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Only the Aristotelian account of the constitutional history of Athens maintains that the Areopagos dominated political affairs for approximately seventeen years after the Persian Wars (A.P. 25.1). The singularity of the notice is not disturbing, since the same work is the sole source for many undisputed facts of Athenian constitutional history, such as the sortition of archons from 487 B.C. On the other hand the work is too fraught with errors and inaccuracies for its statements to be considered irrefutable. By maintaining that the Areopagos was on the wane during this whole time (A.P. 25.1) the work makes it in any case merely the immediate beneficiary of the Persian Wars, just as Aristotle (Pol. 5.4, 1304a 20-24) in another passage seems to ascribe to the Areopagos the short-term and to the seamen the long-term advantage from the wars,<sup>1</sup> and this somewhat sophisticated interpretation does not suffer by comparison with the modern viewpoint which insists that democratic tendencies alone were fostered by the wars.<sup>2</sup> Now in the absence of another source which explicitly and unambiguously attests the Areopagite domination our judgment upon it will be based on its inherent plausibility, i.e., on the sum of what we know about the Athenian constitution and the events of this time. It has been shown that the conditions at any rate were right for Areopagite domination: in the absence of prytanies, the creation of which is generally dated to 462, the popular organs, the Boule and Ekklesia, would not have been able to assert themselves;<sup>3</sup> both the introduction of the board of generals in 501 and the use of sortition at the second stage in the selection of archons should have led to a decrease in the average age of

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<sup>1</sup> OSTWALD (1993) 140, has emphasized that the two passages are "identical in all essential details"; the most obvious difference is that the specific figure of seventeen years is not repeated. The statement in the *Politica* is qualified: Aristotle does not say that the constitution was tightened, but that "der Areopag die Verfassung...straffer, d.h. oligarchischer gemacht zu haben scheine" (BRAUN (1998) 62).

<sup>2</sup> Cf. DREHER (München 2001) 83: „Wenn durch die Perserkriege nicht nur die Theten, sondern die Volksversammlung insgesamt...an Bedeutung zugenommen haben, so dürfen wir für diese Zeit von einer Stärkung der demokratischen Institutionen ausgehen. Es ist daher sehr schwer zu glauben, daß ausgerechnet in den Jahren nach den Perserkriegen...der Areopag...die Regierung Athens wieder an sich gezogen haben soll...“ BLEICKEN (<sup>2</sup>1994), 44, presents a view convergent with that of Aristotle: "Die unbemittelten und weniger vermögenden Athener wuchsen erst in langen Jahren, nämlich in dem Maße, wie sie seit den großen Perserschlachten Jahr um Jahr in der Flotte dienten und die Außenpolitik mitgestalteten, in ihre neue politische Rolle und in ein gewandeltes politisches Bewußtsein hinein. Am Ende dieses Prozesses war dann schließlich eine politische Atmosphäre geschaffen, in der es nur eines Anstoßes bedurfte, um die jetzt gestaute Dynamik zu befreien und damit die politische Ordnung qualitativ zu verändern."

<sup>3</sup> Cf. RYAN (1994) 251-52; the typographical errors in this article, due to a scanner, the results of which we were not allowed to check, are not few, but can be surmounted.

the archons, which means that the Areopagites of the early fifth century were immediately more vigorous and ultimately more numerous than ever before.<sup>4</sup> Even the role played by the Areopagos at the time of the battle of Salamis, that reddest of herrings,<sup>5</sup> has been at long last elucidated: according to the author of our text it was not concerned with the recruitment of rowers,<sup>6</sup> but with the evacuation of the civilian population.<sup>7</sup> These arguments explain how the Areopagos could have dominated political life in Athens and why it would not have achieved this position sooner. They show that that which is attested is both theoretically possible and by no means improbable.

If nothing less than a contemporary source could fully and finally resolve the matter under dispute, then it never will be fully and finally resolved: a source on the events in question and written by a contemporary in all probability is not lost, but never did exist. Some doubt will always attach to the Areopagite domination because the source in which it is attested is separated by well over a century from the end of the period concerned.<sup>8</sup> But at the same time the doubts cannot be substantiated and therefore some doubt will always attach to the doubts. If the Areopagite domination is unhistorical, then the story originates either in a knowingly false statement or in a false inference. The notion that the Areopagite domination is due to a tendentious source<sup>9</sup> does not have much to recommend it,<sup>10</sup> especially since the text neither vilifies Ephialtes nor dilates upon the achievements of the Areopagite era; indeed, by

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<sup>4</sup> Cf. RYAN (1999) 43-51.

<sup>5</sup> Cf. WALLACE (1985) 78: "The historicity of a period of Areopagite domination after 479 is not affected by the discredited Salamis story..."; BRAUN (1998) 64.

