

***Sōphrōn Eunomia*: Why It (Supposedly) Paid to Belong to an Oligarchic Community in Classical Greece**

Matt Simonton

Princeton University

ORCID: 0009-0001-2810-9089

DOI: 10.54103/milanoup.292.c746

ABSTRACT:

Recent work has suggested that Classical Greek oligarchies were authoritarian regimes that did not bother trying to appeal to the “hearts and minds” of their subjects. This chapter explores two areas through which oligarchs may have attempted to legitimize their rule, both having to do with the *polis’ archai* or offices. Examining Aristotle’s criticism of democratic approaches to the *archai* in the *Politics*, we see that non-democratic regimes, by empowering officials to make binding, unappealable decisions, claimed that they better upheld the rule of law. Meanwhile, in the military sphere, oligarchs argued that strong executive magistrates led to better army discipline and therefore better security for the city. Oligarchs thus gave members of the *dēmos* a reason to share in the constitution.

KEYWORDS: oligarchy; *archai*; rule of law; *polyarchia*.

1. Introduction

In a volume on citizenship and “sharing in the *polis*”, oligarchy is a bit of an unwelcome guest. Already in antiquity, oligarchy—and indeed any non-democratic form of constitution—caused problems for Aristotle’s famous definition of citizenship, according to which the *politēs*, the male citizen, is, in the absolute sense, one who partakes of judgment and office.¹ He who is called such in a democracy, in particular, most of all meets the definition of citizen, says Aristotle in a different passage (5.1275b5-6); in other constitutions Aristotle’s

1 *Pol.* 3.1275a 22-23: πολίτης δ’ ἀπλῶς οὐδενὶ τῶν ἄλλων ὀρίζεται μᾶλλον ἢ τῷ μετέχειν κρίσεως καὶ ἀρχῆς. For a thorough discussion of this and related passages and a defense of Aristotle’s definition of the citizen against recent reinterpretations, including Blok 2017 and Duploux 2018a, see Fröhlich 2016; also Faraguna 2025b. For the language of “partaking”, see Filonik 2023.

definition of a citizen may not apply.² This is because, of course, the vast majority of the adult male native free population in an oligarchy—that is, the *dēmos*—was denied the opportunity to judge or hold office.³ These governmental tasks were restricted to an elite few delimited by a property qualification. In such a situation, the democratic notion of “ruling and being ruled in turn” was violated, because most of the citizenry did no ruling, in the sense of holding office—they were in a state of permanently being ruled by others.⁴ Some have wondered whether the *dēmos* in an oligarchy count as *politai* at all—if they can truly be said to “partake of the *politeia*”.⁵ The author of the *Rhetoric to Alexander*, for example—probably the sophist and historian Anaximenes of Lampsacus—says that in an oligarchy “the laws ought to deter those partaking of the constitution [*tous tēs politeias metechontas*] from committing *hybris* against those weaker than themselves”—in other words, the oligarchs partake of the constitution, the *dēmos* does not.⁶ However, the same author confusingly still includes the majority, *to plēthos*, among the citizenry, since in an earlier passage he says that “in oligarchies there should be the greatest penalties laid down against those attempting to commit *hybris* against certain of the citizens [*hoi politai*]: for the masses [*to plēthos*] are not so aggrieved at being denied the magistracies [*hai archai*] as they resent being mistreated”.⁷ There can be no denying that *to plēthos*

2 It is important to observe that those who do not partake of judgment and office in other *poleis* fail to be citizens *only according to Aristotle's particular definition of citizenship*. As we will see momentarily, such people were still regularly called “citizens”, *politai*, and this is presumably because they were classified as such by some other criterion—citizen parentage, for example. Nevertheless, Aristotle's definition of citizenship, which, by his own admission, is quite democratically inflected, had an important basis in reality, and it (or some version of it) became the institutional “rules of the game”, so to speak, by the late fourth century, as has been argued by Ma, using the notion of the “Great Convergence” of *polis* institutions (2024, 203–28).

3 I use “*dēmos*” here in the more restricted sense, that of the poor, working majority, rather than the more capacious sense, that of all the citizenry together, rich and poor. On this distinction see Canevaro forthcoming (d).

4 On these “passive citizens” see Mossé 1979; Faraguna 2025a, 224.

5 See the remarks of Rhodes in a recent volume on ancient citizenship: “In states which were more oligarchically inclined, all the rights associated with citizenship were dependent on a property qualification, so that the population might include men who satisfied the state's requirement of citizen ancestry but who were disqualified because their property was insufficient” (Rhodes 2023a, 38–39—but note the language of “all the rights”, which suggests that there might be gradations of rights [and by extension of citizenship]). Faraguna develops further the notion that those who did not meet the censitary criteria of an oligarchic regime were in “una sorta di zona grigia nel *continuum* tra la *polis*-società e la *polis*-istituzione in cui resta nell'ombra quella parte della popolazione cittadina che non rientra nella caratterizzazione del *polites* ‘in senso pieno’ (ἀπλῶς) e non è quindi partecipe del potere politico” (2025a, 221). (On the *politeuma*, see below). See also Canevaro, this volume.

6 [Arist.] *Rhet. ad Alex.* 2.20 Fuhrmann: καθόλου δὲ εἶπεῖν δεῖ τοὺς νόμους [...] ἐν δὲ ταῖς ὀλιγαρχίαις ἀποτρέπειν τοὺς τῆς πολιτείας μετέχοντας ὑβρίζειν τοὺς ἀσθενεστεροὺς. All translations of the Greek are mine.

7 2.19: δεῖ δὲ καὶ τὰς ζημίας ἐν ταῖς ὀλιγαρχίαις μεγίστας ἐπικεῖσθαι τοῖς ὑβρίζειν τινὰς τῶν πολιτῶν ἐπιχειροῦσι· τὸ γὰρ πλῆθος οὐχ οὕτω τῶν ἀρχῶν ἀναγκαστὲρ στερόμενον, ὥς ἔχει

equals “certain of the citizens” in this passage. It appears that for Anaximenes one can be a *politēs* and yet still not “partake of the *politeia*”. Perhaps we can, as it were, “clarify Homer from Homer” here by using other Greek terminology to correct Anaximenes. On this account, while the members of the *dēmos* within an oligarchy may be *politai*, they are not part of the *politeuma*, the circle of the citizenry that has access to the authoritative magistracies.⁸

I apologize for the initial foray into terminology, but it was important to establish this point—that the members of the *dēmos* in an oligarchy *were* *politai*. They could be said to participate in the *politeia* to a certain degree, although they were not part of the *politeuma*. My broader purpose in this contribution is then to ask the following questions: Why would they even hypothetically accept this arrangement? What, if anything, was in it for them? In previous work on oligarchy I assumed that basically nothing was in it for them, and they knew it—oligarchy was an unaccountable, authoritarian regime, and the majority of the oligarchs’ energy went toward investing in mechanisms that kept their own ranks united and the *dēmos* divided.⁹ Mine was a study based in the so-called New Institutionalism, and I was looking for any kind of “institution”, formal or informal, that fulfilled the function of accomplishing these goals. I therefore focused on the oligarchic means of beating back the democratic tide. This meant that, despite the terminology of “institutionalism”, I did not provide an exhaustive list of all oligarchic political institutions, nor did I look at everything governing oligarchs did on a daily basis. This is because I was interested in oligarchic stability, which I assumed could be maintained only through a combination of force and fraud, so to speak. By the same token, I took the slogans of the elite (to be discussed below) to be so many empty catchphrases that simply conveyed the oligarchs’ high opinion of themselves.¹⁰

In the present contribution, by contrast, I want to try to make up for my earlier neglect of the formal offices of ancient oligarchies and their rules and powers. But I also want to correct for my downplaying of oligarchic ideology, which I treated essentially as empty, a smokescreen for other purposes. I have come to recognize that oligarchs did try to justify their rule to the *dēmos*. To be clear, I think Greek oligarchies fought a rear-guard battle during their heyday in the fifth through early third centuries BCE and never succeeded in making their strong form of oligarchy ideologically legitimate on a widespread basis.

