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The Mixed Constitution of Demetrius Phalereus

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Summary: The *politeia* established in Athens in 317 after a covenant between Cassander and Demetrius of Phalerum was variously described by ancient authors as a tyranny, an oligarchy, and a democracy. Even among modern scholars there is no agreement about its definition. A close study of the architecture of the so-called regime of Demetrius and a comparison with the almost contemporary constitution of Cyrene, imposed on the African town by Ptolemaeus I, lead us to characterize it as a mixed constitution, which balanced elements from the three principal types of political organisation. This experiment had a strong impact on the Hellenistic and Roman political traditions, as testified by Cicero, who recalled Demetrius as the last great Athenian lawgiver and inventor of the blended constitution.

Keywords: Demetrius Phalereus, Mixed Constitution, Hellenistic Athens, Hellenistic Democracy, Cicero

In his description of Attica, Strabo, after having briefly considered remote events of its history, goes into a detailed report of those that took place in the final decades of the fourth century.¹ He stresses the importance of Demetrius of Phalerum's ten-year government (9.1.20), and, in reconstructing his deeds, considers a tradition that goes back to Demetrius' own memoirs, the *ὑπομνήματα* written in the years of his exile from Athens.² In this account, Cassander's control over the city is considered soft in comparison with the tyrannical fashion with which he administered other cities. Furthermore, Demetrius' policy is summarized with the incisive expression *οὐ μόνον οὐ κατέλυσε τὴν δημοκρατίαν ἀλλὰ καὶ ἐπηνώρθωσε*: “he not only did not overthrow democracy, but even restored

1 All dates are BC, unless stated otherwise.

2 Strabo adds that this treatise concerned the period when Demetrius governed Athens, so it has been identified with one of the works called “Regarding the Ten Years” (*Περὶ τῆς δεκαετίας*) or “On the Constitution” (*Ἐπὲρ τῆς πολιτείας*), written by Demetrius in exile (Gottschalk 2000, 373–374 dates them to the time when he was in Thebes).

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it”.³ The passage goes beyond a simple defence, turning around the charge made against Phalereus and his supporters at the time of their expulsion from the city, and witnessed by Philochorus (FGrHist 326 F 66 = Dion. Hal. de Din. 3.4–5), of having eliminated the preceding democracy.⁴

Plutarch’s judgement of Demetrius’ regime is rather different. Describing the entrance of Demetrius Poliorcetes in Athens, the biographer writes that in the previous fifteen years, from 322 to 307, the city had lost democracy (Ἀθηναῖοι δ’ ἀπολαβόντες τὴν δημοκρατίαν), overlooking many conflicting changes in Athenian politics between the Lamian War and the Battle of Crannon (Demetr. 10.2). The account, barely sketched out, culminates in the following phrase, which echoes Thucydides: “Demetrius’ administration was in name an oligarchy, but in fact a monarchy” (λόγῳ μὲν ὀλιγαρχικῆς, ἔργῳ δὲ μοναρχικῆς καταστάσεως γενομένης). The perspective of Thucydides, who was describing Pericles’ policy, encompasses the two opposite poles of popular and monarchical rule, whereas Plutarch shrinks it, rejecting the possibility that Demetrius’ regime could be considered democratic: the appearance of his constitution was at most oligarchic, whereas it was *de facto* subject to Macedon, and therefore autocratic. The comparison with Pericles was even more unfair, because in democracy the authority of the πρῶτος ἀνὴρ came from the people, which he in one way or another represented. Demetrius, quite the opposite, embodied an external power, which gave him the authority he transmitted to the oligarchic government and then to the *demos*. The contrast established by Plutarch thus shows the deep rift between Periclean and Phalerean Athens.

Suda gives a brief definition of Demetrius’ *politeia* in his description of the liberation of Athens by Poliorcetes’ army. The Byzantine encyclopaedia relates that an agreement between the Antigonid and Ptolemaeus, aimed at freeing the Greek *poleis* from Cassander’s control, achieved the expected result: it drove Demetrius of Phalerum, who had reduced the government to an oligarchy (s.v. Δημήτριος, ὁ Ἀντιγόνου: ὃς δὴ τὰ Ἀθήνησιν ἤγεν εἰς ὀλιγαρχίαν), out of Athens. The importance given to Athens’ recovered freedom, the report of the siege, and the judgment regarding the philo-Macedonian Phalerean regime, allow us to trace this narrative back to the same source as Plutarch, maybe Demochares, who

³ Strabo/Demetrius recalls a similar phrase from the Aristotelian “Constitution”, where it is said that the Thirty, by abolishing some of the judges’ juridical power, had improved the constitution (35.2: καὶ τὸ κύρος ὃ ἦν ἐν τοῖς δικασταῖς κατέλυσαν, ὡς ἐπανορθοῦντες καὶ ποιοῦντες ἀναμφισβήτητον τὴν πολιτείαν).

⁴ The Byzantine chronographer George Synkellos (331.6) depends on the same tradition; he reaffirms that Demetrius restored democracy to the Athenians (Ἀθηναίους ἀποδοῦς τὴν δημοκρατίαν), before seeking refuge in Egypt.

firmly denied the democratic nature of Demetrius' government and the leniency of Cassander's control over the city.⁵

Pausanias' perspective on Demetrius' regime is also different. A digression on Athenian history from the battle of Chaeronea onward takes its cue from the description of a statue on top of the Acropolis dedicated to the general Olympiodorus, a leading figure in the military and political history of third century Athens. According to the *Periegete* (1.25.6), Cassander made Demetrius tyrant of the city thanks to his reputation for wisdom (Κάσσανδρος [...] τύραννόν τε Ἀθηναίους ἔπραξε γενέσθαι Δημήτριον τὸν Φανοστράτου, [τὰ πρὸς] δόξαν εὐληφότεα ἐπὶ σοφίᾳ); he then says that his tyranny was ended by the son of Antigonus. Cassander's role as overseer of the constitution and Phalereus' pivotal position in the political system are emphasized in this tradition,⁶ with the latter seen as a tyrant "tout court".

The same variety in the definition of Demetrius' regime is mirrored in modern scholarship: there is no political order which has not been invoked to describe his ten years of government. Johann Gustav Droysen adopted the same perspective as Pausanias, and labelled his administration as tyrannical.⁷ This idea was replaced, from the second half of the nineteenth century AD on, by a different analysis. Ullrich von Wilamowitz and then William Ferguson saw his constitution in light of the theories of the Peripatetic school, to which he belonged.⁸ According to this interpretation, which has become the conventional one, Demetrius imposed a philosophical oligarchy on Athens with the aim of strengthening the middle class economically and politically.⁹ This opinion has been challenged by Hans Joachim Gehrke, who, having specified criteria useful to link *politeiai* or law

5 Demochares of Leuconoe, Demosthenes' nephew, was an orator and historian active in the final decades of the fourth and opening years of the third century (Democh. FGrHist 75 T 3 = BNJ T 15). He wrote a history of his age in at least twenty-two books, which were devoted to the defence of the Athenian democratic tradition against Demetrius of Phalerum and Demetrius Poliorcetes (Democh. FGrHist 75 FF 1; 4 = BNJ FF 7; 8). He was one of Plutarch's favourite sources concerning these years, probably via Duris of Samos and/or Antigonus the Carystian (Marasco 1981, 61–62; O'Sullivan 2009, 306–309).

6 Which may go back to the same Demochares, as Bearzot 1992, 70–71, has persuasively demonstrated.

7 Droysen 1836, 430. More recently Worthington 2021, 34 describes him as a "de facto ruler".

8 The link between his political action and the association with the Lyceum was first established by Ael. VH 3.17 and Suda s.v. Δημήτριος.

9 Von Wilamowitz-Möllendorff 1893, 362–363; Ferguson 1911a, 39–61; 1911b. Bayer 1942 reaches the same conclusion, which is followed up by Williams 1983, 182–197 (even if he often defines Demetrius' government as a tyranny, explaining this statement at pp. 199–200) and, more recently Banfi 2010. Bayliss 2011, 61–93 describes it as an oligarchy without any reference to his philosophical apprenticeship.

codes to one philosophical school, concludes that Demetrius did not apply the political ideas of Aristotle and the Peripatos. He was in any case much more influenced in his role as legislator by the socio-political development of Athens and other cities that he could use as model.¹⁰ Since the connection with Aristotle's political theories has faded, Demetrius has been seen by many scholars as a democratic lawgiver. The continuous existence of traditional democratic institutions in Hellenistic times, such as assembly and council, has been considered enough to define regimes as democratic, regardless of their composition and competence and, thus, regardless of their real political authority. According to this 'minimalist' view of popular rule, it has been possible to classify the *politeia* established by Demetrius and Cassander in this way.¹¹

Defining and understanding the so-called constitution of Demetrius is not an idle problem. The evolution of the problematic relationship between the autonomy of the polis and need for control of the unruly city by Macedonian kings found a balance only after the Chremonidean war. This was a result of a contradictory process, started around fifty years previously, that consisted of conflicting demands, intense struggles, which often resulted in civil strife and banishments, and attempts to reach a political and institutional solution to bring the fight to an end. In this context, the Demetrius' regime was one of the more enduring constitutional experiments of the age, and, in the long term, one of the most influential. It was, in sum, a momentous and significant period in the transition from Classical to Hellenistic Athens. Moreover, giving the importance of the city and its political tradition, its evolutions had a deep impact on the development of political theory and practice all over the newly established Hellenistic ecumene.

