



Oligarchs and Their Discontents

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Abstract

Oligarchical factions in Athens twice succeeded in taking power within and against the democracy: in 411 and 404 BCE. Before those events, an anonymous 'Old Oligarch' offered his perspective on the workings of democratic politics. In Rome, the ancient 'secession of the plebs' was later followed by the Gracchi brothers' iconic efforts to curb patrician powers. This lecture looks at the dynamics of oligarchic power within ancient popular regimes and to what extent it was successfully resisted.

Introduction

Oligarchs in Rome

'[M]ost charitable care / Have the patricians of you'. According to Shakespeare's *Coriolanus*, a play recounting the history of ancient Rome in c.491 BCE, so spoke the Roman Senator Menenius Agrippa. Menenius was one of those patricians himself: meaning that he belonged to one of a number of aristocratic clans which descended through heredity (by birth or adoption) and enjoyed a wide range of privileges, including 'the right to wear a special kind of shoe (the *calceus patricius*), and exclusive access to certain offices'.¹ The 'you' to whom he speaks at this moment in the play is a group of plebeians, the relatively poor Roman citizens who had become self-conscious political actors a few years earlier, in a momentous event that 'tradition places ... in 494 BC[E], when a large number of the poor, oppressed by debt and arbitrary treatment, withdrew from the city *en masse*',² occupying a hill where they grouped together in what has become known as the first 'secession of the plebs'.³ The secession ended with the patricians having been forced to accept concessions. Henceforth, the plebeians 'formed their own assembly, known as the *concilium plebis*, and elected their own... tribunes': figures who could protect them both physically (against violent attacks) and legally (being able to intervene to block endangering actions of the magistrates and the Senate).⁴

¹ T.J. Cornell, *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c. 1000-264 BC)* (New York: Routledge, 1995), 245.

² Cornell, *Beginnings of Rome*, 246.

³ Cornell, *Beginnings of Rome*, 246, noting that the hill in question was outside the city boundary and was either the Sacred Mount, or (as per Livy, 2.32.3), 'the Aventine, a hill with strong plebeian associations'.

⁴ These powers would immediately or eventually come to include: the sacrosanctity of the tribunes (established by an oath of the plebeians to treat anyone physically harming a tribune as *sacer*, meaning that such an assailant could be killed with impunity); *auxilium* (the power to assist a plebeian subject to arbitrary treatment by a magistrate); and

We can see this as a settlement between the oligarchs and the rest – introducing my title term, ‘oligarchs’, here, as coming from ancient Greek, meaning the ‘rule’ (*archē*) of the ‘few’ (*oligo-*): those whose economic and social power could be used as a basis to claim political authority. But in Rome at the time in which the play is set, the new settlement was fragile on both sides. For their part, the plebeians were restive: suspicious that their hard-won gains were at risk of being overturned. Menenius’ effort to reassure them that I quoted at the outset (‘most charitable care...’) elicits only scorn from an anonymous ‘Second Citizen’, who retorts:

*‘Care for us? ... They ne’er cared for us yet...
Suffer us to famish, and their
storehouses crammed with grain; make edicts for
usury to support usurers; repeal daily any wholesome
act established against the rich, and provide
more piercing statutes daily to chain up and restrain
the poor. If the wars eat us not up, they will;
and there’s all the love they bear us....’*

Second Citizen’s mistrust was warranted. Many of the patricians did hold the views that Livy would describe (in speaking of the patricians of this very period, the 490s) as meaning that they ‘openly preferred license for themselves rather than liberty for everyone’.⁵ Yet Shakespeare’s play showcases a crucial fissure among the patricians – a divide that would be repeated again and again in Roman history.