βαρέως ὑβριζόμενον.

8 For the *politeuma*, see Arist. *Pol.* 3.1278b 11–13 (in democracies it is the *dēmos*, in oligarchies it is those few who meet a designated property requirement) with Simonton 2017, 40; Faraguna 2025a, 221. According to the famous *diagramma* of Ptolemy for Cyrene, the *politeuma* of the city is to be a subset of the citizenry, namely those who possess at least 20 Alexandrian minas (*IGCyrenaica* 010800A.1–9).

9 Simonton 2017; on oligarchy see also Alwine 2018.

10 See Simonton 2017, esp. 59–61.

Nevertheless, it remains interesting to see what they attempted to do during their time in power.

Now, reconstructing how oligarchs framed their civic “bargain” to the *dēmos* is difficult, because there is no straightforward explication of it anywhere in any one Greek text; it can be pieced together, however, on the basis of existing snippets of evidence. What I am interested in here is not so much ideological expressions in the abstract or rather euphemisms, ones which we all know—*sōphrosynē* or “moderation”, *eunomia* or “good order”, *aristokratia* or “rule of the best”.¹¹ Instead, I investigate how these values were purportedly *expressed* and *embodied* through oligarchic political institutions; in other words, how the set-up of the oligarchic *politeia* was meant to translate oligarchic watchwords into concrete governing. The place where I locate this is in the magistracies or offices of oligarchies, their *archai*. Everyone already knows that these offices were filled, necessarily, by “a few” in oligarchic regimes, those who attained a certain property requirement (a *timēma*): this is what made these offices formally oligarchic in their composition. I am concerned with something else: the powers of these magistracies. For if Aristotle is right, we can see how oligarchies had a distinctive approach to the powers of the magistracies compared with democracies—an approach that was meant to secure things that even the members of the *dēmos* could assent to. These included, *inter alia*, two things I will focus on in particular detail here: 1) consistency in the execution of the laws and 2) discipline in the military sphere. These constituted the price that the *dēmos* paid for exclusion from the *politeuma*. They were, therefore, to use a word to which I have already had recourse, part of a kind of bargain.

In order to understand the oligarchic approach to the magistracies, we essentially have to reverse-engineer it from Aristotle’s comments about, and criticisms of, democratic practice. The structure of the paper is thus the following: I will first lay out Aristotle’s account of the powers of the magistracies in democracies, explain why he finds their powers unacceptable, and then extrapolate from that the practices of oligarchies. The concluding part of the study is devoted to an analysis of a historical example of the “oligarchic bargain” at work.

2. Aristotle on the powers of magistrates in democracies

Over the course of the *Politics*, Aristotle has a story to tell about democratic magistracies—and it is not a happy one. If we know where to look and how to connect the dots, we see that he has a narrative about the progressive diminution of the powers of officials within democracy, but also an explanation of *why* this happens and *what* are the results. Let us start, though, with what Aristotle thinks ideally *ought* to be powers of officials, in any form of constitution. As he

11 For these terms see Caire 2016, 135-87; Simonton 2017, 59.

says clearly in Book 4, “to put it in the simplest, most fundamental terms, we must speak of these as magistracies [*archai*]: those that have been granted the powers of deliberating [*bouleusasthai*] on certain matters, of judging [*krinaî*], and of issuing commands [*epitaxai*], and this last most of all; for issuing commands is quite characteristic of rule”.¹² Three key functions, then. How do they fare under democratic governance? Aristotle deals with the first two together in another passage from Book 4: in the fourth and final form of democracy, “all come together [*sc.* in the assembly] and deliberate about everything, while the magistracies judge nothing”.¹³ But he extrapolates to democracy more broadly in a later passage in Book 6, saying that it is characteristic of democracies that “the assembly be authoritative over all matters, or all least the most important matters, while the magistracy be authoritative over nothing, or the least important matters”.¹⁴ Here “authority”, being *kyrios*, almost certainly alludes to the power to deliberate and decide mentioned earlier in the text.

Sticking with judgment for a moment, we see that Aristotle provides us with crucial vocabulary—and a crucial historical example—later on in the same passage in Book 4 quoted above. Here he says that the magistracies in democracies judge nothing but only *proanakrinein*—“conduct a preliminary investigation”.¹⁵ This is an extremely rare Greek term, attested in Classical sources only here and in a passage in the *Athēnaion Politeia*. There the author describes the powers of the *thesmothetai* before the time of Solon: they were “authoritative [*kyrioi*] and empowered [*autoteleis*] to give verdicts [*krinein tas dikas*] and not, as now, to conduct a preliminary investigation [*proanakrinein*]”.¹⁶ The *pro-* in *proanakrinein* indicates that this investigation on the part of the relevant magistrate preceded a trial in a popular *dikasterion*, where the people had final say. In other words, the magistrate no longer judged: the *demos* did.

Finally, there is the matter of issuing commands. Democratic officials in Athens, at any rate, could and did issue commands, but these were almost always subject to appeal, or rather veto, on the part of the person commanded. This ability of a citizen to have an interaction with an official referred to a popular *dikasterion* supposedly began already with Solon and is called *epheisis eis to dikasterion*. The jurist Carlo Pelloso has spelled out the meaning of *epheisis* thus:

12 4.1299a 25-28: μάλιστα δ' ὡς ἀπλῶς εἰπεῖν ἀρχὰς λεκτέον ταύτας ὅσαις ἀποδέδοται βουλευσασθαί τε περὶ τινῶν καὶ κρίναι καὶ ἐπιτάζειν, καὶ μάλιστα τοῦτο: τὸ γὰρ ἐπιτάττειν ἀρχικώτερόν ἐστιν.

13 4.1298a 28-30: τέταρτος δὲ τρόπος τὸ πάντας περὶ πάντων βουλευέσθαι συνιόντας, τὰς δ' ἀρχὰς περὶ μηθενὸς κρίνειν.

14 6.1317b 28-30: τὸ τὴν ἐκκλησίαν κυρίαν εἶναι πάντων ἢ τῶν μεγίστων, ἀρχὴν δὲ μηδεμίαν μηθενὸς ἢ ὅτι ὀλιγίστων.

15 4.1298a 30: τὰς δ' ἀρχὰς περὶ μηθενὸς κρίνειν ἀλλὰ μόνον προανακρίνειν.

16 [Arist.] *Ath. Pol.* 3.5: κύριοι δ' ἦσαν καὶ τὰς δίκας αὐτοτελεῖς κρίναι, καὶ οὐχ ὥσπερ νῦν προανακρίναι.