In the following pages, in order to define and better understand the nature of the constitution established in 317, its basic elements will be analysed separately, trying to explain the grounds of different ancient opinions about it. After that, the regime as a whole will be examined in the light of contemporary political theory and practice, before drawing conclusions.

¹⁰ Gehrke 1978.

¹¹ Tracy, 1995 and 2000a, was the first to further the portrait of Demetrius as democrat, discussed at a greater length by O'Sullivan 2009 and, in a more balanced manner, by Faraguna 2016.

The Citizen-body and Role of the Assembly, Council and Law Courts

To begin with, we must determine who the runners of the new constitution were; in other words, whom it included and excluded as citizens. The only extant source about the arrangement between Cassander and Athens, perhaps represented by Demetrius, is Diodorus Siculus. A passage in his *Bibliothēke*, which probably goes back to a contemporary author, gives a brief account of the new order (18.74.2–3).¹² As an ally of the Macedonian ruler, Athens could retain city, territory, revenues, and fleet, even if a garrison was placed at Munychia. Diodorus then defines the political body of the polis, saying that τὸ πολίτευμα διοικεῖσθαι ἀπὸ τμησέων ἄχρι μῶν δέκα. This sentence has been conventionally understood as meaning that the state “was to be managed on the basis of property qualification up to (a minimum of) ten *minae*” (e.g., F 16a SOD). Hans van Wees has rejected this translation, objecting, first, that the historian is not speaking of only one property qualification, but many properties, and second, that ἄχρι means ‘up to’; therefore “1,000 drachmas was not the minimum, but the threshold for the highest grade”.¹³ If in his previous statement he is certainly right, since the text has the plural τμησέων, his second is more problematic.

For a start, ‘state’ is not a good rendering of the word πολίτευμα, employed by Diodorus to identify the object of the agreement. This term was coined in the fourth century and became increasingly common in the Hellenistic period. Aristotle says in his “Politics” (3.1278b) that πολίτευμα δ’ ἐστὶν ἡ πολιτεία, meaning not that these two nouns are synonyms, but that the constitution is embodied in citizens who make it work: *politeuma* indicates the active citizens who run the polis, distinguished from the citizenry as a whole.¹⁴ The word was used not only by theoreticians, and we read it with exactly the same meaning in several decrees of the final decades of the fourth century.¹⁵ Later its connotation changed, assuming a looser meaning and becoming almost equivalent to *politeia*¹⁶, but Diodorus

¹² Probably Hieronymus of Cardia (Saldutti 2021a). Landucci Gattinoni 2008, 251 hints at Duris of Samos.

¹³ Van Wees 2011, quotation at p. 97.

¹⁴ Levy 1993, 65–77; Hansen 1994.

¹⁵ Cf., for the fourth century, Alexander’s letter to the Chians (Rhodes – Osborne GHI 84a) ll. 3–4: πολίτευμα δ’ [εἶ]ναι ἐν Χίῳ δῆμον, with the remarks of Hansen 1994, 42 n. 10; and Ptolemaeus I’s *diagramma* for Cyrene (IGCyr 010800) l. 6: Πολί]τευμα δ’ ἔστω οἱ μυρία. Pieces of evidence from the third century are listed by Levy 1993, 69 n. 12.

¹⁶ Polybius uses the word in this vague way, even though he still feels the difference between the abstract *politeia* and the effective *politeuma* (Levy 1990).

uses the word in its original sense, reflecting the narrow use of the early Hellenistic political vocabulary, not the broader one of his time.¹⁷ Therefore, when he talks about divisions inside the *politeuma*, we must assume that he is considering only a section of the body of citizens, and excluding those who could not participate in the active *politeia*.¹⁸

Bearing this crucial distinction in mind, it is possible to better understand the rest of the sentence. The preposition ἄχρι is usually translated ‘as far as’, pointing at the limit of time or space, real or theoretical, under examination. Van Wees observes that the conventional translation ‘down to’ is odd, to say the least, because it usually means ‘up to’, when referring to degrees and measures. This remark takes for granted that Diodorus is describing a social pyramid, with the highest property qualifications at the top and the lowest at the bottom. So, counting from the lowermost rank, 1,000 drachmas had to be the highest property threshold to obtain the most important offices in the polis. The historian, however, when illustrating the social and political body of a society, does not seem to have had a vertical structure in mind, as we do, but a linear structure, starting from the first census class, the most important, and ending with the last, the least important. Such is the case of the Egyptian population, divided into three classes (τάξεις): the first (πρώτην [...] μερίδα), that of priests; the second (δευτέραν [...] τάξιν), that of farmers; and the last (τελευταίαν [...] μερίδα), that of craftsmen (1.28.4). The same is true for the more complex Indian society, which is divided into seven groups (2.40–41), and for the inhabitants of the island of Panchaea, which is more like that of the Egyptians, and organized into three census castes (5.45.3–5). To conclude this reasoning, Diodorus explains that, apart from the poorest Athenians, who are excluded from the *politeuma*, the selected body of citizens who oversaw the government had to be organized into census classes, the last of which consisted of citizens who could prove they had at least 10 *minae*.

A comparison with the regime previously established in Athens by Antipater at the end of the Lamian war has often been singled out to understand that of Cassander and Demetrius, but there are many differences between the two. Not only did the former have a minimum wealth qualification to be enrolled in the *politeuma* that was twice as high, 2,000 drachmas, but the *politeia* and the *politeuma* were also made to coincide perfectly, so that every Athenian who lacked the economic precondition to be part of the active political body was excluded from

¹⁷ At least in the present case, as Casevitz 1990, 32 has shown.

¹⁸ Russel M. Geer, in the Loeb edition of the text, translates the word with “the government”. More precise is the German translation by Otto Veh, “die Staatsverwaltung”, which resembles Domenica Paola Orsi’s Italian: “il regime politico”. Paul Goukowsky’s belles-lettres translation in French is more free and original; he speaks of the “régime censitaire”.

the citizenry as well. The dividing line between the *politai* and expelled citizens was so harsh that a portion of them was evicted from the city and sent to Thrace.¹⁹ This is why sources report different numbers of franchised citizens at the start of both regimes. Diodorus writes that in 322, 9,000 Athenians had enough money to become involved in the political body (18.18.5), whereas the almost unknown Ctesicles, probably reading the figure in Demetrius' work,²⁰ reports that five years later, after a population census, the number of Athenian citizens was 21,000 (FGrHist 245 F 1 = Athen. 6.272c).²¹ However, we do not know how many of these were in the *politeuma* and could be elected as magistrates.

Ancient authors do not explicitly say anything about the involvement of the population in decision-making, that is to say, whether citizens outside the active political body had at least a passive role in the assembly, voting when called upon to do so; nor do they relate whether the *ekklesia* had any important role during these ten years.

Epigraphic evidence is rather scanty. There are only two extant assembly decrees that could be dated to Cassander's ten years of control over Athens. This small number testifies to the interruption of an epigraphical tradition that had been continuous throughout even Phocion's government and started again vigorously after that of Demetrius.²² Moreover, the only decree that it is possible to

19 Diod. 18.18.4: Antipater changed the constitution (τὴν [...] πολιτείαν) from a democracy and ordered that the body of politically privileged citizens (τὸ πολίτευμα) had to be established on a census of wealth, and that only those who possessed more than 2,000 drachmas were master of government (κυρίουσ εἶναι τοῦ πολιτεύματος) and votes. He excluded from the citizen-body all those below this threshold (ἀπήλασε τῆς πολιτείας), portraying them as disturbers of the peace and warmongers [...]. Plut. Phoc. 27.5 is far less detailed; he recalls that the Athenians, after having received a garrison, managed to be governed according to the *patrios politeia* based on the census (πολιτευομένοις δὲ τὴν πάτριον ἀπὸ τιμῆματος πολιτείαν) and paid war expenses and a fine. The differences between the two authors may be due to the use of contrasting sources (van Wees 2011, 108). An accurate analysis of Antipater's decree can be found in Poddighe 2002.

20 Jacoby (FGrHist II/C Komm., 813) had already recognized Demetrius as the source of this information.

21 Differences between the two sources – to whom we must add Plut. Phoc. 28.7, which, however, with a figure of more than 12,000 disenfranchised citizens, is no doubt based on the same numbers given by Ctesicles – triggered a long and uneasy debate about the dimension and subdivision of Attica's residents. This can be retrieved in van Wees 2011, 107–110.

22 A total of 22 decrees were approved during the years between 322/321 and 319/318 (16 were not probouleumatic, and therefore ratified by the assembly alone, indicating the autonomy of the institution at that time). Oliver 2003 lists and discusses the decrees. Only four inscriptions could be dated to Polyperchon's short-lived supremacy (IG II² 387–389), while as many as 16 decrees were approved in 307/306, the first year after the collapse of Demetrius' regime (listed by Tracy 1995, 40 n. 21, to whom we must add Agora I 4953). These were characterized by strong democratic tones, such as IG II² 456, a friendship treaty with the democratic polis of Colophon; or IG

read²³ was produced in a very peculiar context. The deliberation was passed at the beginning of 313 to honour Asander, the Macedonian satrap of Caria,²⁴ for his military support during the troublesome months that characterized the Antigonid offensive in the Aegean Sea in the Third War of the Diadochi.²⁵ It was proposed by Thrasycles of Thria, who had been at the forefront of the previous oligarchic regime.²⁶ The impression is that those in power sought the support of the assembly to secure an alliance in dangerous times.

