before his ostracism he collaborated with Ephialtes in the initial attacks on the Areopagites which in due course, together with other factors, enabled the latter to curtail their dominance.²⁴

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²¹ Above, n. 5.

²² There is an unmistakable dislike of extreme democracy, demagogues, and demagoguery, and detectable prejudice against populist politics in general, but some merit is allowed to Perikles and before him to Ephialtes (25.1—δοκῶν καὶ ἀδωροδόκητος εἶναι καὶ δίκαιος πρὸς τὴν πολιτείαν), as well as Aristides and Themistokles as προστάται τοῦ δήμου. Kimon, surprisingly, is excluded from the narrative of the 470s and 460s, first appearing at 26.1 as 'fairly young and a late-comer to city-life'—probably to avoid complicating the exposition still further, with his entry delayed to help to explain the rise of Perikles and his jury-law (27.3–4). At 28.2 he more correctly appears as the προστάτης τῶν εὐπόρων in counterbalance to Ephialtes—though all the opposed political pairings of leading personalities in this chapter look equally artificial and oversimplified. For present purposes there is no need to discuss the possibility of multiple sources of differing political tendency—e.g. Kleidemos and Androtion—though the suggestion has often enough been made and is by no means implausible. On the other hand, there is no support for it in 41.2: ἐβδόμη δὲ (sc. μεταβολή) καὶ μετὰ ταύτην, ἣν Ἀριστείδης ὑπέδειξεν, Ἐφιάλτης δὲ ἐπετέλεσεν καταλύσας τὴν Ἀρεοπαγίτων βουλήν, which does not name Aristides as an alternative to Themistokles as coadjutor of Ephialtes, but merely refers to the effects of his later career and policy as described at 23.5–24.3—the growing prosperity and strength of the δῆμος.

²³ In particular, there is no significance in its apparent omission by Plutarch, who had access to a text of the *Ath. Pol.* (or at least to extracts from it) but whose methods and memory could be extremely selective, and who in any case tended to restrict himself to material germane to his own favoured themes. Nepos follows Thucydides, who hardly concerned himself with the history of the Athenian constitution of the mid-fifth century. The notice in the Hypothesis to Isocr. *Areopag.*, on the face of it reporting a variant story from a different edition of the *Ath. Pol.*, should be dismissed as the work of a mediocre student on an off-day.

²⁴ Hence both the singular verb ἐπραξε δὲ ταῦτα (25.3—sc. Ephialtes) and the plural περιείλοντο (25.4—sc. both Ephialtes and Themistokles) are equally appropriate.