[*Ephesis*] is a “claim” submitted by the citizen who has suffered some bodily harm, monetary damages, or personal disadvantages from an “authoritative” order issued by a magistrate. Yet, such a procedural remedy either would bear a resemblance to a private “veto” that formally blocks the issuing of a final ruling, or it would turn out to be the “opposition to the enforcement of an authoritative act”.¹⁷

In other words, the “authoritative” orders of Athenian magistrates were not, in fact, “authoritative” at all. Above a certain threshold of seriousness, every order by a magistrate (every exercise in *epitaxis*) was hypothetically subject to a veto by the citizen on the receiving end of it. If a citizen disputed the order, the order’s legitimacy was automatically judged not by any other magistrate but by a popular *dikasterion*.¹⁸ The laws would therefore be upheld in the final instance by the *demos*, not according to the judgment of its administrators.¹⁹ It is no wonder, then, that *epheis* was controversial: the author of the *Ath. Pol.* says that some critics of Solon claim that this measure “most strengthened the masses: for where the *demos* is authoritative [*kyrios*] over the vote [*psephos*], there it is authoritative over the whole constitution [*politeia*].”²⁰

Democratic practice thus seems to have run roughshod over Aristotle’s preferred powers for the magistracies. More and more matters became the prerogative of the assembly or people’s courts, with the concomitant attenuation of officials’ powers. What was the cause of this dynamic? For Aristotle, the process depends ultimately on the democratic *hypothesis* or principle of freedom. Freedom has long been identified and discussed by the scholarship as a democratic value, but it has not always been noted how democratic equality intersects with the powers of officials under a democratic regime.²¹ In fact, all the relevant language is present: as Aristotle famously says,

another [feature of the constitution] is living as one wishes [*to zen hos bouletai tis*]. This they say to be a chief aspect of freedom, if indeed living not as one wishes

17 Pelloso 2016, 35. This argument has found assent in, e.g., Loddo 2018a, 196; Canevaro 2022, 398.

18 As Harris shows (2013b, 21–59), duly appointed officials in the Athenian democracy were tasked with executing the laws, not private individuals. However, above a certain monetary amount, most fines inflicted by magistrates were subject to *epheis eis to dikasterion*, as were other serious punishments, as a perusal of the *Ath. Pol.* makes clear (e.g., [Arist.] *Ath. Pol.* 42.1, 45.2, 48.5, 52.1, 52.3).

19 Nicias, when exhorting his troops on Sicily, reminds them of the *anepitaktos exousia*, the “unregulated [lit. ‘orderless’] permissiveness” that the Athenian regime extends to all in the ordering of their lives (Thuc. 7.69.2: ὑπομιμνήσκων καὶ τῆς ἐν αὐτῇ ἀνεπιτάκτου πάσιν ἐς τὴν δίαίταν ἐξουσίας). The notion of *epitaktein* contained in this phrase arguably refers, at least in part, to the commands of magistrates.

20 [Arist.] *Ath. Pol.* 9.1: μάλιστα φασιν ἰσχυκέναι τὸ πλῆθος... κύριος γὰρ ὢν ὁ δῆμος τῆς ψήφου, κύριος γίγνεται τῆς πολιτείας. For the importance of the magistrates’ being able to issue commands in the political thought of Aristotle and (especially) Plato, see Lane 2023.

21 On democracy and freedom, see, e.g., Raaflaub 1983; Liddel 2007. For the specific issue of living as one likes, see further below.

is [an aspect] of one laboring as a slave [*douleuontos*]. This is a second defining feature of democracy. From this has resulted [a preference for] not being ruled [*archesthai*]²²—ideally by no one, or barring that, by turns [*kata meros*].²²

It is often overlooked that “being ruled” here has a very concrete sense: it means being subject to the authority of an official, an office-holder (an *archôn* occupying an *archê*).²³ The freedom of the free democratic citizen, the fact of his being not a slave, leads him to not want to be commanded by a magistrate.²⁴ Of course, in democratic Athens and elsewhere, the magistracies were open to members of the *dêmos*—they were not restricted by a property qualification—and so the *dêmos* itself can be said to hold office in such circumstances. This is how the Old Oligarch puts it: “the *dêmos* is the one that holds the magistracies”.²⁵ All the same, even under these conditions it seems that the individual democratic citizen did not appreciate being told what to do by an office-holder, even if that person was also a member of the *dêmos*. From the fact that decisions of officials could be vetoed by an individual and upheld by a popular court, we can surmise that the democratic citizen thought that the decisions of such a body, which was of course a much more broad-based and representative cross-sample of the citizenry as a whole than a single official, would be more likely to align with his own views. Similarly with the deliberations of the assembly at the expense of officials: here the individual democratic citizen presumably thought the *ekklesia* was more representative of people like him than an official—in this case, furthermore, he himself could hope to be part of the assembly that carried out the deliberations. The arrangement was, in summary, supposedly more in line with the democratic value of “living as one wished” and “not being ruled” than an alternative arrangement in which officials had broader prerogatives and their decisions were unappealable.

22 *Pol.* 6.1317b 11-16: ἔν δὲ τὸ ζῆν ὡς βούλεται τις. τοῦτο γὰρ τῆς ἐλευθερίας ἔργον εἶναί φασιν, εἴπερ τοῦ δουλεύοντος τὸ ζῆν μὴ ὡς βούλεται. τῆς μὲν οὖν δημοκρατίας ὅρος οὗτος δεύτερος· ἐντεῦθεν δ’ ἐλήλυθε τὸ μὴ ἄρχεσθαι, μάλιστα μὲν ὑπὸ μηθενός, εἰ δὲ μή, κατὰ μέρος.

23 De Luna *et al.* do note in a discussion *ad loc.* that for Aristotle, democratic liberty confuses the liberties of the private and of the public, political sphere; the latter “richiede a ciascuno l’obbedienza alle magistrature e alle leggi”, but the democrat, because of his personal freedom, does not want to obey (2016, 564).

24 One might object that Aristotle’s picture of the democrat is false. Filonik 2019, for example, argues that the Athenians never claimed that everyone can live as he likes, since that is the mark of a tyrant, not a law-abiding citizen. For the average Athenian’s devotion to freedom in the private sphere, however, see now Campa 2024. I believe that the Athenian democracy’s treatment of the powers of the magistrates is further evidence that they adhered roughly to the attitude Aristotle ascribes to them, or at least more so than oligarchs historically did (on oligarchs and freedom see below).

25 [Xen.] *Ath. Pol.* 3.13: ὁ δῆμός ἐστιν ὁ ἄρχων τὰς ἀρχάς.

Aristotle is withering on this aspect of democratic administration. In fact, in the same passage in which he states that under the final form of democracy the magistracies only conduct a preliminary investigation, he immediately follows up with the judgment that “this type of democracy we say to be analogous to a dynastic oligarchy or a tyrannical monarchy”.²⁶ But why should the powers of the magistracies, or rather their lack thereof, make it so? Why should this type of democracy be similar to dynastic oligarchy or tyrannical monarchy, illegitimate forms of rule that do not qualify as *politeiai* at all? A famous passage in Book 4 gives us some idea. Here Aristotle is discussing the tendency of the *demos* in the fourth and final form of democracy to become a kind of collective tyrant. Very importantly, the magistracies come up again in this narrative:

What is more, those who have complaints [*enkalountes*] against the magistracies [*archai*] say the *demos* should judge [*krinein*], and [*the demos*] gladly accepts the call. As a result of this all the magistracies [*archai*] are undermined. Whoever claims that this sort of democracy is not a constitution [*politeia*] would appear to make a well-argued criticism. For where the laws do not rule, there is no constitution. The law must govern [*archein*] all matters generally, but the magistracies [*must govern*] the particulars, and this we deem a constitution.²⁷

As we can see, Aristotle thinks it is crucial that the magistracies govern the particulars, and not some other element. Why this should be so we will see in a moment. But for now we can bring the discussion full circle by adducing a later passage that again brings up the democratic value of “living as one likes”:

In those democracies that appear most democratic the opposite to what is beneficial has arisen, and the reason for this is that they wrongly define what it means to be free [...] to do whatever one wishes [they consider] free and fair; the result is that each man lives in such democracies as he wishes—“for what he desires”, as Euripides says. But this is base [*phaulon*]: for one must not think living according to the constitution [*politeia*] to be slavery [*douleia*], but salvation.²⁸

26 4.1298a 31-33: τὰς δ' ἀρχὰς περὶ μηθενὸς κρίνουν ἀλλὰ μόνον προανακρίνουν, ὅνπερ ἡ τελευταία δημοκρατία νῦν διοικεῖται τρόπον, ἣν ἀνάλογόν φαμεν εἶναι ὀλιγαρχία τε δυναστευτική καὶ μοναρχία τυραννική.