Many scholars have explained the almost complete absence of inscriptions in this period as being due to a reduction in public expenditures, arguing that this does not mean that the assembly did not work at the time.²⁷ This interpretation is unsound, since the expenditures for the publication of *stelai* were very low at Athens, especially in comparison with the high level of incomes that the city experienced during Demetrius' regime.²⁸ It would thus be better to speculate that the absence of inscribed decrees was due to a political choice rather than the collateral effect of an economic one. Even if the prescripts of the remaining decrees show that assembly meetings were held continuously in those years,²⁹ the inscriptions blackout in fact proves that they did not play the same role that they had in the past, and through the only extant document we get a sense of it as being a (not particularly operative) tool in the hands of the ruling élite. The reaction following this period of epigraphic silence shows that the restored democracy believed that a period in the conventional process of decision-making that had been anomalous at the very least had been overcome.

More light on the effective role played by the assembly after the peace agreement with Cassander could be shed by searching for traces of its participation in the events that involved Athens during those years.

IP² 457, which honours Lycurgus for his resistance to Alexander on behalf of democracy. Tracy 2000b and Hedrick 2000 underline the political meaning of this epigraphic mania.

23 The other, IG IP² 453, preserves only the prescript.

24 IG IP² 450.

25 Diod. 19.68.3. Athens was involved in military operations near Lemnos at Cassander's request. The chronological problems concerning these events are summarized by Habicht 2006, 422–423 n. 75.

26 Thrasycles was in 321/320 *anagrapheus*, the office that superseded former secretary of the *boulé* (IG IP² 378 and SEG 21.303).

27 Tracy 1995, 37; O'Sullivan 2009, 116–118; Faraguna 2016, 47.

28 In the fourth century the normal cost of material publication of an inscription was, in Athens, about 30 drachmas (Berti 2013), while Duris recalls that revenues reached the total amount of 1,200 talents per year (FGrHist 76 F 10 = Athen. 12.540c).

29 Tracy 1995, 37.

Diodorus mentions only two episodes that saw the *demos* acting on its own resolution. The war between Antigonos and Cassander arrived for the first time at the gates of Athens in 312, brought by 150 ships at the command of Polemaeus, *strategos* for affairs concerning Greece (19.77.2–7). After having conducted manoeuvres in Euboea, he moved closer to Attica. The Athenians then sent in secret (λάθρᾳ) ambassadors to the one-eyed's commander, asking him to free the city (ἄξιοῦντες ἐλευθερῶσαι τὴν πόλιν). When his army approached even closer, they, taking courage, forced Demetrius (ἠνάγκασαν τὸν Δημήτριον) to call a truce and send envoys to Antigonos regarding a peace agreement (19.78.2–3). The historian, clarifying that the first contacts were made by Athenians who were eager to be freed, allows us to identify them with the group hostile to Cassander, ostensibly the anti-Macedonian leaders backed by people excluded from government. At the beginning they had to act covertly because the *ekklesia* was under the control of their enemies, as Asander's decree demonstrates. Nevertheless, later they could converse and dictate an outcome for the deadlock, and it could thus be argued that the assembly, theoretically still the decision-making body, could be regenerated and used in times of need, to the extent that it could force Demetrius to obey its order.

The second episode is even more detailed in describing political dynamics and the governing process. When, in June 307, Demetrius the Besieger took control of the harbour, Demetrius Phalereus was sent as ambassador to make an agreement regarding the autonomy of Athens. Diodorus (20.45.2) says that he was compelled to capitulate by the *demos* (ὑπὸ τοῦ δήμου), while Plutarch (Demetr. 9.3) stresses that, due to the change of constitution (διὰ τὴν μεταβολὴν τῆς πολιτείας), he was convinced because he was more daunted by citizens than he was by enemies (μᾶλλον τοὺς πολίτας ἢ τοὺς πολεμίους δεδοικότος).³⁰ Accounts differ in specific aspects,³¹ but agree in recognizing the *demos*, namely the citizens normally excluded from the active administration of the city, as the key player in this situation. In this case too, it is only when circumstances reach breaking point that prevailing opinions among common people manage to find a manner of expression, and the stifling yoke of the government is thrown off. Nevertheless, these feelings did not pave the way to an uprising, so much so that

³⁰ The meaning of Plutarch's narrative is not clear. It is not easy to understand whether Demetrius feared the predictable coming change of constitution, as is usually interpreted, or the past revision, his own, which is a possible sense of the sentence. If this were the case, the existence of a layer of passive citizens would be much more confirmed.

³¹ Probably due to their main sources, who were Hieronymus of Cardia for Diodorus (Hornblower 1981, 32–49), and Philochorus and Demochares – the latter through Duris of Samos – for Plutarch (Marasco 1981, 58–63).

in both episodes Demetrius became bearer of the people's requests. It seems that law-making bodies, which previously worked uninterrupted, but under the élite's control and without autonomous power, could impose their theoretical superiority only when crisis reached a climax.

The evidence regarding the other two pillars of Athenian democracy, the council and popular courts, is also slim, and does not change the overall picture. The former continued to work, as the prescripts of epigraphic decrees confirm,³² and the same is also true for the latter. We have reports that Demetrius increased the number of jurors in the lawsuits of the *eisangelia*,³³ even if it is uncertain whether jury pay, a traditional democratic instrument, still existed.³⁴

Cassander's regulations divided Athenians into active and passive citizens, who could attend a weakened assembly. These two provisions mark the distance between the new regime and the old democracy, not only that of the fifth century, but even the moderate one of the fourth, when there was no such distinction within the *demos*, and the *ekklesia* still had enough power to determine the most important political choices of the polis. This system was, of course, fairer than that of Cassander's father, due to differences in how they started, as well as the wider context. Established after a rebellion, the sole target of Antipater's *politeia* was to abolish democracy, which was considered the cause of the war, and banish its supporters, that is, the lower layer of population, thus rendering them harmless.³⁵ Athens was taken by Cassander in a different situation, namely in the framework of a struggle with Polyperchon, when his authority was still on trial.³⁶ For this reason, he chose to treat Athens as an ally much more than his father had done.

The relative leniency of the political organization within which Demetrius could operate – given the existence of a broad citizenship, of a wide political body, of uninterrupted assembly and council meetings – allowed him to claim

³² Both the extant decrees record the existence of *proedroi* as coming from *boulé*: IG II² 450 6–7 (τῶν προέδρων ἐπεψήφισεν κτλ); IG II³ 1, 357 5–6 (τῶν προ/[έδρων ἐπεψήφισε]ν κτλ. Restored, but certain). O'Sullivan 2009, 119–120.

³³ Poll. 8.53; Lex. Rhet. Cantabr. s.v. Εἰσαγγελία. Banfi 2010, 97–101 thinks that their jurisdiction was reduced in favour of the Areopagus.

³⁴ Duris FGrHist 76 F 10 (= Athen. 12.540c) relates that Demetrius spent next to nothing on the administration of the city (βραχέα δαπανῶν εἰς [...] τὴν τῆς πόλεως διοίκησιν). For a long time this sentence has been read as evidence of the withdrawal of the *misthos* (e.g. Gehrke 1978, 154), a reading that O'Sullivan 2009, 139 rejects.

³⁵ Green 2003, 4; and Baynham 2003 emphasize Antipater's will to reshape Athenian society by putting power in the hands of the rich and punishing the poor, inasmuch as poor men made up the bulk of sailors in the fleet.

³⁶ The background of Cassander's conquest is described by Landucci Gattinoni 2003, 27–56.

to have improved democracy, which had been established many decades ago on similar ground. It is not just this, however. There was another reason that made it possible for him to say that he was operating within the framework of popular government. This concerned the meaning of democracy both in contemporary politics and in his own historical re-enactment. By suggesting that he administered a democratic polis, he was not hinting at the democratic Athenian constitution born after Ephialtes' reforms. As we can guess from his fragmentary works, the democracy he had in mind was similar to the Areopagite regime that fourth century intellectuals, among them Aristotle, believed had ruled the city after the Persian wars.³⁷ According to this (perhaps fictitious) reconstruction of past events, at that time Athens was driven by a regime with property qualifications and an assembly controlled by the Areopagus council.³⁸ Demetrius, involved in the aggressive debate that flourished after his exile, reshaped this tradition in his philosophical and autobiographical works in order to reply to his critics, fabricating the theoretical context that allowed him to declare himself a champion of the Athenian tradition.

In this attempt he was helped by the evolution of the meaning of the word democracy in Hellenistic political practice, since it was losing its proper constitutional sense and assuming a less definite meaning.³⁹ Taking advantage of this shift in the significance of the word, Demetrius could reshape and use it in the debate provoked by his government.

