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Noriko Sawada

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Deutsches Archäologisches Institut, Zentrale, Podbielskiallee 69–71, 14195 Berlin, Tel: +49 30 187711-0

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NORIKO SAWADA

Athenian Politics in the Age of Alexander the Great: A Reconsideration of the Trial of Ctesiphon*

Athenian history from the battle of Chaeronea to the Lamian War has generally been studied in the context of the diplomatic relationship with Alexander the Great. The Athenian involvement in anti-Macedonian movements in the Greek mainland and the Exiles Decree of 324 B.C. have often been the main subjects of research.¹ Therefore, it would appear that considerations of this period within the context of Athenian political history have not yet been exhaustive.

In previous studies, it has been generally assumed that the confrontation of political groups (or parties) over Athenian policy toward Macedon was a fundamental element of politics during this period. This deep-rooted tendency dates from BELOCH, who regarded Athenian politics in this period as a political confrontation among four parties: Macedonian-conservative led by Phocion, Macedonian-radical led by Demades, anti-Macedonian-conservative led by Lycurgus, and anti-Macedonian-radical led by Demosthenes.² BELOCH's theory was followed by TARN,³ and since then, Athenian politics during this age has been generally treated according to this scheme of political confrontation between the pro-Macedonians and the anti-Macedonians. Around the middle of this century, this theory was challenged by two scholars,⁴ but still the traditional view has been rather dominant.⁵

* My best thanks are due to Professor RAPHAEL SEALEY who gave me much advice and encouragement in the preparation of this paper. I should also like to express my gratitude to Professor ERNST BADIAN, Professor A.B. BOSWORTH, and Professor NICHOLAS HAMMOND for their valuable comments and criticism on a first draft of this paper, and to Professor STEPHEN MILLER, Professor RONALD STROUD, and STEVEN ROSS who kindly read the final draft and gave me helpful suggestions; any errors or misinterpretations are my own.

¹ See W. WILL, *Athen und Alexander: Untersuchungen zur Geschichte der Stadt von 338 bis 322 v. Chr.*, Munich 1983, 1–2.

² K. J. BELOCH, *Die attische Politik seit Perikles*, Leipzig 1884, 249–250.

³ W. W. TARN, *CAH VI*, 1927, 440. Also, T. THALHEIM, s. v. Demosthenes, *RE* 5, 1905, 175–180; G. GLOTZ and R. COHEN, *Histoire grecque IV*, Paris 1938, 196–198.

⁴ R. SEALEY, *Athens after the Social War*, *JHS* 75, 1955, 81; E. BADIAN, *Harpalus*, *JHS* 81, 1961, 32 n. 114.

⁵ E. g. C. MOSSÉ, *Athens in Decline 404–86 B.C.*, London 1973, 84–86; E. M. BURKE, *Contra Leocratem and De Corona: Political Collaboration?*, *Phoenix* 31, 1977, 330–340; K. ROSEN, *Der «göttliche» Alexander*, *Athen und Samos*, *Historia* 27, 1978, 20–39.

There seems to be no doubt that groups of pro- and anti-Macedonian tendency operated in this period. But it seems that many historical facts during this period cannot be adequately understood under a scheme of political or ideological confrontation between these groups. Thus, the question arises whether there was another factor besides this political confrontation. In order to get a hint as to the answer to this question, it is helpful to sketch out the trend of research in the overall history of Athenian political groups. In the nineteenth century, scholars defined political groups in Athens as «parties», and believed that these «parties» were based on policy and ideology.⁶ This theory came down to this century,⁷ but Athenian «parties», which evidently lacked durability and organization, were completely different from «parties» in a modern sense, and thus the term «party» began to be avoided.⁸ SEALEY and CONNOR discarded the traditional model based on policy and ideology, and propounded the concept of a «political group» which was united by personal ties.⁹ SEALEY's theory, that these «political groups» were small and did not have a lasting program, influenced subsequent studies,¹⁰ and now the hypothesis that Athenian politics were dominated by quite personal factors cannot be neglected.¹¹ Given the above trend of research in Athenian political history, it seems likely that the common view of political history during the age of Alexander may need to be amended. In the politics of this period too, personal ties may have

⁶ E.g. BELOCH (above n.2) 1–19; L. WHIBLEY, *Political Parties in Athens during the Peloponnesian War*, Cambridge 1889, 38–39, 121.

⁷ E.g. TARN (above n.3) 440; GLOTZ and COHEN, *Histoire grecque III*, Paris 1936, 242 ff.; C. HIGNETT, *A History of the Athenian Constitution to the End of the Fifth Century B.C.*, Oxford 1952, 253 ff.

⁸ See O. REVERDIN, *Remarques sur la vie politique d'Athènes au V^e siècle*, MH 2, 1945, 201–202. Classical Greek does not have a word denoting «party» in the modern sense. cf. M. H. HANSEN, *The Athenian Assembly*, Oxford 1987, 74–75.

⁹ R. SEALEY, *Callistratos of Aphidna and His Contemporaries*, *Historia* 5, 1956, 202–203; W. R. CONNOR, *The New Politicians of Fifth-Century Athens*, Princeton 1971, 5–9, 30–32.

¹⁰ JONES and FINLEY point out that personal ties which united «political groups» were temporary and fluctuating, and downplay the importance of the «political group» (A. H. M. JONES, *Athenian Democracy*, Oxford 1957, 130–131; M. I. FINLEY, *Athenian Demagogues*, P&P 21, 1962, 10–17).

¹¹ S. PERLMAN, *The Politicians in the Athenian Democracy of the Fourth Century B.C.*, *Athenaeum* 41, 1963, 350–353; P. FUNKE, *Homónoia und Arché*, Stuttgart 1980, 1–26, 108–118; L. A. TRITLE, *Phocion the Good*, London 1988, 101–108. However, the «party» theory is still firm: e.g. C. MOSSÉ, *La fin de la démocratie athénienne*, Paris 1962, 287–302; G. L. CAWKWELL, *Philip of Macedon*, London 1978, 118–119. Against SEALEY and CONNOR who discard factors such as political program and ideology, some scholars maintain that these factors were also essential: K. J. DOVER, *Lysias and the Corpus Lysiacum*, Berkeley 1968, 48–50; J. T. ROBERTS, *Accountability in Athenian Government*, Madison 1982, Chap. III, IV; B. S. STRAUSS, *Athens after the Peloponnesian War*, Ithaca 1987, 26–27. DOVER points out ideology, economic self-interest and the association of individuals as three moments which formed Athenian politics, and regards the association of individuals as the most important moment of the three. See also HANSEN (above n.8) 72–86.

been a dominant factor. In other words, personal confrontation among politicians may have been a more important factor in politics than confrontation over policy (i. e. «the Macedonian question»).

Keeping these points in mind, this paper attempts to trace the significance of personal confrontation, which has been overlooked in previous studies, through the examination of sources, and to amend the common view that overstates the political confrontation between the pro-Macedonians and the anti-Macedonians of this period. I would also like to consider how we should place the politics of this period in the overall context of Athenian political history.

Major trials on two occasions in this period, in both of which Demosthenes played a central role, usually attract scholarly attention: the trial of Ctesiphon in 330 and the trials arising out of the Harpalus affair in 323. In order to consider relations among politicians during this period, it is essential to focus on Demosthenes, who is well documented and was then the most prominent orator. Besides, in addition to the universal nature of trials as a scene of political confrontations and as a miniature embodiment of the struggle among politicians, these two trials, which involved the most prominent politicians of this period and caused their exile, are the most suitable subjects for considering political groups. This paper will deal with the trial of Ctesiphon and its background, focusing on Athenian politics in the 330s, in order to clarify an important phase of the politics of this age.

In the spring of 336,¹² Ctesiphon proposed that Demosthenes be crowned in the theater of Dionysus at the time of the Great Dionysia in recognition of his great public services. Although the proposal passed in the Council at once, Aeschines brought a *γραφὴ παρανόμων* against Ctesiphon before it could be ratified by the assembly. Aeschines' indictment was ostensibly directed against Ctesiphon, but obviously his real target was Demosthenes.¹³ Ctesiphon's proposal lapsed as a result of this indictment, but the case itself was not pursued until six years later, in 330. The result of the trial in 330 was Demosthenes' decisive victory, and Aeschines, who did not gain even a fifth of the votes, was exposed to a fine of 1,000 drachmas and *ἀτιμία*; he withdrew from Athens and spent the rest of his life chiefly in Rhodes as a teacher of rhetoric (Plut. Dem. 24.2; [Plut.] Mor. 840 C–D).

This trial was the final settlement of the long confrontation between Aeschines and Demosthenes. Since the former is usually seen as representing the pro-Macedonians and the latter the anti-Macedonians, this trial has often been treated in

¹² For the chronology of the trial, see H. WANKEL, *Demosthenes: Rede für Ktesiphon über den Kranz*, Heidelberg 1976, 25–37.

¹³ Cic. Opt. Gen. 7.21. See P. CLOCHÉ, *Démosthènes et la fin de la démocratie athénienne*, Paris 1957, 207.

the scheme of the confrontation between the two factions. For example, TARN maintains that the pro-Macedonians planned this trial in order to give a blow to the anti-Macedonians.¹⁴ In other words, the tendency to regard the political confrontation between the pro- and the anti-Macedonians as a central factor is evident in such an interpretation of this trial.¹⁵

A typical example of this deep-rooted tendency is the view of BURKE.¹⁶ He treats not only this trial but also the trial of Leocrates, which took place at almost the same time, within the scheme of the confrontation between the pro- and the anti-Macedonians, and maintains that Demosthenes, in order to arouse anti-Macedonian sentiment among the Athenians, politically collaborated with Lysurgus, who prosecuted Leocrates and was Demosthenes' anti-Macedonian fellow.

Through questioning this view – which overemphasizes the confrontation of the two groups in the trial – we will consider the situation before the resumption of the trial in 330 and the speeches of Aeschines and Demosthenes at the trial, and will examine the validity of the scheme of the confrontation between the pro- and the anti-Macedonians. Moreover, we will consider the trial of Leocrates, which was treated in the same context as the trial of Ctesiphon by BURKE, and Lysurgus, whose political collaboration with Demosthenes has been supposed. By these considerations with the examination of BURKE's view as my focus, I would like to propose my own answer to the questions of whether the political confrontation between the pro- and the anti-Macedonian groups was the central factor in the trial, and whether there was another factor.

1. Resumption of the Trial

The first point at issue is the reason for the trial's resumption six years after Aeschines' indictment. This question is, in fact, the key to an understanding of the trial, and has been the subject of controversy. Our knowledge of Athenian law does not explain the delay of the trial,¹⁷ and neither Demosthenes nor Aeschines said anything about it. Thus the answer to this question must be conjectural.

On the delay of the trial, there has been a fairly general agreement in previous studies that the drastic change in the situation caused by Philip II's assassination

¹⁴ TARN (above n.3) 446–448.