27 *Pol.* 1292a 28-34: ἔτι δ' οἱ ταῖς ἀρχαῖς ἐγκαλοῦντες τὸν δῆμόν φασι δεῖν κρίνουν, ὃ δὲ ἀσμένως δέχεται τὴν πρόκλησιν: ὥστε καταλύονται πᾶσαι αἱ ἀρχαί. εὐλόγως δὲ ἂν δόξειεν ἐπιτιμᾶν ὃ φάσκων τὴν τοιαύτην εἶναι δημοκρατίαν οὐ πολιτείαν. ὅπου γὰρ μὴ νόμοι ἄρχουσιν, οὐκ ἔστι πολιτεία. δεῖ γὰρ τὸν μὲν νόμον ἄρχειν πάντων, τῶν δὲ καθ' ἕκαστα τὰς ἀρχὰς, καὶ ταύτην πολιτείαν κρίνουν.

28 *Pol.* 5.1310a 25-28, 31-36: ἐν δὲ ταῖς δημοκρατίαις ταῖς μάλιστα εἶναι δοκούσας δημοκρατικάς τούναντίον τοῦ συμφέροντος καθέστηκεν, αἴτιον δὲ τούτου ὅτι κακῶς ὀρίζονται τὸ ἐλεύθερον... ἐλεύθερον δὲ (καὶ ἴσον) τὸ ὅ τι ἂν βούληται τις ποιεῖν: ὥστε ζῆ ἐν ταῖς τοιαύταις δημοκρατίαις ἕκαστος ὡς βούλεται, καὶ εἰς ὃ χρίζων, ὡς φησὶν Εὐριπίδης: τοῦτο δ' ἐστὶ φαῦλον: οὐ γὰρ δεῖ οἶσθαι δουλείαν εἶναι τὸ ζῆν πρὸς τὴν πολιτείαν, ἀλλὰ σωτηρίαν.

Once again we see the democratic concept of freedom as the absence of slavery, and thus as the ability to do whatever one wishes. This implies the lack of an authority telling you what to do; the lack, in other words, of “being ruled”. We can also connect Aristotle’s mention of “living according to the constitution” with his earlier remarks to the effect that living according to a *politeia* properly so called—that is, a legitimate one—involves being subject to the commands of magistrates, who govern the particulars in place of the laws. The democratic concept of freedom, says Aristotle, gives rise to an anarchic mentality, in the specific sense of not wanting to be told what to do by officials—this, however, he considers to be a mistake, one that in fact robs the members of the *demos* of their genuine safety [*sôteria*]. But again, why? How? In the following section I attempt to explain the connection.

3. Oligarchies as self-proclaimed guarantors of the rule of law

No doubt one answer—one that I suspect was given by many practicing oligarchs—was that the members of the *demos* needed to be told what to do, because their choices, if allowed to “live as they like”, would be disordered and shameful. A hint of this mentality comes through in the Old Oligarch’s obsessive (and revealing) desire for an oligarchic change of constitution:

If it is good order [*eunomia*] you seek, first of all you will see the cleverest men laying down the laws for the others; then the gentlemen will punish [or ‘restrain’] the scum [*kolasousin...tous ponêrous*] and deliberate about the affairs of the city and not allow madmen to serve on the council or make proposals or attend the assembly. Indeed, as a result of all these good policies the *demos* would quickly fall into a state of slavery.²⁹

We will return to this passage below. For now, however, I want to make clear that I am not attributing this view to Aristotle. Aristotle seems to have genuinely believed that a different set of benefits flowed from there being strong magistrates. The main benefit was the rule of law. Earlier we encountered Aristotle’s statement that “[t]he law must govern all matters generally, but the magistracies [must govern] the particulars”. This was important because for the decisions of officials always to be subject, even if only potentially, to the veto and scrutiny

29 [Xen.] *Ath. Pol.* 1.9: εἰ δ’ εὐνομίαν ζητεῖς, πρῶτα μὲν ὄψει τοὺς δεξιωτάτους αὐτοῖς τοὺς νόμους τιθέντας· ἔπειτα κολάσουσιν οἱ χρηστοὶ τοὺς πονηροὺς καὶ βουλευούσιν οἱ χρηστοὶ περὶ τῆς πόλεως καὶ οὐκ ἑάσουσι μαινομένους ἀνθρώπους βουλευεῖν οὐδὲ λέγειν οὐδὲ ἐκκλησιάζειν. ἀπὸ τούτων τοίνυν τῶν ἀγαθῶν τάχιστ’ ἂν ὁ δῆμος εἰς δουλείαν καταπέσοι. For greater oligarchic “oversight” [*epimeleia*] of the private behaviors of the members of the *demos* in oligarchic regimes, see Simonton 2017, 97. For the idea that the free choices of the citizen poor might constitute a kind of *hybris*, see Canevaro 2024.

of the *dēmos* meant that the laws just were what the members of the *dēmos* on a specific occasion thought they were. The execution of the laws became, in that scenario, arbitrary.³⁰ More than that, the *dēmos* in this situation was arguably serving as judge in its own case: it said what the laws meant and whether they applied to one of its members in any given judgment.³¹ The *dēmos* in this scenario could not, using technical terminology from political science, credibly commit to uphold the laws as they were intended to be applied. It could not be counted on to limit its own power.³² In other words, to use Aristotle's terminology, where officials ceased to govern the particulars, in the sense of executing the laws according to their own judgment, there the laws ceased to govern in general. In a world where, as Mirko Canevaro has shown, the rule of law was the measure of political legitimacy, this is potentially a very powerful argument against the democratic approach to the power of officials, one that ought to have purchase with democrats as well as oligarchs.³³

I therefore strongly suspect that oligarchs justified their rule in part by recourse to the notion that under their preferred regime the laws were more consistently applied, and in the spirit in which they were initially enacted. Decisions of officials, in other words, could be relied on to be coherent and constitutional. There are hints of this in the sources. The Old Oligarch, for example, claims that

it is necessary for oligarchically governed poleis to abide by alliances and oaths; for if they do not keep to their agreements, the names of those of the few who did this [are known—the text is slightly corrupt here]. But as many things as the *dēmos* agrees to, it is possible, by attributing blame to the individual proposing the measure and putting it to a vote, for the rest to refuse [to abide] on the grounds that “I was not present nor do I approve” when they learn of what took place in the assembly.³⁴

30 For an exploration of Aristotle's problem with democratic lawmaking, see Canevaro, Esu 2018.

31 Again, I am considering this from the view that “*dēmos*” means the free citizen poor, not the whole of the citizen body.

32 The canonical example of the logic of “credible commitment” is that of an advancing army burning a bridge behind it so that it cannot retreat. On the importance of credible commitment in limiting the power of government, see North, Weingast 1989. The idea is that without a set of institutions to which all can concede and which itself has the effect of enforcing compliance, a sovereign power's pledges to limit its own power are not worth the proverbial paper they are printed on, since it can always renege. I will not address in the present chapter whether the *dēmos* in a democracy was able credibly to commit to upholding the rule of law, although it is obvious that members of the *dēmos* believed that it was so capable.