Demetrius' Role

Diodorus ends his description of the agreement between Athens and Cassander by recalling that the Macedonian regent decided to appoint Demetrius as overseer and that, thanks to this nomination, he assumed the supervision of the city (τὴν ἐπιμέλειαν τῆς πόλεως). His role was soon ratified with a vote by the newly established assembly, as is testified by an epigraphic decree from the deme of Aixone. However, this unfortunately has a gap of nine letters where the official qualification of Demetrius was recorded (IG II² 1201 l.11: [----9---- αἰ]ρεθεὶς ὑπὸ τοῦ δῆμο[υ τοῦ Ἀθ]/[ηναίων]).

³⁷ Saldutti 2020.

³⁸ Aristot. Ath. pol. 23.1–2.

³⁹ Quaß 1979, 37–41; Grieb 2008, 13–14; Carlsson 2010, 287–293; Mann 2012, especially 18–24; Wiemer 2013.

The precise appointment of Demetrius has long been debated among scholars. Due to the coincidence of Diodorus' text and other literary sources related to the same period, the title of *epimeletes* has received a great deal of consensus.⁴⁰ This office had been held by governors of cities controlled by Macedonian kings since Alexander,⁴¹ but does not fill the lacuna of Aixone's decree, since this had one more *stoichos*. The word *nomothetes*, on the other hand, plugs the gap and was more familiar to the Athenian political lexicon. This restoration is also supported by a long tradition – which goes back to Demetrius himself – making him the last lawgiver of the city. Finally, the decree of Aixone honours him for having given good and useful laws to the city.⁴² Despite this, the word *nomothetes* describes a function more than it indicates a magistracy, since we must assume that, due to duties described by sources, he was not elected to a conventional panel of *nomothetai*.

A third possibility must be considered. The nine-letter gap could be perfectly restored with the noun *strategos*. This hypothesis, which long enjoyed overwhelming consensus,⁴³ has been dismissed since Stephen Tracy dated a statue base inscription dedicated to τὸν/ στρατηγὸν Δημήτριον Φανοστράτου Φαληρέα after the Chremonidean war, which shows it refers to Demetrius' grandson.⁴⁴ Other evidence, however, supports this option. Polyaeus calls him *strategos* of the Athenians (Ἀθηναίων στρατηγῶν) in a detailed and reliable account of the capture of Piraeus by Demetrius Poliorcetes (Strat. 4.7.6). Aixone's decree, then, proves that the office was elective, and generalship was by far the most authoritative elective magistracy at Athens.⁴⁵ This appointment allowed, moreover, a continuity that was unusual for the others. A clear example is the career of Phocion, who was, due to his military and, above all, political competence, elected general for more than 40 years. Phocion's expertise was particularly relevant in the decision taken by Antigonos to make him his own referent at Athens

⁴⁰ Williams 1983, 169; Tracy 1995, 43–45; Gagarin 2000, 348; Banfi 2010, 57–68; and Bayliss 2011, 77.

⁴¹ Arr. Anab. 1.177; Plut. Phoc. 29.5. Diodorus' use mirrors that of Hieronymus, who had direct knowledge of Antigonid's official lexicon (Sinatti 1996, 97–103, 119–120).

⁴² According to Marm. par. FGrHist 239 B 13, and Duris FGrHist 76 F 10 (= Athen. 12.542c), Demetrius gave laws to his fellow citizens, which is why Synkellos (331,6) calls him the third lawgiver of Athens. Demetrius is author of a *περὶ τῆς Ἀθήνησι νομοθεσίας* (Diog. Laert. 5.80). First proposed by Ferguson 1911a, 47, then developed by Dow – Travis 1943, 153–154, this hypothesis has been recently supported by O'Sullivan 2009, 96–98; Canevaro 2011, 65; and Faraguna 2016, 43–44.

⁴³ Ferguson 1911a, 47–48; Gehrke 1978, 174–175.

⁴⁴ IG II² 2971; Tracy 1995, 43–44.

⁴⁵ Cfr. Oliver 2007, 160–163 for an up-to-date description of the *strategos* role and its link with politics in early Hellenistic Athens.

after the Lamian war, when he was chosen as chief of a government which also involved Demetrius of Phalerum.⁴⁶ Moreover, the restoration στρατηγὸς αἰ|ρεθεῖς ὑπὸ τοῦ δήμου might be a less developed articulation of the later epigraphic formula στρατηγὸς χειροτονηθεῖς ὑπὸ τοῦ δήμου, which has been easily restored in many inscriptions from the late fourth century on, particularly after the Chremonidean war, when it described the procedure of election of generals who had been previously approved by Antigonus Gonatas.⁴⁷ This is the case of Demetrius too, who was formally elected after having been appointed by Cassander. It could thus be the first attempt to regulate a new method of selection of local leaders in a town subordinate to Macedonian power. Lastly, the office of *strategos* had a special position in the almost coeval *diagramma* of Cyrene (dated to around September 320), which, as we shall see, shares other common points with Cassander's constitution.⁴⁸ In the newly established administrative organization of the African city, Ptolemaeus I had to be general for the rest of his life (Στρατηγὸς δὲ ἔστω Πτολεμαῖος ἀεί), holding exceptional influence over all Cyrenaic political life. Nonetheless, from a formal point of view, he was not the supreme authority, a role which was still retained by the Macedonian king and his viceroy, who at the time was Antipater. Demetrius' role mirrors that of Ptolemaeus as a plenipotentiary of a predominant monarchy inside the city and could well be described with the same qualification.

Whatever the official title of Phalereus, his position was peculiar. His power was limited by Cassander's control, and because of this he was, in Macedonian eyes, an *epimeletes*; without a fitting army and fleet, and under the control of a foreign garrison, he could not intervene with autonomy in external affairs, making him seem an incapable *strategos*; however, in internal politics, he had free rein, so that here he looked like a ruler.

The prominent inner role played by Demetrius on behalf of Antipater's son is at the origin of the hostile tradition that made him a king, if not an out-and-out tyrant. This belief goes back to the unfavourable propaganda of his opponents,

⁴⁶ Demetrius partook in Phocion's government until the end, when he was sentenced to death with other leaders following the rise of Polyperchon (Nep. Phoc. 3.1–2; Plut. Phoc. 35.4–5).

⁴⁷ IG II² 1260 14–15, 21–22; 2857 2; II², 1 985 4–5, 22, 30–31, in the first clause in reference to the honorand's father, Thrasykles of Sphettos, who was politically active in the years that followed the Lamian war; I.Eleusis 180 10; I.Rhamnous 10 3; 11 4–5; 14 3–4; 32 3; 43 3–4; 48 3; 49 4–5; 47 2–3; 145 1–2. In many other inscriptions the *demos* is implied as agent of the vote. Paschidis 2008, 513–521 persuasively reconstructs the manner in which Athenian generals were selected at the time of Antigonus Gonatas.

⁴⁸ SB VIII.2 10075 26 (= IGCyr 010800). Laronde 1987, 85–128, as a result of prosopographical studies, dates the inscription to after the war against Thibron. Criscuolo 2001, 145–153, in accordance with the general re-dating of events between 323–319, has proposed placing it in 320.

above all Demochares, and was provoked by Demetrius' behaviour as well. He wanted to make his influence evident by giving a tangible image of his power. In 309/308, having added the archonship to his previous appointment, he presided over the Dionysian procession in the most luxurious way, riding a slug-shaped chariot surrounded by choirs singing hymns dedicated to him.⁴⁹ During the ten years, furthermore, many statues portraying him adorned the streets of Athens as a result of the combined interests of his supporters, who probably proposed this honorific measure, and his own.⁵⁰ Demetrius' attitude paved the way to the successive "ruler cult",⁵¹ and denoted how he perceived his position inside Athens.

Demetrius' Lawgiving

Following his appointment, Demetrius began to intervene in various fields of legislation, tackling institutional, moral, and economic problems. The last of these concerned the fiscal administration of a city deprived of its navy and, therefore, of its greatest cause of expenditure. This allowed him to increase the revenues and maintain a calm situation,⁵² this, however, lies outside the constitutional problems we are dealing with.

Inside the framework defined by Cassander, Demetrius shaped the new political and administrative organization of Athens, intervening above all in the arrangement of magistracies. Among them, the most authoritative was the Areopagus council. Even if an Areopagus-led city was considered in Demetrius' constitutional view, sources that testify to an increase of its powers are lacking. Since the mid-fourth century, this council had played a more important role and was clearly linked with the evocative *patrios politeia*,⁵³ but all evidence outlines the general process, without dating single modifications.⁵⁴ If we cannot be sure that he gave more power to the council, there is still the possibility that he exercised strong control over it. It is beyond any doubt that he became archon in 309/308 and – since it is hard to believe that this happened without interference in the

⁴⁹ Democh. FGrHist 75 F 4 (= Pol. 12.13.1–12); Duris FGrHist 76 F 10 (= Athen. 12.542c–543a).

⁵⁰ Nep. Milt. 6.2–3; Str. 9.1.20; Plin. HN 34.27; Diog. Laert. 5.75; Plut. Mor. 820e; [Dion. Chrys.] Corinth. 41; Ampel. 15.19. See Azoulay 2009 on the context and political meaning of the erection and destruction of these monuments.

⁵¹ Muccioli 2015, 18–38.

⁵² Habicht 2006, 77; O'Sullivan 2009, 189–195; Banfi 2010, 181–194.

⁵³ Wallace 2000, 588–590.