On the one hand were those patricians, or oligarchs, holding to an Accommodationist model: willing to make their peace, however grudgingly, with a political settlement giving at least some rights to the lower classes. Menenius exemplifies this model. He was willing to tolerate popular power up to a point, abiding by the 494 settlement. Nevertheless, he sought to persuade the masses to accept the continuation of the special patrician privileges. He does so in a famous speech in Shakespeare’s play (as originally in Livy) comparing ‘[t]he senators of Rome’ to the ‘belly’ of a body. The ‘mutinous’ limbs ‘rebel’ against the belly, accusing it of being ‘idle and inactive’ while enjoying all the good food; the belly replies that it should be respected as ‘the storehouse and the shop / Of the whole body’. In other words, in Menenius’ view, the plebeians should be thankful for the patrician Senators’ accumulation of wealth, as allowing them to care for the whole community – though he undermines this conciliatory effort by comparing ‘Second Citizen’ rather unflatteringly to the body’s big toe (literally, the ‘great toe’).

Yet Shakespeare also dramatizes a very different stance, which I shall call the Irredentist model, of reactionary resistance by oligarchs who try to turn the clock back on popular power. (‘Irredentist’ comes from Latin *redemptus*, the past participle of *redimere*, via Italian, meaning the reversal of redemption: originally used for those who insisted on regaining lost or conceded territories.) This model is exemplified by the figure of Coriolanus himself, who comes on stage having recently won fame as a Roman general – but unlike Menenius, is unwilling to tolerate the recent plebeian gains. Once elected to the highest office of consul, he uses that position to try to cow the plebeians into submission: threatening them with famine from a grain shortage if they don’t agree to abolish the tribunate. That threat fails; the tribunes remain; and Coriolanus is so disgusted that he turns on Rome, quite literally: traitorously joining an enemy in attacking the city.

Rome would suffer Irredentist moments repeatedly from this point onward. A few decades after Coriolanus’ treason, in 449 BCE, a group (the ‘Second Decemvirate’), originally appointed as law-reformers, would aggrandize their powers to the point of ‘[doing] away with elections, annual magistracies, changes of command from one to another – the one means of equalizing liberty’ (Marcus Horatius Barbatus, Livy 3.39). That oligarchic venture was only overturned by a second secession of the plebs – though still, in the aftermath, a tribune would warn them to be wary: ‘Don’t you realize in what an atmosphere of contempt you live? They [the patricians] would deprive you of part of the daylight, if they could’.⁶ On the other hand, there

intercessio (the power to intervene against decisions by the magistrates and the Senate; and the power to initiate legislation in the *concilium plebis*).

⁵ Livy 3.37; all quotations of Livy from Livy, *The History of Rome, Books 1-5*, ed. and trans. Valerie M. Warrior (Indianapolis: Hackett, 2006).

⁶ Livy 4.3, on 445 BCE, quoting the tribune Gaius Canuleius advocating for opening the role of consul to plebeian candidates (a measure ultimately passed only in 337 BCE, as noted in the main text above).

were periodic Accommodationist moments in Roman politics as well, such as a century or so later, when a measure opening the office of consul to plebeian candidates finally passed – after a decade of effort by two tribunes who had used their veto powers to block election of any magistrates until their proposal was accepted (Livy 6.35-42, 7.16).⁷

Nevertheless, in Rome, Accommodationism only ever went so far. The upper classes always kept the upper hand in the political structure (even while the upper classes themselves expanded to incorporate the nouveaux riches – who promptly monopolized the new plebeian access to the consulate, for example).⁸ Throughout the life of the Roman republic, the Senate (formed of selected former magistrates) maintained special political rights, as did the richest classes in the state. The rich got to vote first in some assemblies, for example, making them capable of winning a majority before the poorest even got to cast their votes.

So we can say that the Roman Accommodationist model was Top-Down. The elites accommodated popular demands, but only periodically, and only up to a certain point. They always remained dominant in the republican political system.

Oligarchs in Athens

By contrast, in the Athenian democracy, the Accommodationist model was turned on its head. It became Bottom-Up: once democratic power and control had been firmly established, the aristocratic and wealthy found themselves emphatically under the popular thumb. Modern scholars have emphasized that the masses were able to control the terms of discourse, to impose their ideology on the elite, rather than the other way around.⁹ And this was even grudgingly recognized at the time by the elite themselves. As I discussed in my lecture on ancient democracy in 2024,¹⁰ an account survives from an anonymous writer who has been dubbed the ‘Old Oligarch’ (sometimes also referred to as Xenophon or pseudo-Xenophon, as the text was transmitted as part of Xenophon’s corpus), which portrays the Athenian elite as having been exploited by the masses – in a startling way.