33 Canevaro 2017b.

34 [Xen.] *Ath. Pol.* 2.17: ἔτι δὲ συμμαχίας καὶ τοὺς ὅρκους ταῖς μὲν ὀλιγαρχουμέναις πόλεσιν ἀνάγκη ἐμπεδοῦν: ἦν δὲ μὴ ἐμμένωσι ταῖς συνθήκαις, ἢ ὑφ' ὅτου ἀδικεῖ ὀνόματα ἀπὸ τῶν ὀλίγων οἱ συνέθεντο: ἄσσα δ' ἂν ὁ δῆμος σύνθηται, ἔξεστιν αὐτῷ ἐν ἀνατιθέντι τὴν αἰτίαν τῷ λέγοντι καὶ τῷ ἐπιψηφίσαντι ἀρνεῖσθαι τοῖς ἄλλοις ὅτι Οὐ παρὴν οὐδὲ ἀρέσκεαι ἔμοιγε, ἃ συγκαίμενα πυνθάνονται ἐν πλήρει τῷ δήμῳ.

The author's concern here is slightly different from our own, in that he is suggesting that anonymity and unaccountability are what lead the *dēmos* to renege on commitments. The solution, however, is the same: government by a few men empowered to make unappealable decisions will result in the city following through with its commitments, since individual members of the oligarchy will be identifiable and thus under pressure to abide by previous choices.

As rather more indirect—but still valid—evidence for my proposition about oligarchic justificatory claims, we can consider the fact that Aristotle invites us to extrapolate from his description of democracy what happens in an opposite sense under oligarchies. Notoriously, he declines to describe the characteristics of oligarchy in Book 6 of the *Politics*, on the grounds that we can simply reckon from opposites basing ourselves on what he has already said about democracy.³⁵ He therefore does not provide a detailed description of oligarchy, but we can reverse-engineer one by turning his description of democracy inside out. The philosopher Peter Simpson has attempted this exercise in an interesting and largely overlooked exploration of oligarchy.³⁶ I will not replicate such an exercise at length here, but the best-case scenario for oligarchy must, on Aristotle's account, be something like this: in oligarchies officials deliberate and judge on the most important matters, not an assembly of the people; decisions of officials are not appealable to a popular organ (or any organ for that matter); for this reason, duly appointed and time-limited holders of office execute the laws as they see fit, not as a large assembly or lawcourt sees fit; in this way, the magistracies govern the particulars, and the laws govern general matters; and there you have, finally, the rule of law, good order (that is, *eunomia* in a genuinely positive sense), which is the salvation of the community.

This, I think, must be part of what oligarchs in the sources mean when they say that they govern with moderate good order, *sōphrōn eunomia*, a phrase used by both Pindar and Bacchylides to describe the governments of Thebes and Aegina, both notably oligarchic.³⁷ It is what Theban oligarchs have in mind in Thucydides when they claim that the oligarchic partisans among the Plataeans had as their goal to become the “moderators” [*sōphronistai*] of the Plataean democracy's policy.³⁸ These would thus be, not simply empty and self-serving slogans, but implicit pledges to restore a sense of consistency and order that was currently lacking.

We should note that the Athenian democracy itself willingly undertook measures along these lines after the Sicilian disaster, when they appointed ten *probouloi* from among the older men. In Thucydides' words,

35 *Pol.* 6.1320b18–20.

36 Simpson 2011.

37 Pind. fr. 52a.9–10 Snell-Maehler; Bacchyl. 13.182–89.

38 Thuc. 3.65.3.

They decided it was necessary, using the means available to them, not to give in [...] and to moderate [*sophronisai*] the affairs of the polis in the direction of economizing and to elect an official board from among the older men, who would serve as *probouloi* concerning present matters when appropriate. As a *demos* is wont to do, they were willing to be orderly [*eutaktein*] in all respects when faced with the immediate terrifying situation.³⁹

To be sure, this is a democracy making a voluntary decision, but it is undoubtedly in an oligarchic direction. The general oligarchic connotation of the office of *proboulos* is well known from elsewhere, especially Aristotle.⁴⁰ In the present case the *probouloi* were a highly selective body along multiple dimensions: not only were they numerically very small for a probouleutic body, but they had a high age requirement, both oligarchic features. Very probably their decisions could not be (or were not meant to be) subject to veto or amendment. They would commit the Athenian *polis* to a clear and consistent path. As Andrewes remarked, the *probouloi* “were clearly instituted in order to restrain rash decision”.⁴¹ But just as clearly they went against the Athenian *demos*’ usual inclination: only in a scenario of extreme uncertainty and danger would they limit their powers in order to benefit from *sōphrosynē* and *eutaxia*, which they acknowledge as desirable goods.

Here one might lodge an objection to the oligarchs’ logic. As I have been arguing thus far, oligarchs claimed to better uphold the rule of law because they left the application of the laws to the discretion of the city’s office-holders, not the caprice of large, anonymous, popular bodies like the assembly and the courts. But this is technically a distinct matter from the oligarchs’ additional claim that the way to secure rule by office-holders was to limit access to the magistracies through the use of property requirements. After all, we can envision a third scenario, in which offices are thrown open to all, but officials still retain the power to deliberate and judge without appeal. What is wrong with this *tertium quid*? What reasons do we have for doubting its feasibility? I suspect Aristotle would say that the unlikelihood of this arrangement arises from the fact that, under democracy, there are simply too many people in power who value freedom in the sense of living as one likes. An empowered population of

39 Thuc. 8.1.3-4: ὅμως δὲ ὡς ἐκ τῶν ὑπαρχόντων ἐδόκει χρῆναι μὴ ἐνδιδόναι [...] τῶν τε κατὰ τὴν πόλιν τι ἐς εὐτέλειαν σωφρονίσαι, καὶ ἀρχὴν τινα πρεσβυτέρων ἀνδρῶν ἐλέσθαι, οἵτινες περὶ τῶν παρόντων ὡς ἂν καιρὸς ἦ προβουλευέουσιν. πάντα τε πρὸς τὸ παραχρῆμα περιδεές, ὅπερ φιλεῖ δῆμος ποιεῖν, ἐτοίμοι ἦσαν εὐτακτεῖν. On the significance of the phrase μὴ ἐνδιδόναι, see below.

40 See, e.g., *Pol.* 4.1298b 26-29, 1299b 31-36, 6.1322b 16, 1323a 7-9. Note the *probouloi* attested at oligarchic Corinth: Nic. Dam. *BNJ* 90 F 60.2. On the Athenian *probouloi*, see Rhodes 1993², 372-73 (discussing [Arist.] *Ath. Pol.* 29.2); Hornblower 2008, 752-53 (on the present passage of Thucydides).

41 Andrewes in Gomme *et al.* 1981, 6.

this persuasion will always deprive officials of their powers, since it fundamentally does not want to be ruled. Oligarchs, by contrast, may have valued order and discipline, but they never gave much thought to freedom, a point that Kurt Raaflaub was fond of making.⁴² Oligarchs valued the exercise of power, equality among their group, and the achievement of excellence. When it came to *eleutheria*, however, they were too far removed from the danger of enslavement ever to care much about freedom in the sense of “living as one likes”.⁴³ Thus, the argument may have gone, if you wanted officials who were going to execute the laws consistently, you had to limit those officials to the class of people who were never going to resist giving an order on the grounds that it prevented a man from living as he likes. But this must remain largely speculative.