⁵⁴ It is not certain that any of the sources usually cited to support the idea of Demetrius' expansion of the jurisdiction of Areopagus concerns Demetrius' lawgiving: O'Sullivan 2009, 147–159.

context of a drawn selection – it is a clue that during his administration this magistracy came to be an elective one.⁵⁵ After all, other magistracies instituted by Demetrius were elective, as we shall see, and this was an easy way of exercising soft, albeit effective, control over the Areopagus, which had in previous decades become increasingly influential in inner politics.

The institution of a body of *nomophylakes* is likely to belong to his ten years of government. All surviving evidence comes from the lexicographical tradition and goes back to the same source, the attidographer Philochorus, who described their duties in order to stress the difference between them and the board of *nomothetes*.⁵⁶ This observation comes from the seventh book of his *Atthis*, which was devoted to the years of Demetrius' government.⁵⁷ Due to the lack of other indications, scholars usually agree in dating its institution to that time, making this board the touchstone of every interpretation of his constitutional work.⁵⁸

The political reflections of both Plato and Aristotle mention a board of *nomophylakes*, and it has thus been considered proof of the dependency of Phalereus' lawgiving on philosophical speculation, as well as of its oligarchic overtones.⁵⁹ But since the differences between 'philosophical' and 'historical' *nomophylakes* have been underscored by scholars, their existence alone cannot be used as evidence of the constitutional nature of Demetrius' government.⁶⁰

We must turn back to Philochorus' description of their tasks. First, he begins by describing their strong religious appearance, as testified by the white headbands with which they were crowned (ἑστεφάνωνται μὲν στροφίῳ λευκῷ. Poll. 8.94), and by their role as conductors in the procession for Athena Polias, when the goddess' statue was escorted to sea (τῆι Παλλάδι τὴν πομπὴν ἐκόσμου, ὅτε κομίζοιτο τὸ ξόανον ἐπὶ τὴν θάλασσαν. Phot. s.v. οἱ νομοφύλακες τίνες), that is

⁵⁵ Gehrke 1978, 153; Williams 1983, 180–181; Gagarin 2000, 369; Habicht 2006, 73; Banfi 2010, 111–115. Tracy 1995, 38 n. 8 says that Demetrius could have been appointed to this magistracy through an expedient. O'Sullivan 2009, 144–151 completely rejects this hypothesis.

⁵⁶ Poll. 8.94; Harpokr. s.v. νομοφύλακες; Phot. et Sud. s.v. οἱ νομοφύλακες τίνες; Lex. Rhet. Cantabr. s.v. νομοφύλακες (= Philoc. FGrHist 328 F 64). The new reading of Poll. 8.102 made by Bearzot 2007 has conclusively expounded the lemma in this dossier.

⁵⁷ Costa 2007, 377–378.

⁵⁸ Ferguson 1911a, 44; 1911b, 271–276; Bayer 1942, 28–30; Gehrke 1978, 151–152, 188–191; Habicht 2006, 73; O'Sullivan 2009, 75–79; Banfi 2010, 136–146; Canevaro 2011, 66–68; Faraguna 2016, 48–50. Wallace 1989, 202–204 and Gagarin 2000, 353 date their establishment to Antipater's time.

⁵⁹ Ferguson 1911b, 271–276; Williams 1983, 181–183, and Banfi 2010, 143–145. The role of the *nomophylakes* in their respective political theory is discussed in detail in Pl. Leg. 772d–775b, and Aristot. Pol. 3.1287a; 4.1298b; 4.1322b–1323a.

⁶⁰ Gehrke 1978, 151–162; Faraguna 2015, 152–155.

to say during the Plynteria festival.⁶¹ The aim was probably to emphasize their authority inside the newly established polis organization. The attidographer's fragment goes on to say that the board was composed of seven members. This makes it unparalleled in the context of Athenian institutions, which had been based on the tribal system since the establishment of *isonomia* under Cleisthenes. It is impossible to understand why that number was chosen, but it cannot be easily dismissed, since we lack other evidence.⁶² Actually, the only similar constitution, that of Cyrene, shows the same anomaly, with a board of nine *nomophylakes* in the framework of a system based on the number five.⁶³

The pre-eminence of the board is rooted in its political role. Philochorus said that, sitting in the assembly and the council with the *proedroi*, it compelled the magistrates to follow the laws, preventing them from voting on proposals it considered contrary to the law or disadvantageous to the city (ἡνάγκαζον δὲ καὶ τὰς ἀρχὰς χρῆσθαι τοῖς νόμοις, καὶ ἐν ταῖς ἐκκλησίαις ἐκάθηντο μετὰ τῶν προέδρων, κωλύοντες ψηφίζειν, εἴ τι παράνομον αὐτοῖς εἶναι δόξειεν <ἦ> ἀσύμφορον τῇ πόλει. Phot. s.v. οἱ νομοφύλακες τίνες). Verbatim consonances of all the transmitting texts make it clear that this was the wording of the original source, and the core of its description of their tasks.⁶⁴ The historian allows us a glimpse inside Athenian decision-making at the time of Demetrius: both *ekklesia* and *boulé* were active, as was the rotation of *proedroi*. As we have seen, access to these bodies had not been limited, although there were citizens without complete political rights. That notwithstanding, the existence of a newly established body of guardians of the law allowed internal and external authorities, Demetrius and Cassander, to control their job and meddle in their normal functioning, stopping every proposal that did not satisfy them.⁶⁵

The *nomophylakes* matched entirely with the idea of a pre-Ephialtean constitution where the Areopagus council led the polis through guardianship over the

61 See Sourvinou-Inwood 2011, 160–180 on the role of *nomophylakes* as representative of the whole polis in this festival.

62 Banfi 2010 153–154 believes that a copier confused the number of Philochorus' book containing the note with the number of the magistrates that he read in his reference text, which had to be six, like that of the *thesmothetai*.

63 SB VIII.2 10075 32 (= IGCyr 010800).

64 Poll. 8.94: τοῖς δὲ προέδροις ἐν ἐκκλησίαις συγκαθίζουσιν, διακωλύοντες ἐπιχειροτενεῖν ὅσα μὴ συμφέρει; Harpokr. s.v. νομοφύλακες: οὗτοι τὰς ἀρχὰς ἐπηνάγκαζον τοῖς νόμοις χρῆσθαι; Lex. Rhet. Cantabr. s.v. νομοφύλακες: τὰς δὲ ἀρχὰς ἡνάγκαζον τοῖς νόμοις χρῆσθαι, καὶ ἐν τῇ ἐκκλησίαι καὶ ἐν τῇ βουλῇ μετὰ τῶν προέδρων ἐκάθηντο, κωλύοντες τὰ ἀσύμφορα τῇ πόλει πράττειν.

65 Canevaro 2011, 66–69 credits the board with playing a role in law-making by *graphe paranomon* and *graphe nomon me epitedeion teinai* in the democratic constitution established after 403.

laws, and Demetrius was thus right once again in calling his regime a renovated democracy. The tradition, resumed by Philochorus, that a board with this name was established when Ephialtes left the Areopagus with jurisdiction in homicide trials alone, could be an imaginative reconstruction made in the years of Demetrius' administration to validate its reintroduction.⁶⁶ However, despite this propaganda, their interference in law making was clearly oligarchic, and undermined the popular power to the benefit of a limited group who controlled Athens.⁶⁷ It is doubtless for this reason that they, considered the cornerstone of Demetrius' power, disappeared at the same time as his regime.

A narrower field of activity distinguished the *gynaikonomoi*, the other magistracy which dates to Demetrius' age. In this case too, the main evidence that allows us to attribute the establishment of the board to the age of Phalereus is a reference to their tasks in the seventh book of Philochorus' *Atthis* and their suddenly demise with the collapse of the regime. In addition to this, other information about this board comes from poets of New Comedy all active in the final decades of the fourth century, namely Linceus of Samos (F 27 Dalby), brother of Duris, Timocles (F 34 K–A), and Menander (F 208 K–A).⁶⁸

The attidographer says that, with the help of the Areopagites, the inspectors of women used to watch meetings in houses, during weddings and other sacrifices (FGrHist 328 F 65 = Athen. 6.245c: μετὰ τῶν Ἀρεοπαγιτῶν ἐσκόπουν τὰς ἐν ταῖς οἰκίαις συνόδους ἐν τε τοῖς γάμοις καὶ ταῖς ἄλλαις θυσίαις). This was confirmed by comic poets, in whose fragments *gynaikonomoi* were charged with prying into houses during symposia or marriages and checking how many guests there were: specifically, whether they exceeded the permitted number of thirty. Their control over women's behaviour, as testified by late lexicographers, was thus only one of their duties, and not the most important.⁶⁹

⁶⁶ Bearzot 2007, 51–54 has convincingly argued against O'Sullivan 2001, 53–55 (resumed by Couvenhes 2012, 85–91), who considers it to be at least plausible to situate the institution of a first board of *nomophylakes* in the mid-fifth century and that a second board was nothing more than the former body of *desmophylakes* with a new name. It is very likely that Philochorus read and made extensive use of Demetrius' works (Saldutti 2021b).

⁶⁷ Bearzot 2007, 51–52 and Faraguna 2015, 153 recognize the antidemocratic essence of the board regardless of Plato and Aristotle's theorizing.