¹⁵ E.g. CLOCHÉ, loc. cit.; G. MATHIEU, *Démosthène: Plaidoyers politiques* tome IV, Paris 1958, 9. For a different view, see F. W. MITCHEL, *Lykourgan Athens*: 338–322, in: *Lectures in Memory of Louise Taft Semple*, Cincinnati 1973, 184; E. M. HARRIS, *Aeschines and Athenian Politics*, Oxford 1995, 142, 147.

¹⁶ BURKE (above n.5) 330–340. For a recent criticism on his view, see HARRIS, op. cit. 173–174.

¹⁷ See CLOCHÉ (above n.13) 208; G. RAMMING, *Die politischen Ziele und Wege des Aischines*, Diss. Erlangen 1965, 119; WANKEL (above n.12) 20; BURKE (above n.5) 332.

shortly after Aeschines' indictment, and by Alexander's accession to the throne, prevented Aeschines from taking up the case.¹⁸ On the reason for the trial's resumption only after a six-year interval, however, opinions are divergent. The main question is who took the initiative in the resumption of the trial, Aeschines or Demosthenes. Needless to say, the formal prosecutor of the trial was Aeschines, but when I speak of «taking the initiative» here, I mean *implementing a stratagem to resume the trial after six years and pressing its resumption*.¹⁹ On this question, the view (A) that Aeschines took the initiative²⁰ has been much more predominant than the view (B) that Demosthenes did.²¹ View (A), however, involves adopting some opinions rooted in the overemphasis of the political confrontation between the pro- and the anti-Macedonians in this period. With this point in mind, we will examine the arguments for the view (A).

First, TARN maintains that since the acquittal of Leocrates before the trial of Ctesiphon encouraged the pro-Macedonians, Aeschines resumed the trial.²² As we will see later, however, the trial of Leocrates was not a confrontation between the pro- and the anti-Macedonians.²³ Moreover, if Aeschines had been encouraged by the acquittal of Leocrates, he might have referred to this defeat of the anti-Macedonians more prominently in his speech.²⁴ TARN's argument is thus not convincing.

¹⁸ E.g. W.W. GOODWIN, *Demosthenes On the Crown*, Cambridge 1901, 328; CLOCHÉ (above n.13) 208–210; T.T.B. RYDER, *Demosthenes and Aeschines*, Penguin Books 1975, 48–49; WANKEL (above n.12) 19; BURKE (above n.5) 332–333; L. PEARSON, *The Art of Demosthenes*, Ann Arbor 1981, 178; WILL (above n.1) 104; HARRIS (above n.15) 140–141. For the situation at this time, see Diod. 16.95.1–17.5.2; Plut. Dem. 22.1–3; Arr. Anab. 1.1.1–3; W.W. TARN, *Alexander the Great I*, Cambridge 1948, 3–5.

¹⁹ Previously, it was supposed that the case was reopened by Ctesiphon's renewal of the resolution in 330 (A. SCHÄFER, *Demosthenes und seine Zeit III*², Leipzig 1887, 226), but as G.L. CAWKWELL, *The Crowning of Demosthenes*, CQ n.s. 19, 1969, 166 points out, this is evidently incorrect. See also WANKEL (above n.12) 40–41.

²⁰ E.g. BELOCH (above n.2) 247; GOODWIN (above n.18) 329; A.W. PICKARD-CAMBRIDGE, *Demosthenes and the Last Days of Greek Freedom 384–322 B.C.*, New York 1914, 430–431; TARN (above n.3) 446; CLOCHÉ (above n.13) 221; RAMMING (above n.17) 120; CAWKWELL (above n.19) 167; P. MAC KENDRICK, *The Athenian Aristocracy 399–31 B.C.*, Cambridge, Mass. 1969, 26; MOSSÉ (above n.5) 85; RYDER (above n.18) 48–49; WANKEL (above n.12) 24; PEARSON, loc. cit.; A.B. BOSWORTH, *Conquest and Empire: The Reign of Alexander the Great*, Cambridge 1988, 213; HARRIS (above n.15) 140–142, 173–174.

²¹ BURKE (above n.5) 333–335; WILL (above n.1) 105.

²² TARN, loc. cit. R.A. BAUMAN, *Political Trials in Ancient Greece*, London 1990, 102–104 also connects the resumption of the case with the acquittal of Leocrates. He argues that Aeschines was probably one of Leocrates' defenders, and that he was thus encouraged by his successful defense to resume the case. But there is no evidence whatsoever to support his view on Aeschines' involvement in the trial of Leocrates.

²³ See below pp. 78–79.

²⁴ Aeschines does not mention the name of Leocrates, only once giving a slight hint at it (3.252).

Secondly, CAWKWELL argues for the view (A), based on the following passage of Demosthenes (18.308):²⁵ ἔστι γάρ, ἔστιν ἡσυχία δικαία καὶ συμφέρουσα τῇ πόλει, ἣν οἱ πολλοὶ τῶν πολιτῶν ὑμεῖς ἀπλῶς ἄγετε. ἀλλ' οὐ ταύτην οὗτος ἄγει τὴν ἡσυχίαν, πολλοῦ γε καὶ δεῖ, ἀλλ' ἀποστάς ὅταν αὐτῷ δόξη τῆς πολιτείας (πολλάκις δὲ δοκεῖ) φυλάττει πηνίχ' ἔσσεσθε μεστοὶ τοῦ συνεχῶς λέγοντος ἢ παρὰ τῆς τύχης τι συμβέβηκεν ἐναντίωμα, ἢ ἄλλο τι δύσκολον γέγονε (πολλὰ δὲ τὰ νηθρόπινα)· εἴτ' ἐπὶ τούτῳ τῷ καιρῷ ῥήτωρ ἐξαίφνης ἐκ τῆς ἡσυχίας ὥσπερ πνεῦμ' ἐφάνη, καὶ πεφωνασκηκῶς καὶ συνειλοχῶς ῥήματα καὶ λόγους συνείρει τούτους σαφῶς καὶ ἀπνευστεῖ.

It seems, however, quite doubtful whether this passage implies Aeschines' initiative. Let us take the passages before and after it into consideration: Demosthenes emphasizes the purity and righteousness of his political activities (297–300), and enumerates the actions which are proper for a patriotic citizen (301–302); then, he maintains that all of them were accomplished by his decrees and his own administrative acts (302–303); after stressing that although his policies had failed in the end, he should not be blamed (306), he attacks Aeschines for his inconsistency and his unreliable political activities²⁶ after the passage in question (308–314).²⁷ Demosthenes' remark therefore should be regarded as an accusation that the whole political career of Aeschines was opportunistic. Thus, this passage cannot serve as positive evidence of Aeschines' action at a specific point, and does not support CAWKWELL's interpretation.²⁸

Thirdly, we will examine the most popular argument among the scholars who share the view (A): namely, that after the anti-Macedonian war of the Spartan King Agis III was suppressed in 330,²⁹ Aeschines regarded Demosthenes' position as vulnerable. On the reason why the suppression of Agis' war made Demosthenes'

²⁵ CAWKWELL (above n. 19) 167. RYDER (above n. 18) 48 and HARRIS (above n. 15) 174 also base their argument on this passage.

²⁶ For Aeschines' political activities as a whole, see RAMMING (above n. 17) 123–130; HARRIS (above n. 15) 149–154.

²⁷ Demosthenes' similar accusation can be found in 18.263.

²⁸ WANKEL (above n. 12) 21 n. 39 and WILL (above n. 1) 105 n. 38 also disagree with CAWKWELL.

²⁹ Diod. 17.63.1–3; Curt. 6.1. The chronology of Agis' war has been hotly disputed. The date of the conclusion of the revolt, in particular, has been the subject of controversy: BADIEN's view that Sparta's defeat at Megalopolis took place in the autumn of 331 (E. BADIEN, *Agis III*, *Hermes* 95, 1967, 170–192), was attacked by CAWKWELL (above n. 19) 170–173, who maintains that it took place in the spring of 330; CAWKWELL bases his argument mainly on Aeschin. 3.133. In his most recent article, BADIEN admits the validity of CAWKWELL's view, and withdraws his previous view (*Agis III: Revisions and Reflections*, in: I. WORTHINGTON (ed.), *Ventures into Greek History*, Oxford 1994, 272–277). Thus, now there is a consensus to date the conclusion of the war to the spring of 330. On this chronological problem, see also E. N. BORZA, *The End of Agis' Revolt*, *CPh* 66, 1971, 230–235; R. A. LOCK, *The Date of Agis III's War in Greece*, *Antichthon* 6, 1972, 10–27; A. B. BOSWORTH, *The Mission of Amphoterus and the Outbreak of Agis' War*, *Phoenix* 29, 1975, 27–43.

position vulnerable, there are two opinions: (a) the suppression of Agis' war and Alexander's victory at Gaugamela increased the influence of the pro-Macedonians in Athens, and a chance was afforded to attack the anti-Macedonian policy of Demosthenes;³⁰ (b) Demosthenes, who, contrary to the expectations of the Athenians, did nothing during Agis' war, lost public confidence.³¹ We should not necessarily think that these two theories are mutually contradictory. Both the view (a), which supposes the primacy of the confrontation between the pro- and the anti-Macedonians, and the view (b), which supposes an Athenian predisposition to resist Macedon, are based on a presumed centrality of the Macedonian issue in this period. They both assume that the resistance against Macedon which brought the confrontation between the pro- and the anti-Macedonians into the open was the real point of dispute during this period. Thus, considering the arguments of the proponents of view (A) concerning Agis' war amounts to answering the question of whether there was a resistant attitude to Macedon which was strong enough to maintain and aggravate the confrontation between the pro- and the anti-Macedonians. In order to answer this question, we will consider the Athenian situation after the defeat in 338, focusing on Athens' relationship with Macedon.

The first point to be noted is Philip's mild treatment of Athens after the battle of Chaeronea. In contrast to the severe terms imposed on Thebes,³² Philip did not install a Macedonian garrison in Attica, and Athens kept Samos, Lemnos, Imbros, Scyros and Delos, and recovered Oropus from Thebes; the Athenian captives taken at Chaeronea were restored without ransom, and the ashes of the dead were brought back to Athens, accompanied by Alexander and Antipater.³³ In return for these measures, Athens granted Athenian citizenship to Philip and Alexander, and voted to set up a statue of Philip in the Agora (Plut. Dem. 22.4; Paus. 1.9.4). At a meeting of representatives of the Greek states at Corinth in 338/7, Philip set up an international Greek organization which is usually called the League of Corinth. The League explicitly guaranteed the existing constitutions of Greek states,³⁴ and a sacred war against the Persians was declared in retaliation for their

³⁰ SCHÄFER (above n.19) 226; GOODWIN (above n.18) 328–329; PICKARD-CAMBRIDGE (above n.20) 430–431; RAMMING (above n.17) 120; MACKENDRICK (above n.20) 26; MOSSÉ (above n.5) 85; RYDER (above n.18) 48–49; PEARSON (above n.18) 178; HARRIS (above n.15) 141–142.