4. Oligarchic institutions and ideology in the historical record: A case study

So far I have been trying to reconstruct oligarchic justificatory ideology from the text of Aristotle’s *Politics*; the Old Oligarch and Thucydides have featured occasionally, but the argument is in danger of relying too exclusively on a late-Classical and in some ways idiosyncratic source. Therefore, in this final part of the paper I want to turn to a largely overlooked passage from Thucydides in order to try to put my argument on surer footing. The passage describes a scenario similar in many ways to that of the Athenians’ decision to appoint *probouloi* after the Sicilian disaster, but it occurs in Sicily itself, among the Athenians’ opponents, the Syracusans. They have just fought and lost the First Battle of Syracuse of 415 BCE against the Athenians. After burying their war dead, they hold an assembly at which Hermocrates the son of Hermon gives them advice; his speech is supplied by Thucydides in indirect discourse. (Hermocrates, one of the most famous Syracusan politicians of the late fifth century, is described by Thucydides as a man “in other respects second to none in intelligence [*xynesis*], who during the present war became competent through his experience and famous due to his courage”.⁴⁴ He is, in other words, quite similar in character to Thucydides’ Pericles.⁴⁵) He uses the occasion to counsel them “not to resign themselves to what had happened”.⁴⁶ His practical advice to the Syracusans is the following:

42 See, e.g., Raaflaub 2004a.

43 They valued, not being *eleutheros* (“free” *tout court*), but being *eleutheros* (“liberal”, “truly free”): see Raaflaub 1983.

44 Thuc. 6.72.2: Ἑρμοκράτης ὁ Ἑρμόνωνος, ἀνὴρ καὶ ἐς τὰλλα ξύνεσιν οὐδενὸς λειπόμενος καὶ κατὰ τὸν πόλεμον ἐμπειρία τε ἰκανὸς γενόμενος καὶ ἀνδρεία ἐπιφανής.

45 On this point see Westlake 1958; Raaflaub 2006, 221; Hornblower 2008, 485; Pelling 2022a, 249.

46 6.72.2: ἐθάρσυνέ τε καὶ οὐκ εἶα τῷ γεγενημένῳ ἐνδιδόναι. We have already seen the Athenians instituting the *probouloi* as a way of not “giving in” (ἐνδιδόναι, Thuc. 8.1.3). On

The number of the generals and the multiplication of their command [*polyarchia*] had greatly damaged them (for they had fifteen generals), as had the disorganized disobedience [*asyntaktos anarchia*] of *hoi polloi*. But were a few experienced men to become generals and train the hoplite forces throughout the winter [...] and force them to engage in training, he said they would likely conquer their enemies, since they would have both their present courage and in addition good order [*eutaxia*] in their activities [...] it was necessary that they elect a few generals with absolute power [*autokratoras*] and swear an oath to them that they would allow them to rule [*archein*] as they saw fit. For thus they would better conceal what needed to be kept secret [*kryptesthai*], and everything else would be furnished in good order [*kata kosmon*] and unhesitatingly [*aprophasistos*].⁴⁷

This passage is, in my opinion, oligarchic ideology pure and simple.⁴⁸ Its oligarchic elements have certainly not been lost on commentators; in her book on Hermocrates, for example, Maria Intrieri notes that every aspect of Hermocrates' advice "touched on quite sensitive areas for a democracy, such as the publicity of public acts and above all popular sovereignty".⁴⁹ She further observes that the restriction of the generalship to fewer men with established credentials also reflects oligarchic thinking, according to which competence could only be the "exclusive patrimony of a 'few,' those uniquely capable of gaining a certain level of education".⁵⁰ Hermocrates' preference that the newer, fewer generals be *autokratores* may also reflect oligarchic ideology.⁵¹

the role of not "giving in" when faced with a fearsome crisis as a spur to oligarchic reforms, see below.

47 Thuc. 6.72.4-5: μέγα δὲ βλάβηαι καὶ τὸ πλῆθος τῶν στρατηγῶν καὶ τὴν πολυαρχίαν (ἦσαν γὰρ πέντε καὶ δέκα οἱ στρατηγοὶ αὐτοῖς) τῶν τε πολλῶν τὴν ἀζύντακτον ἀναρχίαν. ἦν δὲ ὀλίγοι τε στρατηγοὶ γένωνται ἔμπειροι καὶ ἐν τῷ χειμῶνι τοῦτω παρασκευάσωσι τὸ ὀπλιτικόν [...] καὶ τῇ ἄλλῃ μελέτῃ προσαναγκάζοντες, ἔφθ κατὰ τὸ εἰκὸς κρατήσιν σφῶς τῶν ἐναντίων, ἀνδρείας μὲν σφίσιν ὑπαρχούσης, εὐταξίας δ' ἐς τὰ ἔργα προσγενομένης [...] τοὺς τε στρατηγοὺς καὶ ὀλίγους καὶ αὐτοκράτορας χρῆναι ἐλέσθαι καὶ ὁμοῖα αὐτοῖς τὸ ὄρκιον ἢ μὴν ἑάσειν ἄρχειν ὅπῃ ἂν ἐπίστωνται: οὕτω γὰρ ἅ τε κρύπτεσθαι δεῖ μᾶλλον ἂν στέγεσθαι καὶ τᾶλλα κατὰ κόσμον καὶ ἀπροφασίστως παρασκευασθῆναι.

48 The anti-democratic historian William Mitford (1744-1827) found much to agree with in Hermocrates' criticisms of reigning Syracusan practice: "it were difficult to imagine any thing more inconvenient, or more adverse to effectual exertion, than the system of military command which democratical jealousy, enforced by frequent sedition, had established at Syracuse. The supreme military authority was divided among no less than fifteen officers; and even this numerous board, if the term may be allowed, was, upon all momentous occasions, to take its orders from the people" (1835, 331). (On Mitford's last point, on democratic orders to the generals, see below; on democratic "jealousy", see the remarks of Montesquieu quoted in the conclusion.) On Mitford see Murray 2024, 111-19.

49 Intrieri 2020, 104: "tocavano ambiti significativamente sensibili per una democrazia, come quello della pubblicità degli atti politici e soprattutto della sovranità popolare". Bearzot, speaking of Hermocrates' desire for secrecy, claims that "l'azione clandestina costituiva, per chi fosse orientato in senso antidemocratico, una garanzia di efficacia e insieme di impunità" (2013, 55).

50 *ibid.*: "patrimonio esclusivo dei 'pochi', gli unici capaci di accedere a una specifica educazione". Hermocrates' advice that the new generals be "experienced" (*empeiroi*) suggests that

This is all true without a doubt. What I wish to do here is put the language of this passage in dialogue with what we have seen in Aristotle. Hermocrates diagnoses the Syracusans' problem as one of magisterial command: for one thing, the majority simply does not obey the generals' orders. They display a "refusal of rule", *anarchia*, that is literally "without syntax", disorderly.⁵² The problem is compounded by the fact that there are too many generals. Their *polyarchia*, the multiplication of rule, presumably puts them at cross purposes and confuses the troops.⁵³ As in Aristotle, the solution is that the generals' orders cannot be gainsaid; their power to command should be without appeal and not prescribed in advance. (As Edward Harris has rightly noted, the pledge to allow the generals to rule as they see fit "implies that previously the generals were required to follow specific orders from the Council and Assembly".⁵⁴) At the same time, further in keeping with oligarchic thinking, the total number of generals should also be reduced, and those who serve must belong to an elite of skill and experience. The situation is nearly identical to that of Athens after the Sicilian Expedition when they instituted the *probouloi*, and the result promised is the same: the achievement of *eutaxia* in place of disorder.⁵⁵

some of the fifteen current generals may have relied on something other than a successful military track record when getting elected. For this dynamic in democratic electoral contests, which could take on a "demagogic" cast, see Simonton 2025a (and esp. 128-29 for elections in Syracuse in 357 BCE, when *twenty-five* generals were elected—*polyarchia*, indeed).