⁶⁸ Ferguson 1911a, 45–46; Bayer 1942, 51; Wehrli 1962, 34; Gehrke 1978, 162; Williams 1983, 185–187; Ogden 2002; Habicht 2006, 74; O'Sullivan 2009, 67; Banfi 2010, 120; Faraguna 2016, 20 and n. 67. Jacoby (FGrHist III/B Komm., 339–340) and Costa 2007, 389 prefer to date the introduction of the board to the age of Lycurgus or Phocion. Engels 1998, 89–90 dates it to a time between Lycurgus and Demetrius.

⁶⁹ Poll. 8.112 recalls that the *gynaikonomoi* had to punish disorderly women and write the penalty inflicted on a plane tree in the Keramikos (cfr. Hsch. Lex. s.v. πλάτανος).

The *cura morum* was a fundamental target of Demetrius' lawgiving and *gynai-konomoi* played a prominent role in that. His more abundantly testified legislative intervention on morality concerned Athenian burial customs, which in the preceding years had seen a growth in the display of luxury. Cicero, in a long passage that explicitly cites Demetrius as source of that information, recalls the history of burial laws in Athens from the age of Solon onwards (Leg. 2.62–66). The final section of the chapter is dedicated to Phalereus' own laws against the magnificence of funerals and tombs. The lawgiver ordered that burials had to take place before the dawn and that the memorials of the burial had to be limited to small columns, tables or basins.⁷⁰ Cicero also reminds us that Demetrius appointed a magistracy specifically to look after this assignment (*et huic procurationi certum magistratum praefecerat*). Even if the name of this magistracy is not specified, it is highly probable that the author hinted at *gynai-konomoi*.⁷¹ In the "Life of Solon", which included the Phalereus among its sources,⁷² Plutarch describes at great length the funerary provisions enacted by the *diallaktes* (21.3–7). The chapter ends with a reference to "our laws enacted by the *gynai-konomoi*" (τοῖς ἡμετέροις νόμοις [...] ζημιούσθαι τοὺς τὰ τοιαῦτα ποιοῦντας ὑπὸ τῶν γυναικονόμων), which, in addition to ancient limitations, punished men as well. The allusion to still existing laws has often been interpreted as a reference to the age of Plutarch's source, not to his own.⁷³ If this is so, it is highly probable that the biographer found this comment in Demetrius' works concerning his ten-year government. Moreover, the competence of a board of *gynai-konomoi* concerning burial customs is attested outside Athens in Gambreion.⁷⁴ We must conclude that this board played a prominent role in the state control of private behaviour and expenditures.

This concern is present in other measures adopted by Demetrius. The eclipse of the *choregia* and rise of the *agonothesia* in the years between 320/319 and 307 make it plausible that the lawgiver was responsible for this development in the organization of Athenian festivals.⁷⁵ The case becomes stronger when we consider

⁷⁰ Archaeological findings corroborate literary sources (O'Sullivan 2009, 51–55), even if some families continued to use their old *peribolos*, especially outside the centre of Athens (Marchiandi 2011, 32–34).

⁷¹ Gehrke 1978, 162–163; O'Sullivan 2009, 49–51; Banfi 2010, 173–174; Faraguna 2016, 54.

⁷² Plut. Sol. 23.3.

⁷³ Jacoby FGrHist III/C anm. 4, 245–246; O'Sullivan 2009, 49.

⁷⁴ IMT Kaikos 922. *Gynai-konomoi* are attested in Samos (IG XII,6.1: 461.3; 2:598.8; 2:1197.27); Milet (Milet VI,3 1151.7–8); Sparta (IG V 1,170.3–5; 209.10); Gortyna (IC IV 252.2); Magnesia (IMagn 98.20); Didyma (IDid 84.12–13; 415.6–7; 361.6, 9–10); Notion (Notion 9.2); Andania (IG V,11390.26–32); and Methymna (IG XII,2.499.6).

⁷⁵ The last inscriptions remembering the victory of a *choregos* date to 320/319 (IG II² 3054; 3055), while the first displaying the title of *agonothetes* to 307/306, a few months after Poliorcetes' res-

that Plutarch (mor. 349b) recalls his hostility towards the institution of the *choregia*, whose costs were embodied in the victory tripods, which did not celebrate a victor's success, but were, in his words, "[an] empty memorial of their bankrupt estates" (τῶν ἐκλελοιπότητων κενοτάφιων οἴκων). This aversion was deeply rooted in the philosophical debate of the second half of the fourth century, which criticized such outlays as useless in comparison with those on the military.⁷⁶

The *agonothesia* was an elective charge that a citizen had to manage in the name of the people, organizing festivals with public money, while the *choregia* imposed private spending in order to coordinate a single performance. Therefore, the newly established institution unburdened the wealthier Athenians of this expenditure, even if only as a matter of principle, since the city expected *agonothetes* to add private to public funds in order to set up more sumptuous festivals.⁷⁷

Although in Demetrius' attention to the finances of rich Athenians it is easy to imagine a common and consistent spirit, the scope of this intervention has been disputed. The traditional idea that Demetrius tried to "save the middle-class Athenian citizens from ruining themselves", as Ferguson puts it,⁷⁸ must be ruled out. Not only does the vague definition of "middle-class" fail to fit citizens who built sumptuous tombs and spent money on liturgies, but the premise, namely the idea that they could squander fortunes on such things, is inadequately founded. Both funerary and liturgical outlays were still affordable for wealthy Athenians at the end of the fourth century, given that the former were not very high and the latter continued to be made, albeit in an inexpensive manner.⁷⁹ Above all, the almost total destruction of the fleet at Crannon considerably reduced the economic burden of trierarchy, the most expensive liturgy, even though it was not dismissed completely.⁸⁰ Between the fourth and third centuries, moreover, the ruling élite at Athens did not experience economic decadence, but quite the opposite, as we

toration of democracy (IG II² 3073, as restored by Lambert 2000–2003). For the attribution of the innovation to Demetrius: Ferguson 1911a 55–56; Gehrke 1978, 171; Williams 1983, 192; Habicht 2006, 75; O'Sullivan 2009, 173; Banfi 2010, 179; Faraguna 2016, 57–61; Papakonstantinou 2016, 96. ⁷⁶ Faraguna 2016, 57–61.

⁷⁷ Summa 2003, 528–532; Papakonstantinou 2016, 104–106.

⁷⁸ Ferguson 1911b, 5; Banfi 2010, 166–167.

⁷⁹ Summa 2003 underlines the evolutions in dithyrambic and theatrical performance that rendered the existence of many *choregoi* useless, since the choir was the same for many pieces, with the consequence, we might add, of a cost reduction. Engels 1998, 142–145 stresses the relative affordability of tomb building for the Athenian élite.

⁸⁰ Ferguson 1911a, 58; Habicht 2006, 75; Oliver 2007, 197; and Banfi 2010, 177 believe that the naval defeat at Crannon and the absence of evidence during Demetrius' years in power testify to the disappearance of this contribution. O'Sullivan 2009, 186–188, on the other hand, affirms that there is not enough documentation indicating that the lawgiver ever eliminated any liturgy.

can see, for instance, by the growing luxury of private houses.⁸¹ The existence of such expenditures proves the spending capacity and related financial solidity of well-to-do Athenians.

The second possibility is that these measures came about for religious and moral reasons.⁸² However, while this justification may elucidate the funeral laws and institution of the *gynaikonoi*, it does not explain the abolition of the *choregia*.⁸³ Furthermore, save sumptuary laws, his action does not seem to be concerned with religious purposes. Demetrius was credited with having made sacrifices in honour of his dead brother Himereus (Athen. 12.542e), and the procession of 309/308, when he was archon, reveals a cult of personality that was unorthodox, to say the least, and almost new in Athens. Moreover, when the atheist philosopher Theodorus of Cyrene was accused before the Areopagus, Demetrius rescued him (Diog. Laert. 2.101).⁸⁴ His links with philosophical schools did not mean that he was a religious bigot or moralist; quite the contrary, the core of his contemporaries' allegations was his moral and religious outrageousness in public behaviour.⁸⁵

This leaves only one possible conclusion. As has been recognized by many scholars in recent years, the aim of sumptuary regulations was to achieve a high level of solidarity among the well-to-do, limiting dangerous competitive practices that could destabilize the ruling élite.⁸⁶ The same is true for the *agonothesia*, which put an end to the self-destructive struggle around expenditure among the wealthier Athenians, permitting them to continue to display power and authority inside the polis, but avoiding the risk of activating a vicious circle that could end in a useless political and social clash within the ruling élite. Thus, these provisions were not oriented at reducing evident inequality between rich and poor and shutting down a potential social struggle – as has been supposed⁸⁷ – but aimed instead at closing the ranks of leading Athenians in order to better control the political life of the city.⁸⁸ The main purpose of Demetrius' interest in moral behaviour was, therefore, political and, in this light, we must understand the establish-

81 Nevett 1999, 161–162.

82 O'Sullivan 2009, 57–71.

83 Engels 1998, 141–142 cannot find any religious ground for the three remaining tomb shapes, nor any link with the family tombs from the 'good old days' of Solon.