³¹ CLOCHÉ (above n.13) 221; CAWKWELL (above n.19) 170–173; WANKEL (above n.12) 21–24; J.E. ATKINSON, *Macedon and Athenian Politics in the Period 338 to 323 B.C.*, *AClass* 24, 1981, 40; BOSWORTH (above n.20) 213.

³² For Philip's treatment of Thebes, see C. ROEBUCK, *The Settlements of Philip II with the Greek States in 338 B.C.*, *CPh* 43, 1948, 79–80; N.G.L. HAMMOND and G.T. GRIFFITH, *A History of Macedonia II: 550–336 B.C.*, Oxford 1979, 610–611.

³³ Arist. *Ath. Pol.* 61.6, 62.2; Diod. 18.56.6–7; Plut. *Alex.* 28.1–2; Paus. 1.25.3, 34.1. See ROEBUCK, *op. cit.* 81–82; MOSSÉ (above n.5) 75; HAMMOND and GRIFFITH, *op. cit.* 606–608.

³⁴ Tod. no. 177. See T.T.B. RYDER, *Koine Eirene*, Oxford 1965, 102–105, 150–162.

destruction of Greek temples in 480/79 (Diod. 16.89.2). It can be said that this was a means of winning over the public opinion of the Greeks, especially the Athenians.³⁵ The Athenian embassy which went to Aegae in the summer of 336 gave Philip a golden crown, and declared that if anyone plotted against Philip and fled to Athens for refuge, he would be delivered up (Diod. 16.92.1–2). We can see in these facts the foundation of a relatively good relationship between Athens and Macedon, caused by Philip's appeasement policy toward Athens.³⁶

This good state of relations between Athens and Macedon can be attested in Athens' attitude at the time of the Theban revolt in 335. A rumor that Alexander was killed among the Illyrians brought about a great opportunity for the Greeks to free themselves from Macedonian control.³⁷ The Thebans, who had suffered most since the defeat, immediately rose in revolt.³⁸ Athens, through the instigation of Demosthenes who was backed up by Persian money, voted to send help.³⁹ But she sent no actual force, and only Demosthenes privately supplied weapons to Thebes.⁴⁰ This passive attitude of the Athenians at a time of such great opportunity can be regarded as a mark of their mood of non-resistance.

It is likely that Alexander's subsequent destruction of Thebes⁴¹ discouraged the Athenians from taking any armed action against Macedon, and that it promoted the decline of any mood of resistance in Athens. Even Demosthenes joined in this mood of non-resistance after it.⁴² From the fact that when Alexander was laying siege to Miletus in 334 the Persian fleet sailed off to Samos and got provisions there (Arr. Anab. 1.19.8), some scholars believe that Athens took an anti-Macedonian action through provisioning the Persian fleet.⁴³ But Arrian does not say that this provisioning of the Persian fleet was an action sanctioned by Athens, nor that the Samians provisioned the Persians voluntarily. It is possible that the Per-

³⁵ See MOSSÉ (above n.5) 76.

³⁶ The law of Eucrates in 337/6 has often been regarded as evidence of a sharp confrontation between the pro- and the anti-Macedonians. See Appendix.

³⁷ Arr. Anab. 1.7.2–3; Just. Epit. 11.2.7–8.

³⁸ Din. 1.19; Plut. Dem. 23.1; Arr. Anab. 1.7.1–3. See BOSWORTH (above n.20) 194.

³⁹ Aeschin. 3.238–239; Din. 1.10, 18; Diod. 17.4.8, 8.6.

⁴⁰ Diod. 17.8.5; Plut. Dem. 23.1.

⁴¹ Plut. Alex. 11.6–12.1, Dem. 23.2; Arr. Anab. 1.7.7–8.8.

⁴² After suppressing the revolt, Alexander demanded the surrender of prominent political leaders including Demosthenes, but was persuaded through the effort of Demades to reduce his demand to the exile of Charidemus: Diod. 17.15.3–5; Plut. Phoc. 17.2–5; Arr. Anab. 1.10.6. See below n.98; ATKINSON (above n.31) 38; R. SEALEY, *Demosthenes and His Time: A Study in Defeat*, Oxford 1993, 203. BELOCH (above n.2) 243 argues that at this time a certain agreement was made between Demosthenes and Demades, and that thereafter Demosthenes was obliged to pursue a moderate course. However, we cannot find any evidence of such an agreement. See PICKARD-CAMBRIDGE (above n.20) 421–422.

⁴³ PICKARD-CAMBRIDGE (above n.20) 423; A. J. HEISSERER, *Alexander the Great and the Greeks: The Epigraphic Evidence*, Oklahoma 1980, 193.

sians launched a surprise attack against Samos and took provisions by force there.⁴⁴ In any case, this event does not constitute proof that Athens acted against Macedon at this time.

After the battle of the Granicus, Alexander sent a gift of 300 Persian panoplies to the goddess Athena as his first victory dedication,⁴⁵ and in 333/2, when he captured Greek envoys who had been at the court of Darius III, he spared the life of the Athenian Iphicrates.⁴⁶ On the other hand, the inferiority in strength of the Persians, who could back up resistance to Macedon, was becoming evident. In these circumstances, Athens was asked for help by the Spartan King Agis III in his revolt. Scholars who see an Athenian mood of resistance on this occasion base their arguments on two sources: the first is Speech 17 in the Demosthenic corpus, *On the Treaty with Alexander*, which has been regarded as a speech delivered by a radical anti-Macedonian to urge immediate armed action.⁴⁷ But the arguments of this speech carefully support the existing order, though the tone is hawkish.⁴⁸ Moreover, there is no mention of the possibility of armed action,⁴⁹ and it is hard to regard this speech as urging an immediate resistance. The second source is an anecdote about Demades narrated by Plutarch (*Mor.* 818 E–F): Demades, who was in control of the military fund at this time, was able to preserve Athenian neutrality by persuading the Athenians that the money ought to stay in the Theoric Fund and be distributed at 50 drachmas per man. It is believed that this episode indicates that there was a mood of bellicosity at Athens, and that the Athenians had been planning to send aid to Agis before Demades dissuaded them.⁵⁰ This episode, however, seems to me doubtful for the following reasons.

JONES and BUCHANAN identify the fund of this distribution with the confiscated property of Diphilus (160 talents).⁵¹ This property was confiscated when Lycurgus

⁴⁴ See G. SHIPLEY, *A History of Samos 800–188 B.C.*, Oxford 1987, 159.

⁴⁵ *Arr. Anab.* 1.16.7. See A. B. BOSWORTH, *A Historical Commentary on Arrian's History of Alexander I*, Oxford 1980, 127.

⁴⁶ *Arr. Anab.* 2.15.4. Arrian states that Alexander treated Iphicrates with special honor out of friendship for Athens and remembrance of his father's fame. Iphicrates' father was the famous Athenian general Iphicrates who had well-known connections with the Argeadae (*Aeschin.* 2.27–29. L. KALLET, *Iphicrates, Timotheos, and Athens, 371–360 B.C.*, *GRBS* 24, 1983, 242; J. K. DAVIES, *Athenian Propertied Families 600–300 B.C.*, Oxford 1971, 249–251). For the list of the ambassadors present with Darius in 333, see BOSWORTH (above n. 45) 233–234.

⁴⁷ Those who base their argument on this speech: PICKARD-CAMBRIDGE (above n. 20) 426; TARN (above n. 3) 444.

⁴⁸ ATKINSON (above n. 31) 39. See also RYDER (above n. 34) 151.

⁴⁹ See SEALEY (above n. 42) 206.

⁵⁰ Those who base their argument on this episode: PICKARD-CAMBRIDGE (above n. 20) 426–427; N. G. L. HAMMOND, *A History of Greece to 322 B.C.*, Oxford 1959, 619; ATKINSON, loc. cit.

⁵¹ JONES (above n. 10) 34; J. J. BUCHANAN, *Theorika*, New York 1962, 80–81. This view is followed by MITCHEL (above n. 15) 179 n. 55.

prosecuted Diphilus for his illegal mining, and it is reported to have been distributed at 50 drachmas per man.⁵² It is true that the amount of this distribution is equal to that of Demades' distribution, and it is not chronologically impossible to identify them. But here we should recall the law of Hegemon, which diminished the power of the directors of the Theoric Fund and the frequency of its distribution,⁵³ Lycurgus' policy of diminishing theoric distributions,⁵⁴ and the collaborative relationship between Demades and Lycurgus.⁵⁵ It is hard to suppose that during the period when Lycurgus was in control of Athenian finance, such an enormous sum was distributed as theoric by Demades, who collaborated with Lycurgus. WILL's view, which dismisses without argument this anecdote as an anti-democratic fiction,⁵⁶ may be going too far, but at least this story is so unlikely that it cannot serve as evidence of a warlike mood at this time.

Therefore, neither of these two sources shows an Athenian mood of resistance, and rather, it seems likely that in the Athenian political circumstances of the time, a mood of non-resistance toward Alexander was dominant.⁵⁷ In fact, «the Athenians had been favored beyond all the other Greeks by Alexander and did

⁵² [Plut.] *Mor.* 843 D–E. The date of this episode cannot be precisely determined. See BUCHANAN, *op. cit.* 77.

⁵³ Aeschin. 3.25. The law relieved the directors of the Theoric Fund of many of their duties and powers, and regularized Lycurgus' changes in the financial administration. See F.W. MITCHEL, *Demades of Paeania* and *IG II²* 1493, 1494, 1495, *TAPhA* 93, 1962, 224–225; *id.* (above n.15) 194. Some scholars believe that the law of Hegemon passed in 336/5 was aimed at Demosthenes himself, who was then one of the directors of the Theoric Fund: BUCHANAN, *op. cit.* 72–73; CAWKWELL (above n.19) 169 n.2; BOSWORTH (above n.20) 205.

⁵⁴ MITCHEL (above n.53) 225 n.37; *id.*, *Athens in the Age of Alexander*, G & R 12, 1965, 195.

⁵⁵ Demades was a treasurer of the military fund for the quadrennium 334/3–330/29. During this period, both Demades and Lycurgus were dedicated to keeping the peace, and Demades was surely in agreement with Lycurgus' general policy. See MITCHEL (above n.53) 219–221, 226–227; *id.* (above n.15) 178; J.M. WILLIAMS, *Demades' Last Years*, 323/2–319/8 B.C.: A «Revisionist» Interpretation, *AncW* 19, 1989, 22. MITCHEL (above n.53) 213–229 demonstrates from his analysis of epigraphic evidence that the reconciliation between them, which had been suggested for the year 330, should be dated to 334. For their cooperation in the years 330–328, such as their embassy to Delphi and Oropus, see TARN (above n.3) 448; O.W. REINMUTH, *The Spirit of Athens after Chaeronea*, in: *Acta of the Fifth International Congress of Greek and Latin Epigraphy*, Oxford 1971, 50.

⁵⁶ WILL (above n.1) 75, 140.