- 51 Compare the preferences of Theophrastus' satirical "Oligarchic Man", who wants fewer officials elected and demands that they be *autokratores* (*Char.* 26.2). It is natural that oligarchs would want the *demos* to enjoy less oversight of elected officials. The Oligarchic Man goes so far as to say there might be a single powerful official, a stance verging on glorification of tyranny; as Aristotle points out, making an oligarchy too narrow leads to regime change, as those oligarchs left out of the highest office-holding elite rebel (*Pol.* 5.1306a12-15). Democracies were perfectly capable of making officials *autokratores* without inviting regime collapse (see Esu 2024, 61-70), but it entailed a certain risk.
- 52 Aristotle cites *anarchia* as a reason for the collapse of democratic regimes into oligarchy at Thebes, Megara, Syracuse (before the tyranny of Gelon), and Rhodes (*Pol.* 5.1302b28-33).
- 53 The word is extremely rare in Classical Greek; see further the example of Xen. *Anab.* 6.1.18, discussed below. Josephus (*AJ* 4.8.41) almost certainly has Thucydides in mind when he says *polyarchia* harms (βλάπτειν) those using it, especially if they need to do something quickly (ὀξεώς). Commentators often compare Hermocrates' *polyarchia* to the *polykoiraniē* or "multiplication of rulers" that Odysseus objects to in the *Iliad* (2.204, noted by Dover in Gomme *et al.* 1970, 348; Hornblower 2008, 486; Pelling 2022a, 259); the Homeric line became a favorite of oligarchs: Arist. *Pol.* 4.1292a13-15; Theophr. *Char.* 26.2; Nepos *Dio* 7.1.
- 54 Harris 2010, 411. For this tendency (typical of democracies) as it pertains to the Syracuse example, see also Westlake 1958, 251; Robinson 2011, 85; Intrieri 2020, 104. On Hermocrates' move as oligarchic, see Mattaliano (2012, 100): "La proposta, di spiccato anti-democratico, di esautorazione dell'*ekklesia*, principale organo di espressione del *demos*, viene avanzata dallo stratego Ermocrate", etc.
- 55 The connection between the two events as presented by Thucydides seems to me to be clear, but I have not seen it noted in the major commentaries; see, however, Leppin 1999, 131, discussing Thuc. 6.72.5: "Es ist dann nur folgerichtig, wenn der Historiker die Einsetzung

As in Athens after the Sicilian Expedition, the decision by the Syracusans to adopt Hermocrates' advice in 415 occurred within a democratic constitutional setup. This is why, in fact, the *dēmos* of Syracuse not only appoints fewer generals but swears an oath to allow them to rule as they see fit.⁵⁶ The oath shows that the *dēmos* of Syracuse remains sovereign, because it constitutes an attempt on the part of the sovereign to—again using terminology from earlier—*credibly commit* to decisions it might otherwise renege on. There would be no need for an oath to stick by its decision if the *dēmos* were not the one in power, capable of reversing course on a whim.⁵⁷ An oath in this case is an attempt at self-limitation; it is a specifically *credible* commitment device to the extent that the speaker calls on an outside party, in this case the gods, to punish him if he transgresses it; it is also a message from ruler to ruled. In this sense it is the exact equivalent of the oath that Aristotle says oligarchs *should* swear, to the effect that they will “do the *dēmos* no wrong”.⁵⁸ As it happens, they often swear the opposite, that they will be hostile to the *dēmos* and devise whatever evil against it they can, and it is this oath that has become the more notorious one in modern scholarship.⁵⁹ However, Aristotle says that, ideally, they should publicly profess to uphold the interests of the people, and we should interpret this as yet another attempt on the part of a ruling class at credible commitment.

In any case, even if this is not the total abandonment of democracy, it is undeniably a move in a more oligarchic direction.⁶⁰ We see the same goals (*eutaxia*, *kosmos*) pursued by the same means (the ability of an elite of office-holders to command and not be questioned). And in addition, more pertinent for my purposes here, is the fact that the terms on which Hermocrates “bargains” with the Syracusan *dēmos* are meant to have universal appeal. Intrieri claims, in fact, that Hermocrates speaks, at least formally, in a way that displays “full respect for the democratic dialectic”.⁶¹ Still, the results could only have pushed the Syracusan constitution towards oligarchy. Extremely relevant on this point is Thucydides' later description of the proposal for the government of the Four Hundred, in which we read that the members of that body, “convening in the council

der zehn Probuloι, die manche Funktionen des weitaus größeren Rats bzw. der Prytanen übernahmen, im Gefolge der Sizilischen Katastrophe gutheißt”.

56 On the oath see Hornblower 2008, 486–87.

57 Scardino (2012, 91), by contrast, seems to think it is the generals who swear the oath, but for the correct sense see Robinson 2011, 85: “an oath from the voters to allow them to command as they see fit”.

58 *Pol.* 5.1310a 10–12: *χρὴ δὲ καὶ ὑπολαμβάνειν καὶ ὑποκρίνεσθαι τὸνναντίον, ἐπισημαινομένους ἐν τοῖς ὅρκοις ὅτι “οὐκ ἀδικήσω τὸν δῆμον”*.

59 1310a 6–10: *ἐν δὲ ταῖς ὀλιγαρχίαις ὑπὲρ τοῦ δήμου τοὺς ὀλιγαρχικούς, καὶ τοὺς ὄρκους ἐναντίους ἢ νῦν ὀμνύναι τοὺς ὀλιγαρχικούς: νῦν μὲν γὰρ ἐν ἐνίαις ὀμνύουσι “καὶ τῷ δήμῳ κακόνους ἔσομαι καὶ βουλεύσω ὃ τι ἂν ἔχω κακόν”*; remarked on by de Ste. Croix 1981, 73; Teegarden 2014a, 3; Simonton 2017, 261.

60 Cf. Zahrt 2006, 648: “These measures curtailed Syracusan democracy considerably”.

61 2020, 105: “il pieno rispetto della dialettica democratica mostrato da Ermocrate”.

chamber, were to rule as *autokratores*, however they judged best”.⁶² The language, from “*autokratores*” to the notion of “ruling” (*archein*) “as they saw fit”/“as they knew best”, is nearly identical.⁶³

This similarity suggests to me that, no matter how acceptable the Syracusan *demos* found the terms of Hermocrates’ bargain, they were in danger of taking a bad deal. That there is something potentially sinister afoot here is made clearer by a comparison with the earlier speech of Athenagoras of Syracuse, the champion of the *demos*. Athenagoras is in fact arguing against a prior speech by Hermocrates himself, who counseled the Syracusans to unite in anticipation of the Athenian expedition’s arrival. Athenagoras dismisses the possibility of an invasion out of hand and focuses on the supposed intrigues of the democracy’s domestic enemies, the wealthy few. However wrong Athenagoras may have been about the Athenian invasion⁶⁴, he does say something that will take on an eerie resonance subsequently: the few, *hoi oligoi*, are always “trying to terrify the masses so that that they themselves can rule [*archein*] the city”; shortly after, he says that the city will not, “terrified at your reports, elect you [the few] its rulers [*archontes*] and impose upon itself a self-chosen state of slavery [*authairetos douleia*]”.⁶⁵ Hermocrates, by taking advantage of a moment of fear and insecurity at a later date, gets himself elected general, empowered to command as he sees fit.⁶⁶ In this sense his policies would seem to show Athenagoras’ fears coming true, a point not lost on Christopher Pelling, who in his commentary on 6.72 notes that “any pre-existing suspicion that Hermocrates is building his path to tyranny [...] might well be strengthened”, with a cross-reference to Athenagoras’ earlier speech.⁶⁷

62 Thuc. 8.67.3: ἐλθόντας δὲ αὐτοὺς τετρακοσίους ὄντας ἐς τὸ βουλευτήριον ἄρχειν ὅπῃ ἂν ἄριστα γινώσκωσιν αὐτοκράτορας.

63 Again, commentators appear on the whole to have missed this connection. Andrewes (1981, 169 *ad* Thuc. 8.67.3), citing Steup, compares Thuc. 1.126.8 (τὸ πᾶν αὐτοκράτορσι διαθεῖναι ἢ ἂν ἄριστα διαγινώσκωσιν), but 6.72.5 seems just as apt.