84 Diogenes also reports another tradition by Amphicrates, which has Theodorus being convicted.

85 Mari 2003 stresses the political nature of impiety trials as a means against Macedonians and their supporters.

86 Bernhardt 2003, 317–334; Simonton 2017, 89–93.

87 Gehrke 1978, 186–188; Engels 1998, 145–146.

88 Bernhardt 2003, 275 with reference to Demetrius Phalereus.

ment of laws and magistracies devoted to apply them, such as the *gynaikonomoi*. The link with the Areopagus council seems to indicate the political nature of this body, which controlled private actions, but with reference to their public consequences and repercussions on social stability.

To sum up, these provisions bolster the idea that many laws made by or attributed to Demetrius show a marked oligarchic overtone. The preference given to election instead of lottery in the selection of magistrates; a second and last instance check on lawgiving conferred to a limited board of guardians; regulations aiming at strengthening the solidarity of the inner élite; all these resolutions highlight the distance between the constitution of the ten years and Athenian democracy of both the fifth and fourth centuries.⁸⁹ For this reason, the faction hostile to Demetrius described his regime as oligarchic, starting the tradition resumed by Plutarch and, later, by Suda.

The Nature of the Constitution

The regime imposed by the agreement between Cassander and Demetrius and improved by the latter was not a true democracy, even if the criteria for citizenship and the role played by assembly in decision-making resemble that of the isonomic government of the first decades of fifth century Athens. Nor was it an oligarchy, given that the *ekklesia* continued to be the authority of final instance, even though it had to submit its measures for the approval of the *nomophylakes*. The very existence of these elements makes it clear that Demetrius' power, albeit substantial, was far from absolute. Thus, no one definition that we read in ancient sources fits well, and we must find a different solution.

If we carefully examine the equilibrium of the system that operated in Athens during the ten years of Demetrius' administration, the regime could be described as a mixed constitution with limited sovereignty, where monarchical features (in the pre-eminence of the Phalereus), oligarchical characteristics (in the strengthening of magistracies as a check and balance instrument by a narrow élite), and democratic elements (in the theoretical possibility for all citizens to participate in political life embodied in the assembly and council, albeit with reduced power) were blended together. The historical framework in which this institutional organization was established made the polis subject to the external protection of

⁸⁹ Moreover, the tasks attributed to *gynaikonomoi* were in outright conflict with democratic ideology which, as stressed by Musti (1995, 103–138), tended to differentiate the private from public spheres.

Macedonia, limiting the autonomy and sovereignty of the Athenians. This does not mean that the idea that Demetrius' so-called constitution was inspired by Aristotle's political theory comes through the back door in disguise after leaving through the front. In other words, this mixed constitution was not the outcome of a political theory, even though its nature has provoked this kind of explanation among scholars and, in particular, the traditional definition of Wilamowitz and Ferguson.

The first philosopher to introduce the idea of a mixed regime was Plato in the "Laws", where he proposed Sparta as model of a middle constitution between democracy and monarchy (Leg. 3.691d–692a; 694d–e). His theory, however, was based fundamentally on moral grounds, and paid inadequate attention to institutional and social problems.⁹⁰ An in-depth study of that theory was developed by his student Aristotle. He introduced, in "Politics", two similar, but not perfectly overlapping, types of constitutions that could tie in with that of Demetrius: middle polity (μέση) and mixed polity (μεμειγμένη), both related with "the polity" (πολιτεία), so-called either because it is the common name of all other constitutions (3.1279a38–39) or because it is the constitution of all citizens (2.1265b26–30). Aristotle discusses the problem of a blended constitution in books III–V, those devoted to the analysis of current regimes. These are reduced to six models, three correct and three deviant, each with an equivalent, good or bad, in the other group (3.1279a22–b10). Due to the rare occurrence of kingship and aristocracy, often superseded by their deviant forms – tyranny and oligarchy – the polity, the correct form of popular rule, happens to be the second best constitution, after the ideal, and standard for judging actual political organizations, which is discussed at great length in books VII and VIII.⁹¹

Aside from its position inside Aristotle's taxonomy, which is clear, the exact definition of the polity is extremely elusive. This ambiguity is caused by the different perspectives employed to describe this constitution: one is based on the anatomy of the city, the other on its institutional structure. In his political theory, each political architecture mirrors the predominance of one socio-economic group of the polis over the others. Since in every city there are three main parts, rich, poor and middle (4.1295b1–3), and given that the latter is better suited to rule because of its equidistance from the flaws of the two extremes (4.1295b3–25), the preferable constitution is that in which the middle class holds political power (4.1295b25–1296a7).⁹² Aristotle, however, realizes that in the actual situation of many Greek cities the strength of the middle class is insufficient for it to be in

⁹⁰ Hahm 2009, 180–185.

⁹¹ Rowe 2005.

⁹² Besso in Bertelli – Moggi 2014, 252–262.

charge, and this is why democracies and oligarchies are prevalent (4.1296a22–27). There is thus another (worse⁹³) solution to escape the limits of these types of government: mixing the two extremes. This is the mixed constitution proper, which can be obtained in three ways: by adopting features from the legislations of both democracy and oligarchy (4.1294a35–37); by choosing the middle path between the two (4.1294b1–6); or by combining the systems, selecting some regulations from one form and others from the other form (4.1294b6–16).⁹⁴

The search for examples of these constitutions, rather than clarifying this reasoning, muddies the waters. According to Aristotle, the best lawgivers, including Lycurgus and Solon, came from the middle class (4.1296a18–22), hinting at the *mesē politeia*. The Solonian constitution, nevertheless, was a blend of oligarchy, embodied in the Areopagus council, aristocracy, in the election of magistracies, while the jury courts stood for democracy (2.1273b36–1274a4). The same is true of Sparta's constitution, which was the result of a mixture, where oligarchy, monarchy and democracy are represented by kingship, ephors and public mess-tables (2.1265b3–1266a2), although it can also be defined as a blend of only democracy and aristocracy (4.1293b17–22).

The last Greek thinker to be involved in close inspection of a mixed constitution was a student of Aristotle and peer of Demetrius, Dicaearchus of Messana. Unfortunately, we know almost nothing about his idea, except that he proposed a mixture of monarchy, aristocracy and democracy (Phot. Bibl. 37).⁹⁵

The proximity of mixed and middle constitutions in Aristotle's political theory suggested to Ferguson that his student, Demetrius, acted to protect and strengthen the position of the middle class in Athens in an attempt to implement his master's thought. As we have seen, however, this regime did not defend a hypothetical middle class. Nor, moreover, did Demetrius try to develop the theory of the mixed regime in practice. There are, in fact, many striking differences. The Aristotelian model ruled out any individual role, like that of Demetrius. Furthermore, his way of mixing different features had not been considered in Aristotelian theory: it was not an addition of elements that came from different political systems, or a compromise between them, or a fusion of many procedures and laws typical of different *politeiai*. In sum, Aristotle described the mixed constitution as a fusion of different elements, while the constitution enacted during Demetrius' ten years of government tried to balance them.⁹⁶

⁹³ Lintott 2000, 165–166; Canevaro – Esu 2018, 113–115.

⁹⁴ Besso in Bertelli – Moggi 2014, 235–247.

⁹⁵ Huby 2001, 324–328.

⁹⁶ Lintott 1999, 217, analysing Polybius' thought, stresses the difference between the fusion and balancing of powers in the theory of mixed constitutions.

None of the aforementioned theories seems to adhere with that actually applied at Athens during Demetrius' years in power, and this is because of its practical nature. The ten-year *politeia* was, in fact, not the empirical outcome of events peculiar to Athens, but the adaption to that context of a political model developed in the Macedonian court in the previous years. This is testified by its impressive resemblance to the almost contemporary constitution of Cyrene.

After having killed Harpalus, Thibron got his hands on the former treasurer's money and mercenaries, and was then invited by a group of Cyreneans exiled for political reasons to help them to take their city back. During the resistance, a civil war broke out within the besieged town. One faction was expelled and some of the people in it asked Ptolemaeus for help; he then sent his general Ophellas to fight both Thibron and the Cyrenaeans under siege. The Egyptian army won and Ptolemaeus, still satrap at that time, managed the political rearrangement of the African town.⁹⁷

An inscription found in 1922, the so-called *diagramma* of Ptolemaeus I (IGCy 010800), reports the results of this political reorganization. It describes the newly established constitution of Cyrene, starting with the definition of a body of citizens and proceeding with the characterization of councils and magistracies. Citizens were the sons of either two Cyrenaeans or of a Cyrenaeen man and a Lybian woman (ll. 2–3: [Πολί]ται ἔσονται οἱ ἄνδ[ρε]ς ἐξ [ἀνδρὸς] Κυρηναίου καὶ γυναικὸς Κυρηναίας καὶ οἱ/ἐκ τῶν Λι[β]υσσῶν). As we have seen, citizens were different from the political body, the *politeuma*, which numbered ten thousand, including the refugees in Egypt and, above all, those who had twenty mines of everlasting belongings (ll. 6–8: Πολίτευμα δ'ἔστω οἱ μυριοὶ ὑπαρχόντων δὲ οἱ φυγάδες οἱ ἐξ Αἴγυπτον φυγόντες/[...] οἷς ἂν τὸ τίμημα ἦι τῶν χρημάτων τῶν ἀ[θ]/ανάτων σὺν τοῖς τῆς γυναικὸς μῶν εἴκοσι Ἀλεξανδρείων). Their duties were the same as those of the earlier body of one thousand (ll. 34–35: Πρασόντων [...] οἱ δὲ μυριοὶ ἂ οἱ χίλιοι). There was a special body of *timeteres*, in charge of selecting the ten thousand (ll. 8–15). The council was composed of five hundred citizens, and another, smaller body of one hundred and one old people, the *gerontes*, was appointed, its members selected by Ptolemaeus (ll. 16–25), who was appointed, as we have already seen, *strategos* for life (l. 26: Στρατηγὸς δὲ ἔστω Πτολεμαῖος αἰεί). His authority was confirmed by provisions that imposed the death penalty on those who undermined his decisions (ll. 51–52: Ὅς ἂν τὰς Πτολεμαίου γνῶμας [λύσει ἢς ἐξ Κυρηνη]αῖους Πτολεμαῖος κα[θεῖ]/σε, θανάσιμος ἔσται). The board of generals counted on five other members (ll. 26–31). There was a body of nine *nomophylakes* (l. 32: Ἔστωσαν δὲ καὶ νομοφύλακες ἐννῆ) and another of five