⁵⁷ CAWKWELL (above n.19) 179 points out three factors which hindered Athens' joining the revolt: (1) fear for the grain supply (the great grain shortage of the early 320s may have already begun); (2) the existence of the Macedonian garrisons in Corinth, Thebes and Chalcis; (3) the fact that some Athenian forces were involved in Asia as hostages for Athens' good conduct. Probably these factors had some influence on the Athenian decision, but it is likely that the good state of relations between Athens and Macedon was the most decisive factor.

not move» (Diod. 17.62.7). Alexander amply repaid this Athenian attitude by releasing the Athenian prisoners taken at the battle of the Granicus (Arr. Anab. 3.6.2) and sending back to Athens the statues of Harmodius and Aristogeiton that Xerxes had removed from Athens (Arr. Anab. 3.16.7–8). Thus it could be said that here the good state of relations between Athens and Macedon was further solidified.

To the above question, we can now answer that during this period there was no prevalent mood of resistance against Macedon in Athens. Was Demosthenes' position, then, vulnerable in this situation?

First of all, the political position of Demosthenes was not fragile during this period: after the defeat at Chaeronea, Demosthenes was still able to retain his position of influence within the assembly; he served the state as Grain Commissioner, Director of the Theoric Fund, and Commissioner of fortifications for his own tribe, and his popularity with the Athenians was still strong.⁵⁸ According to Plutarch (Plut. Dem. 24.1), Demosthenes, at the time of Agis' war, made a feeble effort in his support of Agis but then cowered down.⁵⁹ But Aeschines states (3.165–167) that Demosthenes took no action.⁶⁰ This statement by Aeschines was delivered at the trial of Ctesiphon shortly after the end of Agis' war. Since the Athenians at the court knew well recent facts, there is no cause to doubt his statement.⁶¹ This inactivity on Demosthenes' part was consonant with the above-mentioned Athenian mood.⁶² Under the prevailing mood of non-resistance toward Macedon, Demosthenes acted in conformity with this mood, and did not lose public confidence. Thus, it is unlikely that the position of Demosthenes was so weak that Aeschines could for that reason plan to resume a trial after a six-year interval, and this is also evident from the result of the trial.

In order to support this consideration, let us look at the position of Aeschines during this period. His only public activity after the battle of Chaeronea was his embassy to Philip shortly after the defeat (Aeschin. 3.227; Dem. 18.282). In this year, when the assembly chose Demosthenes to deliver the funeral speech on those who had fallen at Chaeronea, Aeschines strongly opposed the choice (Dem. 18.285). After this, he retired from active political life, and by 330 he was out of the political arena (Aeschin. 3.216–221; Dem. 18.307–314).⁶³ Moreover, the

⁵⁸ See MITCHEL (above n. 15) 175; HARRIS (above n. 15) 138–139.

⁵⁹ WILL (above n. 1) 75 n. 154 maintains that this passage is a fiction invented by Plutarch to justify Demosthenes' continuous resistance against Macedon.

⁶⁰ Dinarchus also says that Demosthenes did not offer any proposal nor any advice (1.35). For a consideration of this statement of Dinarchus, see I. WORTHINGTON, *A Historical Commentary on Dinarchus: Rhetoric and Conspiracy in Later Fourth Century Athens*, Ann Arbor 1992, 187–189.

⁶¹ Demosthenes himself did not refute this accusation of Aeschines.

⁶² See BURKE (above n. 5) 338 n. 32.

⁶³ RAMMING (above n. 17) 120; BURKE (above n. 5) 334; WILL (above n. 1) 104.

political support which he might rely on had been substantially diminished. The most vivid example was the retirement and death of Eubulus (Dem. 18.162). Eubulus was the most prominent politician in Athens before the battle of Chaeronea, and for Aeschines, he was a colleague and a patron of long standing.⁶⁴ At his trial in 343, Aeschines was acquitted due to the defense made by Eubulus and Phocion.⁶⁵ By 330, he had lost the support of Eubulus, his great protector, and he could not rely on Phocion.⁶⁶ Diodotus, whose support he had when he prosecuted Ctesiphon in 336, was not with him in 330 ([Plut.] Mor. 846 A), and it seems that he could not rely on the group of supporters who had appeared in the trial of 343.⁶⁷ The fact that Demosthenes, when he attacked Aeschines' political friends, always referred to situations before the battle of Chaeronea⁶⁸ may indicate that Aeschines had become isolated. This situation is also proved by the result of the trial: he did not gain even a fifth of the votes cast by the jurors.⁶⁹ It is therefore difficult to suppose that Aeschines voluntarily took the initiative in resuming this hopeless trial.

It follows from these considerations that the arguments of the view (A) cannot prove that Aeschines took the initiative. Then, is there any evidence to show that it was Demosthenes who took the initiative in the resumption of the trial?

The charge which Aeschines most emphasized as his legal ground in the trial of Ctesiphon, that it was illegal to propose a vote of praise for a magistrate before he had laid down his office and passed his audit (Aeschin. 3.24),⁷⁰ has been regarded as an unassailable one, and has been a basis of the view that Aeschines had the stronger case from a juristic point of view. Demosthenes' counterargument against this charge, which is placed in an inconspicuous part of the speech, has also been

⁶⁴ For Aeschines' early career, see RAMMING (above n.17) 24–25; HARRIS (above n.15) 29–40.

⁶⁵ Aeschin. 2.170, 184. The general Nausicles also spoke in defense of Aeschines. The fact that Demosthenes concentrated his attack on Eubulus at this trial shows the importance of Eubulus' defense (Dem. 19.288–297). See G. L. CAWKWELL, *Eubulus*, JHS 83, 1963, 48–49.

⁶⁶ Phocion has previously been regarded as a member of Eubulus' group, from the fact that he appeared in the trial of Aeschines in 343. However, TRITLE (above n.11) 101–103 demonstrates that there was no political alliance between Phocion and Eubulus, and that Phocion was politically independent. Moreover, since Phocion was famous for defending even his own enemies (Plut. Phoc. 10.4), the supposed friendship between Aeschines and Phocion is doubtful, as MITCHEL (above n.15) 183–184 points out.

⁶⁷ Demosthenes states that in the trial of 343, a group of Aeschines' supporters tried to hinder Demosthenes' speech (18.143). For this group of supporters, see STRAUSS (above n.11) 30; HANSEN (above n.8) 82.

⁶⁸ Dem. 18.188, 234. See WILL (above n.1) 104 n.35.

⁶⁹ MITCHEL (above n.15) 184 discards TARN's theory, maintaining that «a <party> which could neither muster a fifth part of the votes nor give comfort to a <member> who had suffered in the line of duty was no party at all.»

⁷⁰ See W. E. GWATKIN, *The Legal Arguments in Aeschines' Against Ktesiphon and Demosthenes' On the Crown*, *Hesperia* 26, 1957, 130–134.

regarded as evidence that he felt it was a vulnerable point.⁷¹ But recently, HARRIS has convincingly demonstrated, from his analysis of the speeches and of the relevant sources, that Aeschines' interpretation of the law about the awarding of crowns is his own invention, and that his legal arguments are flimsy.⁷² From the legal standpoint too, Demosthenes was in a stronger position.⁷³ Therefore, we can say that Demosthenes, in contrast to Aeschines, was in an advantageous position to resume a trial.

Based on this analysis of the positions of Aeschines and Demosthenes, my reconstruction concerning the question of the initiative is as follows: first of all, as stated above, it is highly unlikely that Aeschines, who had already retired from political life and was isolated, voluntarily resumed the case without any external pressure or compulsion. He knew that if he did not gain a fifth of the votes cast by the jurors, the case would cost him a fine of 1,000 drachmas and ἀτιμία. Thus, there must have been some external pressure or compulsion exerted on Aeschines. I believe that this compulsion was the law providing that a prosecutor of a public case (γραφή) who abandons the case should be exposed to a fine of 1,000 drachmas.⁷⁴ Who, then, brought up this legal regulation after a

⁷¹ GWATKIN, *op. cit.* 129–141; WANKEL (above n. 12) 17.

⁷² E.M.HARRIS, *Law and Oratory*, in: I.WORTHINGTON (ed.), *Persuasion: Greek Rhetoric in Action*, London 1994, 145–148 points out that Aeschines adopts a broad interpretation of the statute as forbidding any award to a magistrate currently holding office, while Demosthenes takes a narrower interpretation that the statute only applies to decrees of praise for the performance of the duties of an office, not to other types of commendation. Having examined the text of the law itself, the cases of Pericles, Phocion, Nausicles, Diotimus, Charidemus and Neoptolemus, and the other honorary decrees that call for the award of a crown, he argues that Demosthenes' interpretation of the statute is correct; since Aeschines' legal case was quite weak, Aeschines himself recognized it as a serious problem, and he spent a large portion of his speech on his novel interpretation of the laws about crowns; on the other hand, Demosthenes, who did not need to waste his time on a lengthy refutation of Aeschines' flimsy legal arguments, placed his discussion of the laws in an inconspicuous part of the speech. HARRIS concludes that Demosthenes' victory, which has been regarded as the triumph of rhetoric over law, was actually the triumph of law and rhetoric.

⁷³ Another legal ground of Aeschines' indictment was that it was illegal to have such a vote of praise announced in the theater of Dionysus (Aeschin. 3.32,34). Against this charge, Demosthenes cites a law which permitted the announcement of honors in the theater of Dionysus if the assembly voted to allow it (18.120–121). See HARRIS, *op. cit.* 142.

⁷⁴ Dem. 21.47; [Dem.] 58.6. It is known that Aristogeiton, who withdrew his εἰσαγγελία against Hegemon, suffered a fine of 1,000 drachmas (Dem. 25.47, hypoth. 2–3). See M.H.HANSEN, *Eisangelia: The Sovereignty of the People's Court in Athens in the Fourth Century B.C. and the Impeachment of Generals and Politicians*, Odense 1975, 31, 107–108; R.SEALEY, *Who was Aristogeiton?*, BICS 7, 1960, 34. There are some sources which refer to ἀτιμία as another punishment for the withdrawal of a public case. See A.R.W.HARRISON, *The Law of Athens: Procedure*, Oxford 1971, 83, 102–103, 175; HANSEN, *op. cit.* 29–31; D.M.MACDOWELL, *The Law in Classical Athens*, Ithaca 1978, 64–65. This regulation served

six-year interval and created the situation which forced Aeschines to resume the case?⁷⁵ It must have been Demosthenes, who, as stated above, was in a stronger position both politically and legally, and was convinced of his own victory. In other words, Demosthenes threatened Aeschines with the procedure of ἐνδειξις⁷⁶ regarding Aeschines' abandonment of the case against Ctesiphon which had been neglected for six years,⁷⁷ and pushed him to resume the case.⁷⁸ Then Aeschines, for whom there was no escape, finally resumed the case. In this sense, then, it was Demosthenes who took the initiative in resuming the case in 330.