Here is the Old Oligarch: insisting that ‘the people know that it is more beneficial for them not to hold these offices [i.e. the elected military offices of general and cavalry commander], but to let the most capable men hold them’ (1.3).¹¹ Now you might think: how can the elite complain about disproportionately being elected to high office? What weird kind of exploitation was that? Well, being elected to high office, especially high military office, brought its own risks. For ‘any general who demonstrated incompetence in the field or suffered a major defeat was likely to be brought to trial. Unless he had confidence in his power of eloquence, he might well hesitate to return’ to the city – many generals who were indicted went into voluntary exile rather than face popular wrath at a jury trial,¹² being held ‘responsible for anything which did not come up to the expectations of the people’.¹³

Thus, to the Old Oligarch, the demos’ propensity to elect members of the elite to military leadership (which typically also involved a kind of political leadership) was more of a burden than a reward. It was a sign of Bottom-Up Accommodation: a kind of topsy-turvy situation in which the democratic majority dominated, making strategic use of the wealthy few for their own benefit, while holding the fates of those entrusted with political power in their own hands (for example, in the form of popular jury trials for anyone suspected of its misuse).

⁷ Also discussed in Plutarch, *Camillus* 33-43, and Diodorus Siculus 103:2-3 (with thanks to Emily Salamanca for these references).

⁸ The plebeian tribunes who pushed this reform through, like most of those who would thenceforth be elected as consuls, ‘were themselves wealthy landowners, and shared the same economic interests as the patricians’ (Cornell, *Beginnings of Rome*, 339). And according to Livy (4.6), already in the early years after the establishment of the tribunate, ‘all the tribunes elected by the people were patricians’.

⁹ Josiah Ober, *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People* (Princeton: Princeton University Press, 1989).

¹⁰ Melissa Lane, ‘Democracy: Ancient Models, Modern Challenges’, Gresham College Lecture, 14 March 2024: <https://www.gresham.ac.uk/watch-now/democracy-ancient>.

¹¹ The ‘Old Oligarch’, 1.2, in M. Gagarin and P. Woodruff (trans. and eds) *Early Greek Political Thought from Homer to the Sophists* (Cambridge: Cambridge University Press, 1995), 133-44.

¹² W. Kendrick Pritchett, *The Greek State at War*, 2 vols. (Berkeley: University of California Press, 1974), vol. II: 20.

¹³ Pritchett, *The Greek State at War*, vol. II: 28.

The Old Oligarch himself seems to have been willing to accept that kind of Accommodation, however grudgingly, rather than try to overturn it. But some of his peers would do the opposite: choosing a strategy of radical Irredentism instead of accepting the Bottom-up Accommodation that the democracy had offered them. And just as Bottom-Up Athenian Accommodation required the oligarchs to bite their tongues and swallow their pride more dramatically than did the Top-Down Roman kind, so Athenian Irredentism would lead to even more radical moves than we saw in Rome. Coriolanus, for all his bitterness, was initially trying only to reverse some relatively modest plebeian gains. His political program wasn't originally seeking to overturn the whole republican constitution. Even when he turned traitor to Rome, he wanted to inflict the punishment of military defeat rather than to lead a constitutional revolution.