64 Pointed out by, e.g., Bloedow 1996, 148; Robinson 2011, 81; Mader 2013, 245; Cecchet 2024b, 49–50.

65 6.38.2: βουλομένους καταπλήξαντας τὸ ὑμέτερον πλῆθος αὐτοὺς τῆς πόλεως ἄρχειν; 40.2: οὐ πρὸς τὰς ὑμετέρας ἀγγελίας καταπλαγεῖσα καὶ ἐλομένη ὑμᾶς ἄρχοντας αὐθαίρετον δουλείαν ἐπιβαλεῖται. With the notion that exclusively being ruled by a faction and never ruling oneself amounts to slavery we may compare Aristotle’s presentation of the democrat’s understanding of freedom, discussed above.

66 His advice at 6.72.2 is framed as a way of preventing the Syracusans from resigning themselves to their recent defeat (οὐκ εἶα τῷ γεγενημένῳ ἐνδιδόναι). Recall that it was fear that led the Athenians to institute the *probouloi* after the defeat of the Sicilian Expedition: 8.1.3: πάντα τε πρὸς τὸ παραχρῆμα περιδεές, ὅπερ φιλεῖ δῆμος ποιεῖν, ἐτοῖμοι ἦσαν εὐτακτεῖν. Then, too, their resolution had been “not to give in” (ὁμως δὲ ὡς ἐκ τῶν ὑπαρχόντων ἐδόκει χρῆναι μὴ ἐνδιδόναι).

67 Pelling 2022a, 259. Note also his earlier comment: “Hermocrates responds decisively, and in a way that gives him considerably more power: one can increasingly understand why Athenagoras was suspicious” (258). For another treatment that takes Athenagoras’ warnings

Furthermore, even Hermocrates' nominally positive goals have their potential dark side. Let us recall what he says the Syracusans will accomplish by entrusting fewer generals with unappealable decision-making power: "thus they would better conceal what needed to be kept secret [*kryptesthai*], and everything else would be furnished in good order [*kata kosmon*] and unhesitatingly [*aprophasistōs*]"'.⁶⁸ Now, to be somewhat bold, what is this if not a rephrasing of the Old Oligarch's description of life under oligarchy, encountered already above? Keeping things secret corresponds to the exclusivity of oligarchic governance, in which non-elites are driven from the council and the assembly.⁶⁹ "Order" is the Old Oligarch's *eunomia*, which in reality entails the chastisement of "the scum" and the "slavery" of the *demos* (*douleia*; and let us recall Athenagoras' remarks about an *anthairetos douleia*).⁷⁰ Finally, note the quickness and efficiency in both passages: Hermocrates promises things will be furnished unhesitatingly, while the Old Oligarch says the rule of oligarchs would ensure that *quickly* (τάχιστ') the *demos* would fall into slavery.⁷¹

seriously, see Andrews 2009, 3-5 (and esp. the warning at p. 3 that we must not "be too quick to assume that there was no 'domestic problem'" of *stasis* at Syracuse).

68 Xenophon seems to have had this passage in mind when he composed *Anab.* 6.1.18: ἡγήσαντο οὖν, εἰ ἓνα ἔλαιντο ἄρχοντα, μᾶλλον ἢ ἡ πολυαρχίας οὐσης δύνασθαι τὸν ἓνα χρῆσθαι τῷ στρατεύματι καὶ νυκτὸς καὶ ἡμέρας, καὶ εἴ τι δέοι λανθάνειν, μᾶλλον ἢ κρύπτεσθαι, καὶ εἴ τι αὖ δέοι φθάνειν, ἥττον ἢ ὑστερίζειν: οὐ γὰρ ἂν λόγων δεῖν πρὸς ἀλλήλους, ἀλλὰ τὸ δόξαν τῷ ἐνὶ περαίνεσθαι ἄν: τὸν δ' ἐμπροσθεν χρόνον ἐκ τῆς νικώσης ἔπραττον πάντα οἱ στρατηγοί. He likewise notes the greater secrecy, speed, and efficiency brought about by a suppression of *polyarchia*. The notion that greater secrecy is possible with fewer men goes back to Darius in Herodotus' Constitutional Debate: σιγῶτό τε ἂν βουλευόμενα ἐπὶ δυσμενέας ἄνδρας οὕτω μάλιστα (3.82.2).

69 [Xen.] *Hell.* 1.9: βουλευόμενοι οἱ χρηστοὶ περὶ τῆς πόλεως καὶ οὐκ ἑάσουσι μαινομένους ἀνθρώπους βουλευεῖν οὐδὲ λέγειν οὐδὲ ἐκκλησιάζειν. Note that here it is a matter of what the oligarchs will "allow" (ἑάσουσι), whereas with the Syracusans' oath we see it is the sovereign *demos* that allows discretion to the generals (ἢ μὴν ἑάσειν ἄρχειν).

70 *ibid.*: εἰ δ' εὐνομίαν ζητεῖς, πρῶτα μὲν ὄψει τοὺς δεξιωτάτους αὐτοῖς τοὺς νόμους τιθέντας: ἔπειτα κολάσουσιν οἱ χρηστοὶ τοὺς πονηροὺς [...] τάχιστ' ἂν ὁ δῆμος εἰς δουλείαν καταπέσοι.

71 It may be no accident that Alexander Hamilton, one of the Framers of the United States Constitution and an author of the *Federalist Papers*, made the following case for a single chief executive (that is, the President) in *Federalist* 70: "Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man, in a much more eminent degree than the proceedings of any greater number; and in proportion as the number is increased, these qualities will be diminished" (Hamilton *et al.* 1987, 357). Throughout the essay he castigates "plurality of the executive", not bad as an English translation of *polyarchia*. Hamilton was a reader of Montesquieu, who in *The Spirit of the Laws* disparaged the tendency in democracies whereby "each one wants to be the equal of those chosen to command" (1.8.2); elsewhere he claims that in exuberant democracies, "jealous of the magistrates, they become jealous of the magistracy", and cites Syracuse after the Sicilian Expedition as an example of a society that was ruined by this tendency (1.8.4). He may have in mind the democracy's decision to open its magistracies to selection by lot (Diod. Sic. 13.34.6), as well as its deposition of

I am not claiming that one of these passages consciously reflects the other, that Thucydides is indirectly citing the Old Oligarch, for example; rather, I think their vocabulary belongs to a common oligarchic discourse—that, in fact, they represent the two sides of the oligarchic coin, as it were. The “front-facing”, public side of the coin is that employed by Hermocrates and has to do with justifying oligarchic rule on the basis of shared notions of office, rule, efficiency, and the rule of law. The flip side of the coin, the Old Oligarch’s position—the dark side—reveals how easily these supposedly neutral, even desirable notions could slip into oligarchic domination of the *dēmos*. There is an expression in English: “he’s like a bad penny, he always turns up”. What I would like to suggest in conclusion is that the dark side of the oligarchic coin was the bad side of the penny that consistently turned up. Despite the oligarchs’ claims of good faith, they found it difficult in practice to—again—light upon ways to *credibly commit* to refrain from abusing the common people (if this was in fact something they were interested in doing at all). And the *dēmos*, in turn, had enough experience of the dark side of the oligarchic coin that the whole currency eventually went out of circulation.⁷²

Hermocrates from the generalship (Xen. *Hell.* 1.1.27). Hamilton was fiercely anti-democratic: see, e.g., Klarman 2016, 244.

72 For the decline of oligarchy in the later fourth century and the cementation of democracy’s place as the rules of the game, see Simonton 2017, Ch. 6 and Afterword; Ma 2024, 203–28.