Furthermore, the fact that neither of the orators referred to the question of the initiative for resumption of the trial supports this reconstruction. For Demosthenes, if Aeschines had voluntarily taken the initiative, it would not have been inconvenient at all to refer to it, and he would have questioned Aeschines on his sudden resumption of the trial after a six-year interval. But if it was Demosthenes who took the initiative in the above-mentioned way, the fact that Aeschines was forced through the intrigue of his enemy to resume the trial which he himself had originally brought was a humiliation for Aeschines. To mention it would have been equal to revealing his weak position. It is likely that this consideration made Aeschines keep silent about it, and also that Demosthenes passed over the question because to mention his own intrigue would not have been profitable.⁷⁹

We can therefore conclude that Demosthenes took the initiative in resuming the trial in 330. Then, was the resumption of the trial brought about by the confrontation between the pro- and the anti-Macedonian groups, as has been supposed? As stated above, there was no acute confrontation between them during this period.

as a device to prevent vexatious and unwarranted prosecutions in Athenian society. See R. J. BONNER, *Lawyers and Litigants in Ancient Athens*, Chicago 1927, 68–69.

⁷⁵ Several scholars have pointed out the possibility of legal compulsion on Aeschines in the resumption of the case, although none of them has mentioned that Demosthenes took advantage of this legal compulsion: SCHÄFER (above n. 19) 226; E. DRERUP, *Aus einer alten Advokatenrepublik*, Paderborn 1916, 153; WANKEL (above n. 12) 21.

⁷⁶ For the procedure of ἐνδειξις in general, see HARRISON, *op. cit.* 229–231; M. H. HANSEN, *Apagoge, Endeixis and Ephegesis Against Kakourgoi, Atimoi and Pheugontes*, Odense 1976, 9–35; S. C. TODD, *The Shape of Athenian Law*, Oxford 1993, 117.

⁷⁷ It is likely that the withdrawal of the case against Ctesiphon in 336 did not necessarily happen of Aeschines' own will. As stated above, the main reason why Aeschines did not take up the case was the drastic change in the situation caused by Philip's assassination shortly after Aeschines' indictment and Alexander's accession to the throne. This abandonment of the case was relatively exceptional, and that may be why it was neglected for six years.

⁷⁸ There were many dealings and threats outside the court. See G. THÜR, *Komplexe Prozeßführung dargestellt am Beispiel des Trapezitikos (Isokr. 17)*, in: H. J. WOLFF (ed.), *Symposion* 1971, 1975, 157–188.

⁷⁹ BOSWORTH (above n. 20) 213 argues that Demosthenes would hardly have glossed over the fact if he had taken the initiative, but I think that the disclosure of his own intrigue would have been disadvantageous for him at the trial.

Aeschines was away from politics, and the absence of the pro-Macedonians from the trial is evident from its result. Demosthenes did not have to exclude Aeschines from the political world, and it is difficult to suppose that he, who had been acting in a way consistent with a non-resistant mood toward Macedon as the Athenians wished, tried to stir up anti-Macedonian sentiments as BURKE argues. Thus, it would be possible to suppose that the main factor in the resumption of the trial was Demosthenes' personal enmity for Aeschines. In order to examine the validity of this supposition, we will turn to their speeches at the trial.

2. Speeches of Aeschines and Demosthenes

(i) Aeschines' Speech

Let us start with the speech of Aeschines. Can his speech be regarded as pro-Macedonian propaganda in accordance with the scheme of the confrontation between the pro- and the anti-Macedonians?

It is noteworthy that in his condemnation of Demosthenes' policy, Aeschines gave no supporting evidence, and that there are some remarks which are obviously false.⁸⁰ For example, Aeschines maintains (3.140–141) that Demosthenes did nothing for the conclusion of the alliance between Athens and Thebes in 339. This statement is contradictory to Demosthenes' own lengthy account supported by evidence (18.169–188). Surely the conclusion of this alliance was Demosthenes' greatest success.⁸¹

The most important point to note here is the inconsistency of Aeschines' accusation against Demosthenes. Aeschines divides his discussion of Demosthenes' career into four periods: (1) the Peace of Philocrates: 348–346 (3.54–78), (2) the causes of the war with Philip: 345–340 (3.79–105), (3) the events leading up to the battle of Chaeronea: 339–338 (3.106–158), and (4) the period after Chaeronea (3.159–167). On the one hand, Aeschines harshly charges that Demosthenes' warlike policy during the first three periods ruined peace; he especially condemns him for having violated the peace by bestowing a crown of honor on Aristodemus (83), and for, shortly before Chaeronea, having prevented the conclusion of the peace with Philip who wished to make peace (148–151). On the other hand, he blames Demosthenes for missing good opportunities to rise against Alexander during the period after Chaeronea, and for not inciting the Athenians to revolt.⁸² He charges that Demosthenes seized none of the three best opportunities to rise against Alexander, namely: when Alexander crossed into Asia, when he was shut up in Cilicia

⁸⁰ See HARRIS (above n. 15) 145–146.

⁸¹ For the circumstances surrounding the conclusion of this alliance, see J. R. ELLIS, *Philip II and Macedonian Imperialism*, London 1976, 191–193.

⁸² The view which regards the part of Aeschines' speech regarding the period after 335 as an insertion made after the trial was refuted by WANKEL (above n. 12) 34–37.

in extreme want, and when the Spartan King Agis rose in revolt (163–167). The former accusation of being too hawkish is that of a pro-Macedonian politician, but the latter is evidently contrary to a pro-Macedonian stance. Aeschines, who was anxious to beat Demosthenes, criticizes both his warlike and his unwarlike policies by turns, and Aeschines' own political stance in this speech is extremely obscure. Moreover, as CLOCHÉ points out,⁸³ although Aeschines severely condemns Demosthenes' attitude and actions, he does not systematically advocate alternative policies, and his speech is substantially nonpolitical. It follows from what has been said that this speech of Aeschines is not a pro-Macedonian propaganda piece.

(ii) *Demosthenes' Speech*

Next we will turn to Demosthenes' speech. Is there any attempt in it to stir up anti-Macedonian sentiments, as BURKE maintains?

First, we can notice that in this speech of Demosthenes, there is no attack or slander against Alexander.⁸⁴ He focuses on his own policies before the battle of Chaeroneia, and skillfully avoids discussing present-day politics.⁸⁵ The biggest concern for Demosthenes was to evade his own responsibilities in the catastrophe of Chaeroneia and then to avoid Aeschines' attack and beat him. If so, it seems to me that this purpose is incompatible with an attempt to stir up anti-Macedonian sentiments. In order to consider this point, I would like to examine the views of two classicists.

WANKEL draws attention to Demosthenes' notable emphasis on *τύχη* and *δαίμων* in his speech;⁸⁶ of ninety-four occurrences of «*τύχη*» in all the extant works of Demosthenes, twenty-nine – nearly one third – appear in this speech, and among nine uses of «*δαίμων*», three appear in this speech.⁸⁷ Demosthenes, who maintains that the issue depends on the will of *δαίμων* (18.192), describes Philip and Macedon as tools of *τύχη*, which is beyond human power, and through his emphasis on the inevitability of the defeat, skillfully evades his responsibility. But if all depends on *τύχη* and *δαίμων*, which are beyond human power, what can be done by resistance? In short, I think that this argument of Demosthenes has the effect of weakening any mood of resistance in the Athenians.

⁸³ CLOCHÉ (above n.13) 247 says that Aeschines' speech is not that of a politician. See also BELOCH (above n.2) 248; HARRIS (above n.15) 142.

⁸⁴ Philip and Alexander, who were mentioned in 18.51–52, 270, 296–300, are not objects of attack.

⁸⁵ ROSEN (above n.5) 30 argues that in the last paragraph of his speech (18.324) Demosthenes urges the need for a military breakthrough in the present situation: ... τούτους μὲν αὐτοὺς καθ' ἑαυτοὺς ἐξώλεις καὶ προώλεις ἐν γῇ καὶ θαλάττῃ ποιήσατε, ἡμῖν δὲ τοῖς λοιποῖς τὴν ταχίστην ἀπαλλαγὴν τῶν ἐπηρεζομένων φόβων δότε καὶ σωτηρίαν ἀσφαλῆ. But this remark seems to be pure rhetoric, as WILL (above n.1) 106 n.42 points out.

⁸⁶ WANKEL (above n.12) 909–910.

⁸⁷ See S. PREUSS, *Index Demosthenicus*, Stuttgart 1892, 66, 302.

ROWE regards Demosthenes' speech as a magnificent «tragedy», and argues that Demosthenes, in this tragic vision, emphasized the tragic importance of the defeat and strongly denied having promoted a disaster for Athens.⁸⁸ Moreover, he maintains that Demosthenes, through propounding this vision, transformed the defeat into a moral triumph and the ignominy into glory.⁸⁹ To transform the present situation in this way is an effective means to evade his own responsibility, but it has quite the reverse effect to stirring up anti-Macedonian sentiments among his audience.⁹⁰

It is therefore difficult to suppose that Demosthenes' speech is anti-Macedonian propaganda. We can thus confirm that Aeschines and Demosthenes did not meet in the arena of a confrontation between the pro- and the anti-Macedonians. It was not their political causes but their desire to beat each other that motivated them. We should regard the trial of 330 not as a confrontation between the pro- and the anti-Macedonians but as a personal confrontation between Aeschines and Demosthenes.

In addition, Aeschines, who as a result of the trial was exposed to a fine of 1,000 drachmas and ἀτιμία, left Athens. Given his wealth in this period,⁹¹ it is unlikely that he could not or did not want to pay 1,000 drachmas, as has been supposed.⁹² In those days, one who became ἄτιμος as a result of losing a case no longer enjoyed the protection of the law.⁹³ Aeschines, who had many energetic enemies

⁸⁸ G.O. ROWE, *The Portrait of Aeschines in the Oration On the Crown*, TAPhA 97, 1966, 404–405; id., *Demosthenes' Use of Language*, in: J.J. MURPHY (ed.), *Demosthenes' On the Crown*, Davis 1983, 180–182.

⁸⁹ ROWE, op. cit. (1966) 406. This view is similar to that of WANKEL (above n.12) 1111, who recognizes Demosthenes' emphasis on ἀγαθή τύχη of Athens.

⁹⁰ Another main point of ROWE's argument is that Demosthenes alienated Aeschines from «tragedy»: ROWE, op. cit. (1966) 402–403, id., op. cit. (1983) 177–179. Observing that the terms of abuse referring to Aeschines in his speech are highly suggestive of the language of Greek comedy, ROWE argues that Demosthenes tried to depict Aeschines as ἀλαζών, one who, according to Aristotle's definition (Eth. Nic. 1127 a 21), pretends to have worthy qualities which he either does not possess or which he possesses in a lesser degree than he claims, and to alienate him from the tragic vision and defeat him. He maintains that the three recurrent images of Aeschines in Demosthenes' speech – the political hireling, the quack-doctor, and the third rate actor – represent a specific type of comic character, ἀλαζών (A.R. DYKE, *The Function and Persuasive Power of Demosthenes' Portrait of Aeschines in the Speech On the Crown*, G & R 32, 1985, 43–44 disagrees with ROWE, pointing out that the portrait of Aeschines as a political hireling is hardly put in a comic light [Dem. 18.148, 284, 307], and that the third rate actor is not an ἀλαζών type in comedy). This strategy, as ROWE himself notices, has some disadvantages, but in any case, it clearly demonstrates that Demosthenes' arguments are separated from a political dimension.