⁹⁷ Laronde 1987, 41–84 describes these events in detail.

ephors (l. 33), both of which played an important political role in the city's government, given: their position inside the *diagramma*, after the *strategoï* and before the discussion about jury court; their names, which, combined, hint at a role of control; and their presence at the end of the inscription as representatives of the polis in swearing in the agreement. All the cases that could end with the death penalty had to be tried by 1,500 people from the *myrioi*, besides the elders and the council (ll. 35–37). The indicted person could ask to be judged by Ptolemaeus, and exiled persons could not be condemned to death without the satrap's permission (ll. 39–42). The most badly preserved part of the inscription deepens problems regarding citizenship and appointments, and ends with the conventional oath.

The coincidence of the sum required to be paid to be part of *politeuma*, twenty mines, and of the number of *politeuomenoi* may suggest a close resemblance of this political organization with that imposed by Antipater on Athens.⁹⁸ It is, however, impossible to establish whether average wealth was similar enough for these benchmarks to be compared,⁹⁹ and, above all, the aims of these two figures are rather different. In Cyrene it excluded people from the political body, while in Athens it expelled people from citizenship completely. The same reasoning can be applied for the number referred in the sources, since, according to the *diagramma*, ten thousand referred only to the active citizens, whereas nine thousand included all the Athenian citizens in the years of Phocion's oligarchy. Lastly, the two cities had, in all likelihood, different dimensions, making such a comparison impossible.

The Cyrenaean constitution seems more similar to the so-called constitution of Demetrius than to that of Antipater. In both we find the distinction between active and passive citizens and the discrimination was made through an economic standard. Both featured *nomophylakes* with a distinguished political position, raised the number of judges for capital cases, and were subject to a supreme authority that controlled magistracies and lawsuits. The overall political meaning of these two constitutions brings them closer and also differentiates them from that of Antipater. He intended to punish the rebellious Athenians by putting power in the hands of a narrow loyal circle, whereas the other two determined an enlargement of the political body, albeit in the context of a controlled structure.

This closeness leads us to two conclusions. The first concerns the definition of the Athenian regime established in 317. Mogens Herman Hansen, introducing the different types of constitution in the inventory of Greek *poleis*, classifies the one described in the *diagramma* of Ptolemaeus as “the oldest document in

⁹⁸ Criscuolo 2001, 154–158; Bencivenni 2003, 130. More cautious is Poddighe 2002, 98–107.

⁹⁹ Baynham 2003, 23.

which we may find an echo of the mixed constitution”, after the theorizing of philosophers.¹⁰⁰ If the Cyrenaean constitution was the first that was mixed, that of Athens must be the second, chronologically, and the most influential, given the importance of the city.

The other conclusion we must draw deals with the overall political nature of the constitution. A *diagramma* was an ordinance of general content made by a superior authority to an inferior one, which was forced to accept it.¹⁰¹ In the case of Cyrene, that authority was not Ptolemaeus, but Antipater, as regent of Macedon, and thus it was in his name that the Egyptian satrap sent the regulation to the city.¹⁰² It is very likely that the same ‘command line’ was used by Cassander, who acted as regent and appointed Demetrius as his plenipotential in Athens in the framework of a political reorganisation that Macedon was imposing on various *poleis* outside its boundary.

There were, however, differences between the two situations. Cassander’s concern for Athenian domestic politics was deeper than that of Antipater in the Cyrenaean case. On the other hand, Ptolemaeus was trying to gain more autonomy, and relied on an army that was under his control and totally loyal to him, whereas Demetrius hosted an oppressive Macedonian garrison in Athens. Therefore, the so-called constitution of Demetrius was actually a Macedonian invention imposed on Athens, albeit hidden under a treaty of alliance. Within this framework he could succeed in establishing new institutions, such as the *gynai-konomoi* and *agonothesia*, and impose new laws, such as those against luxury, while taking care of the everyday economic and administrative life of the polis. By stressing with a noteworthy monumental activity his role in the polis, he offered motives to his enemies to attribute the invention of the regime to him. He operated within a framework determined outside the polis, but his leading position in this institutional structure made him its creator in the eyes of those who judged from inside. He played a key role in the diplomatic meetings that took place after Cassander’s arrival in Athens and understood that this arrangement could satisfy demands that came not only from outside the polis, but also from different layers inside Athenian society; he thus accepted that the authorship of the constitution could be ascribed to him to the extent that, in later tradition, it went under his name.

100 Hansen 2004, 84.

101 Hatzopoulos 1996, 396–424; Mari 2006, 211.

102 Bencivenni 2003, 115–133.

Conclusion

After his exile, the ten years of government were labelled differently according to the political standpoint of those making the judgment. Limiting their horizon to inner politics, those hostile to Macedonian interference directed their criticism at Demetrius, whom they blamed for having enacted an oligarchic or even monarchic regime. He replied, assuming responsibility for the whole arrangement made in 317, that he had established an improved democracy.

There were many reasons not to claim the foundation of a mixed constitution. The idea, as we have seen, was developed by philosophers in the context of political reflections. Philosophical schools, perceived as Macedonian agents and supporters of oligarchies, had moved to the epicentre of Athenian public debate after 307, when a law was passed that tried to limit the teaching of philosophy in the polis (Diog. Laert. 5.38; Athen.13.610e–f). This wave of hatred rose in the aftermath of the government of Demetrius, who was perceived as the philosophers' friend and protector.¹⁰³ In his self-defence he tried to avoid the allegation of being tightly tied to Athenian philosophical schools, and refused to define his constitution as being a mixed one, all the more so given that resemblance with theoretical examples was not particularly close. This does not mean that he, accustomed to Peripathetic theory, did not employ many features that came from ideas developed by his masters, in some ways elevating his practical constitution to a theoretical analysis; it means only that, by doing this, in his memoirs he chose to designate the Athenian political arrangement as democratic. This was possible because he took advantage of the longstanding debate about *patrios politeia* and the fictitious democracy of Areopagus, whose history was at the core of his works during exile. A second reason for his choice was the shifting meaning of *demokratia*, which was losing its factional content and becoming, combined with *eleutheria* and *autonomia*, the only legitimate constitution and the most widespread in the Greek *poleis*. This evolution proceeded along with the broadening of the concept of popular government, so that it was possible for him to use it in reference to the Athenian constitution established in 317. Furthermore, we should not dismiss the possibility that, given the role played by Demetrius in the foundation of the library of Alexandria and the cultural prominence of Athens, his use of *demokratia* to label a mixed regime had a great impact on the increasing use of that definition across the Hellenistic world.

Despite this disguise, it is not perhaps by chance that Cicero, in the *de Legibus*, his final meditation about *concordia ordinum* (and therefore about the

¹⁰³ Haake 2008.

peculiar Roman mixed constitution¹⁰⁴), remembered Demetrius of Phalerum not only as the last Greek philosopher to have developed the theory of the ideal constitution, following other theoreticians of a blended regime such as Plato, Aristotle and Dicaearchus of Messana,¹⁰⁵ but also described him as the only one to have taken learning into conflict and the line of battle, becoming the first both to have pursued learning and rule the state (Leg. 3.6.14: *mirabiliter doctrinam ex umbraculis eruditorum otio que non modo in solem atque in pulverem, sed in ipsum discrimen aciem que produxit [...] et doctrinae studiis et regenda civitate princeps*).¹⁰⁶ In the eyes of the Arpinate the key role played by Demetrius in the practical implementation of a mixed regime was undeniable: he was the inventor of an institutional organization upon which Rome, centuries later, founded her political success.

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104 On the argument of the “Laws”, with particular attention paid to the problem of mixed constitutions, see Lintott 1999, 225–232.

105 The first to be cited is Panaetius, Cicero's main source about Greek political theory, and specifically about the theory of mixed constitutions (Vimercati 2000, 412–418). The Stoic had a profound knowledge of Demetrius' work, and preserved many quotes of his, especially from *Socrates*, a book of political content (Saldutti 2020, 85–88).

106 Cicero quoted Demetrius more than once in his works (De or. 2.23.95; Brut. 9.37–38; Orat. 26.91–92; 94–95; Fin. 5.19.53–54; Rep. 2.1.2; Off. 1.1.3), showing an evident overlapping of their life experiences as philosophers and orators committed to politics, but finally betrayed by their cities.

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