CHAPTER THREE

THE INSTITUTIONS OF DEMOCRACY

Demetrius’ contemporaries were clear in their assessment of his regime and of his place within it. When Poliorcetes ousted Cassander’s partisans from Athens in 307, Demetrius of Phalerum and his associates were formally charged with overthrowing the democracy (so Philoch. FGrHist. 328 F66 = Demetr. 31 SOD), the very charge levelled over ten years earlier against Phocion and his adherents, and a charge tantamount to oligarchy.\(^1\) Hence the Suda reports that Demetrius of Phalerum had “turned the Athenian constitution into an oligarchy” (s.vv. Dêmêtrios ho Antigonou = Demetr. 27 SOD), and Strabo (9.1.20 = Demetr. 19 SOD) that Demetrius was sent into exile on account of the hatred felt for his oligarchy. Late sources place particular emphasis on the prestige vested in Demetrius himself at the head of this oligarchy. In a conscious echo of Thucydides’ appraisal of Periclean Athens (discussed in detail below), Plutarch (Demetr. 10.2) describes the regime as “in theory an oligarchy, but in practice a monarchy.” For Pausanias, too, Demetrius was a tyrant (1.25.6 = Demetr. 17 SOD). The characterisation of the 317–307 government as an oligarchy (or perhaps an oligarchy guided by a tyrant) is thus quite clear, and the only dissenting voice was raised by Demetrius of Phalerum himself, with his objection that he had not destroyed democracy, but had indeed strengthened it (Strabo 9.1.20 = Demetr. 19 SOD).\(^2\) His successors certainly did not concur with his view; for them, the government restored by Poliorcetes is repeatedly termed a democracy in emphatic contrast to the ousted Phalerean regime. So it is that Diodorus (20.45.5 = Demetr. 30 SOD) notes that, in 307, the Athenian dêmos gained its freedom, and again (20.46.3) that some fifteen years after its overthrow by Antipater, the

\(^1\) For Phocion’s regime as oligarchic, or overthrowing the people, see IG ii² 448 l.161; [Plut.] Mor. 851c; Plut. Phoc. 34.3–4; Diod. 18.55.2, 65.6, 66.5.

\(^2\) Strabo’s quotation of Demetrius (ou monon ou kateleuse tên dêmokratian alla kai epênôrthôse) is echoed in Cicero’s evaluation of Demetrius at De Re Pub. 2.1.2 (= Demetr. 56 SOD), when he claims that Demetrius bolstered (sustenasset) the state when it was “bloodless” and “collapsed” (exsanguem iam et iacentem). Cicero knew Demetrius’ works, and may well be alluding to Demetrius’ own testimony here.
démos obtained its traditional constitution. Plutarch (Demetr. 10.2 = Demetr. 18 SOD) also writes of the democracy being restored by Poliorcetes.

But what was the reality behind these labels? In what sense was Demetrius’ regime oligarchic, and just how did the city under Cassander’s hegemony perform its necessary functions, such as the administration of justice and the making of decisions on matters of state? The accusation of oligarchy raises the spectre of a widespread curbing of those institutions and practices fundamental to a democratic form of government, a democracy based on the exercise of rights by those who, through their Athenian parentage, qualified as citizens. The freedom to sit in the assembly, and to act as jurors on the various courts (dikastèria), were chief among these rights, for the assembly and the courts were the very foundations upon which democratic government was built. Also fundamental to the practice of Athenian democracy was the use of the lot, rather than election, in the selection of most state officials (the election of generals and of major treasurers was a notable exception); the lot was employed also in the empanelling of juries and manning of the council of 500 (the boulê) which prepared business for the assembly. Widespread participation in government, made possible by the open assembly and by the use of sortition, was actively encouraged by payment—admittedly meagre—for assembly, council, jury and magisterial service, and this too had become a fundamental part of democratic practice at Athens.

Certain reservations about this form of democracy had long been harboured in some circles within Athens.3 The inclusion of all free citizens in the running of the state, regardless of an individual’s political acumen, was attacked in some quarters (and most notably in the philosophical schools) as distributing “a kind of equality to the equal and the unequal alike” (Plato Pol. 558c), rather than allotting to each “what is appropriate to each” (Isoc. 7.21); as a result the institution of the lot, and the payment for jury and assembly service, came in for particular opposition from detractors of this full democracy (see, for example, Xen. Mem. 1.2.9; Arist. Pol. 1293a). Another criticised feature of democracy was the perceived sovereignty of the assembly which, in the view of Aristotle (Pol. 1292a), made that body supreme over the law.

3 The continuities in the criticisms of Athenian democracy through the fifth and fourth centuries are traced by Ober 1998.