⁹¹ See DAVIES (above n.46) 547.

⁹² [Plut.] Mor. 840 C. See WANKEL (above n.12) 40.

⁹³ It has been generally believed that in the classical period, there was a distinction between «total ἀτιμία» and «partial ἀτιμία». But R. SEALEY, *How Citizenship and the City Be-*

in Athens, withdrew in exile, fearing that they might easily become his voluntary prosecutors. This decision of Aeschines, who had retired from politics several years earlier, may suggest that those enemies of Aeschines were his personal enemies. Thus, the exile of Aeschines may show that personal enmities were dominant in the political world during this period.

3. *Lycurgus and the Trial of Leocrates*

There is a further point which needs to be considered: the trial of Leocrates which took place just before the trial of Ctesiphon, and the prosecutor Lycurgus. As I have mentioned above, BURKE regards the trial of Leocrates as another confrontation between the pro- and the anti-Macedonians, and supposes that there was a political collaboration between Lycurgus and Demosthenes for the purpose of stirring up anti-Macedonian sentiments. But there was no confrontation between the pro- and the anti-Macedonians in the trial of Ctesiphon, and Demosthenes did not attempt to stir up anti-Macedonian sentiments. Therefore, in order to strengthen our conclusion on the trial of Ctesiphon, we will examine Lycurgus and the trial of Leocrates, which are closely connected with the trial of Ctesiphon by BURKE.

(i) *Lycurgus*

After Chaeronea, Lycurgus administered Athenian finances for twelve continuous years (Hyp. fr. 23; Diod. 16.88.1). His political stance has been generally regarded as «anti-Macedonian»: ⁹⁴ as «a leader of the conservative anti-Macedonian party», ⁹⁵ he was «the core of Athenian resistance between 336 and 324». ⁹⁶ We will first examine this dominant view.

Some of Lycurgus' political activities are regarded as evidence of his strong anti-Macedonian attitude. Although we know almost nothing about Lycurgus' activities before Chaeronea, he is said to have served on the embassy to the Peloponnese in 343/2 with Demosthenes, Polyeuctus and others, to urge collaboration against Philip ([Plut.] Mor. 841 E). Lycurgus' participation in this embassy has been questioned, since his name is omitted in the list given in a contemporary

gan in Athens, AJAH 8, 1983, 105–109 demonstrates that no status of «partial ἀτιμία» was recognized in classical law, and that ἀτιμία incurred by a man who prosecuted in a public action and failed to win a fifth of the votes was «total ἀτιμία», the only type of ἀτιμία recognized by law.

⁹⁴ E.g. W.S. FERGUSON, *Hellenistic Athens*, London 1911, 8; PICKARD-CAMBRIDGE (above n.20) 423, 428–429; TARN (above n.3) 440; RYDER (above n.34) 108; MOSSÉ (above n.5) 81; ead., *Lycurgue l'Athénien: homme du passé ou précurseur de l'avenir?*, QS 30, 1989, 33; BURKE (above n.5) 335.

⁹⁵ BELOCH (above n.2) 250.

⁹⁶ MACKENDRICK (above n.20) 22.

speech by Demosthenes (9.72). But Lycurgus' name is included in a longer version of this speech,⁹⁷ and there is no reason to doubt that Lycurgus did serve on the embassy. If he was really a member of this embassy, it surely follows that his sentiment was anti-Macedonian at this time.

There is a general agreement that Lycurgus was among the Athenian leaders whose surrender was demanded by Alexander after the Theban revolt in 335, and this fact is regarded as evidence to show that he was anti-Macedonian. But the names of the Athenians demanded by Alexander are variously recorded and inconsistent in the ancient sources,⁹⁸ and only the name of Demosthenes can be attested by contemporary sources (Aeschin. 3.161; Dem. 18.41, 322). Moreover, as SEALEY rightly points out,⁹⁹ Alexander did not single out men of any one group but he named prominent Athenians indiscriminately. Thus, even if Lycurgus was included among them, it does not necessarily mean that he was anti-Macedonian.

In 324/3, Lycurgus strongly opposed the deification of Alexander ([Plut.] Mor. 842 D).¹⁰⁰ Given that he was born of the priestly clan of Eteoboutadae and that he was a hereditary priest of Poseidon-Erechtheus ([Plut.] Mor. 841 B), it is very likely that such deification meant to him an impermissible profanation. His opposition thus cannot be regarded as evidence of anti-Macedonian sentiment.

⁹⁷ Demosthenes' Speech 9, Third Philippic, exists in two versions, a longer one and a shorter one. The longer version adds the names of Cleitomachus and Lycurgus. See SEALEY (above n. 42) 234. Both versions are generally ascribed to Demosthenes; the view that the longer speech is the delivered speech and the shorter version is the published pamphlet is dominant. See D.F. JACKSON and G.O. ROWE, *Demosthenes 1915–1965*, *Lustrum* 14, 1969, 70–71.

⁹⁸ Plut. Dem. 23.4, Phoc. 9.6, 17.2; Arr. Anab. 1.10.4; Suda, s.v. Ἀντίπατρος. Though it is generally believed that Plutarch's list in the Life of Demosthenes (23.4) is correct (e.g. SCHÄFER [above n. 19] 137–140; H. BERVE, *Das Alexanderreich auf prosopographischer Grundlage* II, Munich 1926, 377; H.J. GEHRKE, *Phokion: Studien zur Erfassung seiner historischen Gestalt*, Munich 1976, 70 n. 15; BOSWORTH [above n. 45] 95; WORTHINGTON [above n. 60] 252), there is a contradiction in Plutarch's lists: in the Life of Demosthenes (23.4), he lists eight names, Demosthenes, Polyeuctus, Ephialtes, Lycurgus, Moerocles, Demon, Callisthenes, and Charidemus, but in the Life of Phocion (9.6), he states that the total number was ten. Arrian (Anab. 1.10.4) adds the names of Hyperides, Chares and Diotimus. It is possible that the lists were contaminated by the later addition of anti-Macedonian figures. For a detailed discussion of the lists, see BOSWORTH (above n. 45) 93–95. cf. C. COOPER, *A Note on Antipater's Demand of Hyperides and Demosthenes*, *AHB* 7, 1993, 130–135.

⁹⁹ SEALEY (above n. 42) 205.

¹⁰⁰ There has been controversy over the question of whether Alexander himself demanded deification or not. Most recent discussion on this subject: G.L. CAWKWELL, *The Deification of Alexander the Great: A Note*, in: *Ventures into Greek History* (above n. 29) 293–306. In Athens, there was a big debate over the deification between Demades, who insisted on accepting it, and Lycurgus, Pytheas, and Demosthenes, who strongly opposed it: Din. 1.94; Hyp. Dem. 31–32; Plut. Mor. 187 E; [Plut.] Mor. 842 D; Ath. 6.251 B.

Another piece of evidence cited by some of those who share the common view¹⁰¹ is the decree of Stratocles passed in 307/6.¹⁰² This decree honored Lycurgus as the best statesman in the age of Alexander for his contribution to Athens and for his consistent resistance to Macedonian rule. But given the political situation in 307/6, Macedonian rule having ended and democracy finally revived by Antigonos and his son Demetrius Poliorcetes after an interval of fifteen years,¹⁰³ it is very possible that the image of Lycurgus in the honor conferred on him twenty years after his death contained some exaggeration, or even fabrication.¹⁰⁴

The dominant view, which regards Lycurgus as anti-Macedonian, is based on these sources. It is true that his embassy to the Peloponnese in 343/2 may show his anti-Macedonian sentiment at this time, but this information cannot prove his maintenance of a strong anti-Macedonian attitude throughout his career. WILL's view, which discards all these sources as later inventions,¹⁰⁵ may be going too far; but at least it seems hard to conclude, from the image of Lycurgus deduced only from the later sources, that he was definitely anti-Macedonian. In order to consider this point further, we will examine his various achievements during his administration.

Lycurgus' comprehensive program covered all aspects of the state: finances, public works, religion and culture.¹⁰⁶ He achieved a remarkable revival of the Athenian economy, and increased the annual revenue to 1,200 talents. He built a gymnasium and a palaestra in the Lyceum, completed the Panathenaic stadium, rebuilt the theater of Dionysus, and remodeled and enlarged the Pnyx. He also constructed a number of triremes and completed the new naval installations, the ar-

¹⁰¹ E.g. MACKENDRICK (above n. 20) 24; MOSSÉ (above n. 5) 81–82.

¹⁰² IG II² 457, 513; [Plut.] Mor. 851 F–852 E. M. J. OSBORNE, *Some Attic Inscriptions* (2. *Lykourgos Again?*), ZPE 42, 1981, 172–174 demonstrated that the fragment of an inscription IG II² 513 was a copy of the lost section of the inscription IG II² 457. See also A. N. OIKONOMIDES, *The Epigraphical Tradition of the Decree of Stratokles Honoring «Post Mortem» the Orator Lykourgos*, *AncW* 14, 1986, 51–54.

¹⁰³ For the situation at this time, see MOSSÉ (above n. 5) 102–111.

¹⁰⁴ Stratocles' proposal should be understood in the context of the hearty Athenian tributes to Antigonos and his son. The aim of Stratocles, who was a flatterer of Demetrius Poliorcetes, must have been to place Demetrius in the tradition of Lycurgus and to justify his rule. Therefore, as WILL (above n. 1) 99 points out, it must have been indispensable for him to describe Lycurgus as a great resister against Macedon, for the purpose of showing the continuity of resistance against foreign rule.

¹⁰⁵ WILL (above n. 1) 98–99; 142.

¹⁰⁶ For Lycurgus' administration and program, see [Plut.] Mor. 841 B–F, 842 F, 844 A; MITCHEL (above n. 15) 193–210; E. M. BURKE, *Lycurgan Finances*, *GRBS* 26, 1985, 251–264; M. FARAGUNA, *Atene nell'età di Alessandro*, Rome 1992, 245–285, esp. 257–269; S. V. TRACY, *Athenian Democracy in Transition: Attic Letter-Cutters of 340 to 290 B. C.*, Berkeley 1995, 10–13. For a full account of Lycurgus' building activity, see R. F. TOWNSEND, *Aspects of Athenian Architectural Activity in the Second Half of the Fourth Century*, Diss. Univ. of North Carolina 1982.

senals and dockyards in the Piraeus, works which had been started under Eubulus; these works on the naval installations were important for the expansion of trade and for preparedness against pirates. Moreover, he showed great interest in religion and culture: he revived the festival of Dionysus, and restored the temple furnishings, including the Victories on the Acropolis; he also preserved Athens' rich dramatic heritage by having official copies made of the plays of Aeschylus, Sophocles and Euripides and by requiring the actors to use these versions. Furthermore, he condemned those who were guilty of unpatriotic conduct, such as Lysicles and Autolycus, in order to revive patriotism and civic pride.¹⁰⁷ In short, Lycurgus tried to revive the Athens of Pericles, as is often pointed out,¹⁰⁸ and the purposes of his entire program were to activate the Athenian citizenry in politics, economy, and religion, and to renew their vigorous public life.