<sup>6</sup> In spite of repeated asseverations to this effect. Cf. WALKER (1927) 473: "the Areopagites, who supplied the funds necessary for manning the fleet that fought at Salamis"; BRAUN (1998) 60, 63-64: es ist "wenig glaubwürdig, daß die Athener...nur für acht Drachmen zu kämpfen bereit gewesen wären"; SCHUBERT (2000) 116: "Die Entschlossenheit des Areopags...habe die Bemannung der Schiffe für die Schlacht ermöglicht"; DREHER (2001) 184 A. 140: „der Areopag habe an die Ruderer Geld verteilt.“

<sup>7</sup> OSTWALD (1993) 142 was the first to point out that seamen are explicitly made the payees only by Plutarch (Them. 10.6): "the recipients were not the sailors who manned the ships for battle, but those who were to assure the safety of the women and children." It seems though that at least some of the rescuers were sailors (Hdt. 8.41.3). We should then modify Ostwald's conclusion and maintain that any sailors who were paid were not paid *qua* sailors but *qua* rescuers.

<sup>8</sup> BLEICKEN (1994) 44 shows what even a skeptic must concede: „Ob das Ende dieser innenpolitisch eher beschaulichen Ära sehr plötzlich kam, wie die Alten glaubten und die Modernen es ihnen noch heute nachreden, sei dahingestellt. Das Jahr 462/61 hat ohne Zweifel wichtige Änderungen geschaffen, und es stand in der Tat auch der Areopag im Zentrum der Auseinandersetzungen.“

<sup>9</sup> BUSOLT / SWOBODA (1926) 2.893.

<sup>10</sup> Cf. OSTWALD (1993) 141: „such a period...may have been a reality exploited for political propaganda just as easily as it may have been invented.“

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taking over the phrase τὰ ἐπιθεται our text actually assumes the standpoint of the democratic opponents of the Areopagos.<sup>11</sup> Among those who today deny the historicity of the account, the view that it was an honest mistake seems to preponderate.<sup>12</sup> Our remarks in this place will be directed against this notion. Recently we argued in another place that the reform which opened the archonship to the zeugitai was authored by Ephialtes; the author of our text both affirmed that there were no irregularities in the selection of the archons after the death of Ephialtes until the year of Mnesithides (457/6), and then immediately held out the possibility that there were such irregularities (A.P. 26.2), because some of the sources available to him named a man other than Mnesithides as the first archon from the zeugitai; the author of our text, who reserved the term “archon” for the eponymous archon, was confused by a text which applied the term also to the eight colleagues of this man; it follows that the contradiction in the sources was only apparent, that zeugitai did serve in the other eight places in the years 461-458 and that 457 was simply the first year in which the eponymous archon was a zeugites.<sup>13</sup> If we saw matters aright, a reform of Ephialtes as important as any other has fallen into oblivion.

It seems to us that this prior conclusion very considerably weakens the notion that the period of Areopagite domination is an honest mistake, for it closes the gap which supposedly the false inference was intended to fill. An ancient writer dissatisfied with the information that Ephialtes removed the added or arrogated powers of the Areopagos and willing to infer a period of Areopagite domination could not have known about the reform admitting zeugitai to the archonship. He would have been satisfied with this reform and refrained from inventing the period of domination. And in the event that this reform did not satisfy him, he would not have traded that which is attested for that which must be inferred, but perfected the former through the latter. But in the absence of an even greater accomplishment the forgotten reform of

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<sup>11</sup> Cf. RHODES (1981) 314. BRAUN (1998) 71-72 joins those who believe that the expression “keine ideologische Tendenz, sondern nur ein historisches Urteil enthält,” but since “die Rechte, die dem Areopag im Laufe der Geschichte bis zu Ephialtes gegeben worden waren,” were taken away, it must be also, if not exclusively, a pretext and therefore partisan.

<sup>12</sup> Cf. RHODES (1998) 237: “Ath. Pol.’s powerful Areopagus before the reforms of Ephialtes has been conjured up, I suspect simply to explain why Ephialtes needed to reduce its powers, not to show that the Areopagus was powerful in the golden age of the early fifth century”; DREHER (2001) 184 A. 140 also seems to see here a poor rather than a partisan reconstruction: “Die ganze Geschichte könnte, meiner Ansicht nach, erst aus dem Wiederaufstieg des Areopag in der 2. Hälfte des 4. Jahrhunderts heraus abgeleitet sein.”

<sup>13</sup> Cf. RYAN (2002) 5-9.

Ephialtes, arguably the biggest remaining accomplishment, should have been inalienable. Therefore one cannot with verisimilitude maintain that the obliteration of the reform preceded and promoted the invention of the Areopagite domination. If one consider the suspect achievement and the forgotten achievement together, one recognizes that the epochal reform in all probability was alienated from Ephialtes since it was overshadowed in the tradition from the very beginning by what was considered even more earth-shattering, a successful assault on the institution which called the shots in Athens. There is then reason to believe that the story of the Areopagite domination in an oral version is of very nearly the same date as the Areopagite domination itself.<sup>14</sup>

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