CHAPTER FIVE

PHILOSOPHY AND THE PHALERAN REGIME

5.1 Demetrius’ laws and the Peripatos

A pervasive influence of his philosophical education on Demetrius’ legislative programme has, until Gehrke’s thorough critique of the issue, been widely assumed in the scholarly literature. That education is well documented. The Suda entry describes him as “a Peripatetic philosopher” first and foremost, while many sources record the student/teacher relationship between Demetrius and Theophrastus, and claim that the former was renowned for his wisdom: see Demetr. 8–11 SOD. There is no doubting that Demetrius shared the intellectual pursuits of other Peripatetics, since much of his extensive literary output (most of it now known only through titles) has precedents and parallels in the works of fellow members of the Lyceum,¹ and his familiarity with philosophical treatises and dialogues is evident throughout the fragments of his work.² Moreover, at Brutus 37 and De Officiis 1.1.3 (= Demetr. 119 & 121 SOD), Cicero affirms that Demetrius’ literary style was a product of his Peripatetic schooling and revealed him as very much the pupil of Theophrastus. In the light of such claims, the pervasive influence of philosophy on Demetrius is scarcely to be doubted. But the fact that Demetrius engaged in researches in fields similar to those that interested other students of Aristotle, while suggesting an adherence to Peripatetic methodology, does not establish that Demetrius’ conclusions were those of his colleagues.³ Sufficient

¹ The Peripatetic influence is amply catalogued by Williams 1987, esp. 92; cf. Mossé 1992, 89–90. It may be noted in passing (with Scholz 1998, 188 n. 13) that Demetrius’ output in fields we might today recognize as properly philosophical (as distinct from the legal, rhetorical and constitutional treatise forms in which the Peripatos also engaged, and in which Demetrius was a significant contributor) was somewhat undistinguished: Scholz categorizes his philosophical writings as little more than ‘class notes’ from student days under Aristotle and Theophrastus.
² He frequently uses images drawn from philosophical literature: compare, for example, Polyb. 10.24.7 (= Demetr. 90 SOD, from his Stratégika) and Xen. Mem. 3.1.7.
³ The assumption of some kind of ‘Peripatetic consensus’ on any given issue is dangerous. That there was, for example, a standard (hostile) Peripatetic view on
fragments survive from the writings of both Theophrastus and Demetrius to demonstrate that they disagreed on individual issues. They were at odds, for instance, about the alleged poverty of that famous fifth-century figure, Aristides the Just.\(^4\) This discrepancy, although on a minor matter, ought nonetheless caution against the assumption that Demetrius adopted uncritically the views of his teacher; consideration of the comic poet Menander, and of Duris of Samos—both schooled by Theophrastus but neither bound by that association to support Demetrius’ reforms\(^5\)—should sound a yet stronger note of caution.

As a result, a philosophical basis for the reforms should not simply be assumed without discussion, and indeed Gehrke argues that the Peripatos’ impact may have been confined to the exposure to different constitutional models that Demetrius’ school researches would have afforded.\(^6\) The collection of laws which appears as fragment 611 in Rose’s *Aristotelis Fragmenta*, for example, includes instances of the types of laws which interested Demetrius: at 611, 73, are recorded restrictions on wedding feasts (both on guest numbers and duration), and at 611, 28 is a record of Aristides of Ceos’ regulation of boys, women and mourning. Mention might also be made of Theophrastus’ three-volume work *Peri nomothetôn*, which included passages on the laws of Zaleucus, another lawgiver accredited with reforms similar to those of Demetrius, or again of his twenty-four book *Nomoi*.\(^7\) As the author of works on the Athenian laws and constitutions himself (*Peri tês Athênēsi nomothesias* and *Peri tôn Athēnēsi politeiôn = Demetr. 88 nos 7 & 9 SOD, with associated fragments) Demetrius was certainly familiar with the moralising legislation associated with the former legislators. Beyond this very general influence through exposure to differing legislative models, Gehrke admits little impact of schooling on

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\(^4\) Demetrius denied the poverty of Aristides (Plut. *Arist. 1.1–4 = Demetr. 102 SOD), but it was accepted by Aristotle (whose view is implicit in his belief that Myrto, daughter of Aristides the Just, was dowerless: Diog. Laert. 2.26) and by Theophrastus (*Vat. Gr. 2306 = Th eophr. App. 7 FHS&G Fr. B col. I, ll.26–36*).

\(^5\) On Menander’s reference to the *gunaikonomos* see above, 67 cf. Handley 1965, 9–10; for Duris, above 194–95. For Duris and his brother Lynceus as students of Theophrastus see *Theophr. 18 nos 9 & 10 FHS&G*.


\(^7\) Theophrastus’ discussion of Zaleucus is attested at Cic. *De Leg. 2.15*, and *Ad Att. 6.1.18 = Theophr. 598 B–C FHS&G*. For his *Nomoi* see also 589 no. 171a–c FHS&G.