Among his achievements, it is the reorganization of the ephebeia that has been especially regarded as evidence of Lycurgus' military preparations against Macedon.¹⁰⁹ The nature of this two-year military training of young men at the age of 18–20, however, was quite ceremonial.¹¹⁰ Given that for Lycurgus, who was a pupil of Plato¹¹¹ and admired Sparta,¹¹² the education of youth was a great concern, and that there was a necessity to revive civic pride and to reduce the remarkable development of mercenaries, it seems that the main purpose of his reorganization was an intensive indoctrination in patriotism.¹¹³ Additionally, the fact that under

¹⁰⁷ The trial of Leocrates, which we will consider later, was a part of these prosecutions. Due to these stern prosecutions, Lycurgus was said to have signed warrants against evil-doers with a pen dipped, not in ink, but in death ([Plut.] *Mor.* 841 E).

¹⁰⁸ FERGUSON (above n. 94) 8; MOSSÉ (above n. 5) 83; SEALEY (above n. 42) 211.

¹⁰⁹ MITCHEL (above n. 54) 197–198; MACKENDRICK (above n. 20) 25; ATKINSON (above n. 31) 43. ATKINSON says that the reform of the ephebeia was a form of measured resistance to Macedon.

¹¹⁰ See Arist. *Ath. Pol.* 42.2–5; C. PÉLÉKIDIS, *Histoire de l'éphébie attique*, Paris 1962, 103–117; MOSSÉ (above n. 11) 324–325.

¹¹¹ [Plut.] *Mor.* 841 B. Plato himself advocates such a system (*Leg.* 762 B–763 C). See MACKENDRICK (above n. 20) 25.

¹¹² Lycurg. 1.105–109, 128–129. See BELOCH (above n. 2) 251; TARN (above n. 3) 440; REINMUTH (above n. 55) 49.

¹¹³ There has been a controversy on the question of whether all Athenian citizens were required to serve as epheboi, or only citizens belonging to the hoplite class: E. RUSCHENBUSCH, *Die soziale Herkunft der Epheben um 330*, ZPE 35, 1979, 173–176; id., *Epheben, Buleuten und die Bürgerzahl von Athen um 330 v. Chr.*, ZPE 41, 1981, 103–105; P. J. RHODES, *Ephebi, Bouleutae and the Population of Athens*, ZPE 38, 1980, 191–201; id., *A Commentary on the Aristotelian Athenaion Politeia*, Oxford 1981, 503; M. H. HANSEN, *Democracy and Demography: The Number of Athenian Citizens in the Fourth Century B. C.*, *Herning* 1985, 47–50. Most of the discussion is centered on the demographic calculation, whether the total number of citizens in the 320s was 21,000 or 31,000. But, whatever the figure representing the number of Athenian citizens may be, there is no strong reason to reject Lycurgus' contemporary statement (1.76) that the oath of the epheboi was sworn

the administration of Lycurgus Athens had more than 400 triremes¹¹⁴ does not show that Lycurgus aimed at military preparedness against Macedon. The number of triremes is quite different from the actual fighting power, and in the battle of Amorgos in 322, Athens mobilized only 170 ships out of more than 400.¹¹⁵

Therefore, the whole program of Lycurgus was directed by his old-fashioned patriotism, which intended to revive the Athens of the good old days; the desire to see an anti-Macedonian character in such things as his military preparations¹¹⁶ is based on the prejudice that Lycurgus was anti-Macedonian. In short, neither in his political activities of the period following Chaeronea nor in his achievements can we find anything to prove that he was anti-Macedonian.

(ii) *The Trial of Leocrates*

Next, we will turn to the trial of Leocrates. The following is a brief outline of the event. The defendant Leocrates left Athens with his family and his belongings on hearing the news of the defeat at Chaeronea. He went to Rhodes and later to Megara, and returned to Athens around the end of 332.¹¹⁷ In the spring of 330, Lycurgus accused him of treason, and in the trial, held shortly before the trial of Ctesiphon, he was acquitted by equal votes (Lycurg. 1. passim; Aeschin. 3.252).

Is it possible to regard this trial as a confrontation between the pro- and the anti-Macedonians, as BURKE argues?¹¹⁸ First of all, Leocrates was just a wealthy blacksmith (Lycurg. 1.58), and even Lycurgus himself does not state that Leocrates

by all citizens. Thus I believe that all citizens were required to serve as epheboi, and that this was effective in reviving civic pride among all citizens.

¹¹⁴ According to the naval inventories (IG II² 1627 lines 266–278; 1629 lines 801, 808–812), Athens had 410 ships in 330/29 and 417 ships in 325/4. See BURKE (above n.106) 256–258; R. GARLAND, *The Piraeus*, Ithaca 1987, 97–98.

¹¹⁵ Diod. 18.15.8. On Athenian seapower in the Lamian War, see J.S. MORRISON, *Athenian Sea-power in 323/2 B.C.: Dream and Reality*, JHS 107, 1987, 88–97.

¹¹⁶ TARN (above n.3) 441. Against this, WILL (above n.1) 97 points out that the budget of Lycurgus could not afford the war preparations against Macedon.

¹¹⁷ Against the common view that Lycurgus accused Leocrates shortly after the latter's return to Athens, BURKE (above n.5) 338 propounds a different view based on the examination of Lycurgus' speech: Leocrates went from Rhodes to Megara in the autumn of 338 or in the spring of 337 (Lycurg. 1.21), and stayed there for five or six years until he returned to Athens (145); therefore, BURKE supposes, Leocrates' return was between the end of 332 and the beginning of 331. According to this calculation by BURKE, there was about a one-year interval between Leocrates' return and Lycurgus' indictment. BURKE wrongly connects this interval with Lycurgus' political collaboration with Demosthenes. But I agree with his chronology itself.

¹¹⁸ TARN (above n.3) 445 argues that Lycurgus prosecuted Leocrates as a demonstration that his anti-Macedonian policy remained unaltered. For a somewhat similar view, see TRACY (above n.106) 15–16. For a recent criticism on BURKE's view on this trial, see FARAGUNA (above n.106) 283–284.

was pro-Macedonian. The lack of political argument against Macedon and of any reference to Philip and Alexander in Lycurgus' speech Against Leocrates most clearly shows the invalidity of BURKE's view. Lycurgus' emphasis was on the image of Leocrates as a traitor to the state,¹¹⁹ and this amounts to a manifestation of patriotism.¹²⁰ He quotes long passages from Euripides and Homer (Lycurg. 1.100, 103), relates many great deeds of Athens' historical and mythological heroes (1.68–74, 80–87, 104, 108–109), and inspires patriotism. Moreover, keeping the fact in mind that he emphasizes the education of the youth (1.10) and the duty of the ephebeia (1.76–77), there is no doubt that Lycurgus' speech is propaganda for his above-mentioned patriotic program, whose main purpose was to revive civic devotion to the state. It is also likely, as BOSWORTH says,¹²¹ that the wealth of the defendant was an additional stimulus to his prosecution, because of a temporary need for funds.

Therefore, BURKE's argument in support of his view of the trial of Ctesiphon, which regards the trial of Leocrates as a confrontation between the pro- and the anti-Macedonians and supposes that Lycurgus tried to stir up anti-Macedonian sentiments, is unsound.

BURKE also supposes an attempt to stir up anti-Macedonian sentiments in the trial of Euxenippus in which Lycurgus was involved,¹²² whose date BURKE believes is 330.¹²³ The outline of this trial is as follows: after the battle of Chaeronea, Philip restored Oropus to Athens, and it was divided into five portions among the ten tribes. When religious suspicion arose about a certain mountain assigned to two tribes, three citizens, including Euxenippus, investigated it. As he made a report in favor of the two tribes, Polyeuctus accused him for having been bribed by the two tribes. Lycurgus supported Polyeuctus, and Hypereides defended Euxenippus; the result of the trial is unknown.¹²⁴ From the fact that Lycurgus was on the

¹¹⁹ MACKENDRICK (above n.20) 23 notices that in Lycurgus' speech, the word for treason and its congeners occur seventy-two times and the word fatherland (πατρίς) occurs sixty-one times.

¹²⁰ Moreover, Lycurgus emphasizes the idea of εὐσέβεια as the feeling of reverence toward the state (Lycurg. 1.15, 94, 146). See K.J.DOVER, *Greek Popular Morality in the Time of Plato and Aristotle*, Oxford 1974, 248–251; WILL (above n.1) 103 n.20.

¹²¹ BOSWORTH (above n.20) 207–208.

¹²² BURKE (above n.5) 339.

¹²³ The exact date of the trial is unknown: the terminus post quem is 330, when Olympias seized power in Epirus (Hyp. Eux. 25), and the terminus ante quem is 324, when Lycurgus died (Hyp. Eux. 12). See HANSEN (above n.74) 109; J.ENGELS, *Studien zur politischen Biographie des Hypereides*, Munich 1989, 215. Therefore, BURKE's view, which regards the date of this trial as 330 without argument and then connects the trial with Lycurgus' anti-Macedonian efforts in 330, is not sound from a chronological point of view.

¹²⁴ See J.O.BURTT, *Minor Attic Orators II*: Loeb Classical Library, Cambridge, Mass. 1954, 462–464; HANSEN, loc. cit.; ENGELS, op. cit. 213–229. WORTHINGTON (above n.60) 222 refutes the common assumption that Polyeuctus was the prosecutor.

side of the prosecutor and Hypereides was on the side of the defendant, TARN concludes that the trial is the first sign that the anti-Macedonians were passing definitely into opposition.¹²⁵ But given that Euxenippus is said to have misrepresented the oracle dream (Hyp. Eux. 14), the involvement of the pious Lycurgus can be sufficiently explained.¹²⁶ Euxenippus was just a wealthy mine-owner, and did not take part in politics.¹²⁷ In addition, Hypereides' reference to Lycurgus in his speech (Eux. 12) is not hostile, and Hypereides' defense thus should be regarded as one of his activities as a logographer. BURKE's argument is therefore evidently invalid.

It follows from these considerations that we can refute the picture of political confrontation between the pro- and the anti-Macedonians in the trial of Ctesiphon as it is represented by BURKE. The tendency, swayed by the presumed centrality of Macedonian issues, to assume all-out political confrontation centering around them, and to grasp every event in this context, may lead us to make a wrong judgment on the motivating factors of politics. In the trial of 330, Macedon was not a central issue, and it would be possible to assume that, within the context of the good state of relations between Athens and Macedon, personal confrontation among politicians often played a more important role than political confrontation, and directed the course of Athenian politics to a greater extent than has been generally believed.

In order to explore the question whether personal confrontation, rather than political confrontation over «the Macedonian question», was a dominant factor through the entire period between 338 and 323, all the other events of the period should be systematically examined. Although the full study of the entire record of the period is beyond the scope of this paper, I believe that the significance of personal confrontation, the conclusion derived from the examination of the major trial of the period and its background, will offer an important key to redrawing the picture of the politics of this period. To take this point one step further as well as to place the politics during this period into the overall context of Athenian history in the fourth century, it may be useful to recall the view of RHODES.¹²⁸ RHODES admits the validity of the view of SEALEY, who emphasizes personal ties, points out the danger of applying the model of one period to another, and propounds the following three «models» of politics.¹²⁹

¹²⁵ TARN (above n.3) 446.

¹²⁶ The above-mentioned financial motive of Lycurgus may have also played a role here, since Euxenippus was wealthy. See BOSWORTH (above n.20) 208.

¹²⁷ See BURTT (above n.124) 462; DAVIES (above n.46) 198–199.

¹²⁸ P.J. RHODES, *On Labelling Fourth-Century Politicians*, LCM 3, 1978, 207–211.

¹²⁹ *Ibid.* 211.

«(1) Periods of «consensus politics»: there are few fundamental matters on which the politicians can disagree and for the most part non-ideological explanations must be sought for their groupings.

(2) Periods when some major issues, in domestic or external politics, dominate the scene and what a man thinks and whom he supports on that issue is likely to affect what he thinks and whom he supports on other issues.

(3) Periods when several criteria seem important and the groupings obtained if preponderant weight is allowed to one criterion are not the same as those obtained if preponderant weight is allowed to another.»

Keeping these models of RHODES in mind, we will look at the period after Chaeronea. As I have stated many times, the Macedonian appeasement policy toward Athens following the settlement reached after Chaeronea produced a good state of relations between Macedon and Athens. Moreover, the overwhelming superiority of Macedonian military power was evident from the subjugations of the Theban revolt and Agis' war, and the brilliant results of Alexander's expedition in the East.¹³⁰ Furthermore, as we can see from Lycurgus' numerous building programs and the expansion of trade, the Athenians enjoyed unprecedented financial gains under the «Pax Macedonica».¹³¹ In these circumstances, it seems that the Athenians were relatively satisfied and did not wish to change the situation by their own military actions, although this is not to say that they loved Macedonian rule. In fact, armed action against Macedon was not a practical prospect, and it seems likely that this fact shaped a «consensus» among politicians. I therefore think that this period is one of «consensus politics» as described by RHODES, and thus «non-ideological» personal confrontation may have played a greater role in the politics of the period than confrontation over policy and ideology.

Until the battle of Chaeronea, fourth-century Athens was constantly in a state of war. In the first half of the century, she contended with Persia, Sparta, and Thebes for the hegemony of the Aegean Sea, and in the second half, she was chronically at war, threatened by the rise of Macedon. For Athens, which regarded maintaining her hegemony in the Aegean Sea as her supreme purpose and was forced to wage wars, the defeat at Chaeronea brought a period of unbroken peace and prosperity of unprecedented length. It seems likely that in this exceptionally long period of «consensus politics», the activeness of external policy was reduced, and more attention converged on domestic issues; thus, personal confrontations

¹³⁰ Additionally, the existence of the Macedonian garrison in the Cadmeia may have been a constant menace to the Athenians, and have served to convince them of the superiority of Macedonian military power. See SEALEY (above n. 42) 207. The Macedonian garrison in the Cadmeia was installed by Philip after the battle of Chaeronea, and it remained there after the destruction of Thebes in 335 (Arr. *Anab.* 1.9.9; N. G. L. HAMMOND and F. W. WALBANK, *A History of Macedonia III: 336–167 B.C.*, Oxford 1988, 64; SEALEY, *op. cit.* 203).

¹³¹ For the benefits of safe trade which Athens well enjoyed in the Aegean Sea, see BURKE (above n. 106) 261, 264; BOSWORTH (above n. 20) 204.

often dominated the scene, and politicians were repeatedly meeting and parting. In this sense, it is more than ever evident that the defeat of 338 was a big turning point in Athenian political history.

Appendix: Some Observations on the Law of Eucrates in 337/6

The law proposed by Eucrates in 337/6 against attempts to overthrow the democracy, the so-called «Law Against Tyranny», has been regarded as evidence of a sharp confrontation between the pro- and the anti-Macedonians during this period (SEG 12.87 = C.J.SCHWENK, *Athens in the Age of Alexander: The Dated Laws and Decrees of «the Lykourgan Era» 338–322 B.C.*, Chicago 1985, no.6 with bibliography. For a basic discussion of the law, see B.D.MERITT, *Greek Inscriptions [Law Against Tyranny]*, *Hesperia* 21, 1952, 355–359; R.SEALEY, *On Penalizing Areopagites*, *AJPh* 79, 1958, 71–73). Although there have been many arguments on this law, among them we will consider two main points, which seem to be relevant to this paper.

The first point concerns the alleged fear of a tyranny which might be established by Philip. M.OSTWALD argues that Philip's recent activities caused a strong fear of tyranny among the Athenians (*The Athenian Legislation Against Tyranny and Subversion*, *TAPhA* 86, 1955, 123–125. Also, SCHWENK 41; BOSWORTH [above n.20] 188. Most recently, R.M.ERRINGTON, *Ἐκκλησία κυρία in Athens*, *Chiron* 24, 1994, 153). He bases his argument on Speech 17 in the Demosthenic corpus, *On the Treaty with Alexander*, whose date he believes was the winter of 336/5, and on Hypereides' speech *Against Philippides*, and he asserts that both speeches show a strong fear of tyranny among the Athenians. Given Philip's mild treatment of Athens, however, it is hard to imagine that he was hostile to democracy; moreover, just before he launched his Persian expedition, he cannot have desired to establish tyranny in Athens – such a drastic change in Athens would have undermined the great cause of his sacred war against Persia. In addition, the date of Speech 17 in the Demosthenic corpus has been disputed, and this speech is now generally considered to have been delivered at the time of Agis' war, not in 336/5 (e.g. SCHÄFER [above n.19] 203–210; BELOCH [above n.2] 246 n.2; TARN [above n.3] 444; GLOTZ and COHEN [above n.3] 207; G.L.CAWKWELL, *A Note on Ps. Demosthenes 17.20*, *Phoenix* 15, 1961, 74–75; ATKINSON [above n.31] 39; WORTHINGTON [above n.60] 186; SEALEY [above n.42] 206, 240). Furthermore, as WILL (above n.1) 30 n.197 points out, it is likely that the alleged strong fear of tyranny mentioned in Hypereides' speech was just common rhetoric. In fact, nothing shows that there were any actual attempts to establish tyranny in Athens at this time (see SEALEY, *AJPh* 79, 1958, 71–72; REINMUTH [above n.55] 47–48; MOSSÉ [above n.5] 77).

The second point, which is more important, concerns the alleged collaboration between the Areopagus Council and the pro-Macedonians. The influence of the

Areopagus increased remarkably in the second half of the fourth century (S. PERLMAN, *Political Leadership in Athens in the Fourth Century B.C.*, PP 22, 1967, 167–169; P.J. RHODES, *Athenian Democracy after 403 B.C.*, CJ 75, 1980, 319–320. See also, J.L. O'NEIL, *The Fourth Century Revival of the Council of the Areiopagus*, *Classicum* 19, 1988, 3–7), and its power reached its peak in the period immediately following the battle of Chaeronea. A decree was passed according to which the Areopagus was to inflict the death penalty upon anyone who tried to leave Attica (Lycurg. 1.52–53; Aeschin. 3.252), and the Areopagus entrusted the supreme command of the city's defense to Phocion, not to Charidemus who had originally been appointed (Plut. Phoc. 16.3). OSTWALD 126 connects this measure of the Areopagus with the intrigue of the pro-Macedonians, and regards Eucrates' law as an anti-Macedonian reaction against it. But in 343, the Areopagus quashed Aeschines' appointment as a *σύνδικος* to the Amphictyonic Council, and appointed Hypereides in his place (Dem. 18.134; Hyp. fr. 1; [Plut.] Mor. 850 A. See HARRIS [above n.15] 121–122); it also took action against Antiphon, who plotted to burn the dockyards on Philip's behalf (Dem. 18.132–133; Din. 1.63; Plut. Dem. 14.5). From these facts, as MOSSÉ (above n.5) 78 and R.W. WALLACE, *The Areopagos Council to 307 B.C.*, Baltimore 1985, 177, 179–181 rightly point out, we can affirm that the Areopagus was not pro-Macedonian. It is true that the Areopagus entrusted the supreme command to Phocion, who has generally been regarded as pro-Macedonian (those who regard Phocion as pro-Macedonian: BELOCH [above n.2] 249–250; FERGUSON [above n.94] 7; TARN [above n.3] 440; GLOTZ and COHEN [above n.3] 196–198; OSTWALD 126; CLOCHÉ [above n.13] 123, 146, 303; MOSSÉ [above n.5] 58). But Phocion was simply a cautious and patriotic general, and his activities show that he was no friend of Macedon (MITCHEL [above n.15] 180–182; WALLACE 181; TRITLE [above n.11] 115). In addition, the only information about the proposer Eucrates is that he was sentenced to death together with Demosthenes and Hypereides in 322 (Lucian. Dem. Enc. 31). From this fact, MERITT 357 and OSTWALD 123 conclude that Eucrates was a staunch anti-Macedonian, and argue that the law of Eucrates was a clear indication of the sharp confrontation after the defeat at Chaeronea (O'NEIL 5–6 takes a similar view). But, as SEALEY (AJPh 79, 1958) 71 points out, Eucrates' execution in 322 cannot be used as evidence that he was anti-Macedonian in 336. It is therefore difficult to regard this law as evidence of a sharp confrontation between the pro- and the anti-Macedonians during this period. In my opinion, the law of Eucrates was motivated simply by democratic ideology, as WALLACE 182–184 says; it was a restatement of Athens' commitment to democracy, which was irrelevant to the issue of a confrontation between the pro- and the anti-Macedonians, as was the establishment of a cult of Democratia (IG II² 2791; 1496 lines 131–132, 140–141. See in detail, A.E. RAUBITSCHKE, *Demokratia*, *Hesperia* 31, 1962, 242; MITCHEL [above n.15] 206–207). See also, FARAGUNA (above n.106) 270–273. Additionally, C. MOSSÉ, in her article *A propos de la loi d'Eucrates sur la tyrannie* (337/6 av. J.-C.), *Eirene*

8, 1970, 73–76, pointed out the connection between the law and a part of the provisions of the League of Corinth. But in 1973, she withdrew her previous view, and added that at least until 322, political conflicts do not necessarily coincide with the problem of relations with the Macedonian king ([above n.5] 77–78). Her change of opinion seems to me very suggestive for the consideration of the relationship between Macedonian issues and Athenian politics.

University of California
Ancient History and
Mediterranean Archaeology
Berkeley, California 94720
U.S.A.