But in Athens, because the 'Old Oligarch' style of Accommodation stripped the elite of so much more power, those who turned instead to Irredentism did not just seek the quelling of popular gains. Instead they made periodic efforts to overturn the democracy itself: seeking to monopolize political power even to the point of stripping citizenship from their opponents. The historian Matthew Simonton has argued that the concept of oligarchy took shape as 'a reaction to *dēmokratia* (democracy) between the late sixth and mid-fifth century', as a 'bundle of defensive and reactionary techniques'.¹⁴ In other words, it was in reaction to democratic successes that the most dangerous oligarchs began to identify themselves as such, not just as traditional elites, but now as revolutionary ones. And that is my main story for tonight: the story of Athenian oligarchs who sought to overturn democratic citizenship in Athens – twice. We'll look now at each of those, seeing how subversive elites can regroup and try again, becoming even more brutal the second time (a phenomenon seen in modern regimes, including today, as well). And then in the conclusion to the lecture, I'll discuss how Athenian democracy ultimately managed to restore itself and live with the oligarchs going forward. The overall moral is that democracies have always harboured oligarchs within them – and have always had to figure out how to handle them.

Turning the Clock Back: Oligarchic Revolts

These oligarchic revolutions in Athens were part of a wider picture of struggle for the upper hand between oligarchic and democratic factions across the ancient Greek world. That struggle intensified during the Peloponnesian War between Sparta and Athens (and their respective allies), during which the Spartans seized opportunities to encourage oligarchic moves in other cities, while the Athenians typically sought to resist them. The human costs could be immense. Thucydides describes the civil war in this period in the Greek *polis* of Corcyra, modern Corfu (in 427 BCE), when the democrats in power accused a group of oligarchs 'of seeking to dissolve the democracy', leading to appalling bloodshed: 'One saw every imaginable kind of death...fathers killed their sons; people were dragged from the temples and slaughtered in front of them' (Thuc. 3.81.4, 3.81.5).¹⁵

In Athens, push came to oligarchic shove as the city suffered a devastating military setback in 415 BCE (the destruction of an ambitious naval expedition to Sicily). Both in 411 BCE, in the aftermath of the Sicilian expedition, and in 404 BCE, in the aftermath of the Athenians' final defeat by the Spartans, ambitious Athenian oligarchs briefly succeeded with Spartan help in imposing radical Irredentism: reversing the democratic expansion of citizenship and power to ordinary people.

411 BCE: The Four Hundred

Let's start with 411 BCE, when the oligarchs would become known as the Four Hundred (for which I'll draw on both of the two narrative accounts that survive from ancient Athens, without trying here to reconcile them in full). In the wake of the Sicilian expedition's defeat, and with the support of the enemy Spartans, a group of elite Athenian men plotted to manoeuvre their way into power in what historians have seen as a straight-out oligarchical coup.¹⁶ To give you a sense of these men: one was Antiphon, so famous for his rhetorical

¹⁴ Matthew Simonton, *Classical Greek Oligarchy: A Political History* (Princeton: Princeton University Press, 2017), 5.

¹⁵ All Thucydides quotations are from Thucydides, *The Peloponnesian War: A New Translation, Backgrounds, Interpretations*, trans. Walter Blanco, eds Walter Blanco and Jennifer Tolbert Roberts (New York: W.W. Norton & Co., 1998), unless otherwise noted.

¹⁶ Martin Ostwald, *From Popular Sovereignty to the Sovereignty of Law: Law, society, and politics in fifth-century Athens*

skills as a kind of lawyer on call to write speeches for others, that he was, ironically, distrusted as a speaker himself. Another was Theramenes, who seems more than once to have gone with the prevailing political winds. Antiphon would ultimately be tried, and executed, for his role in these events, but others, including Theramenes, would live to fight another day in the oligarchic enterprise of 404 – when as we'll see, he would finally end up as a victim of his erstwhile comrades.

The conspirators started by getting control of the agenda for the council and assembly, and monopolizing the speeches there: 'If anyone did speak out [against them], he quickly and conveniently turned up dead', for which 'no suspects were brought to justice' (Thuc. 8.66). With no public criticism being possible, people 'imagined that the number of conspirators was far greater than it really was': leaving them unable to trust in strangers or even in their own friends.

That paved the way for the conspirators to move that ten of them be set up as 'law-reformers' (Thuc. 8.67).¹⁷ They presented their proposals at an irregular meeting of the Athenian assembly (held at Colonus instead of in Athens), beginning with a motion that no one could henceforth be prosecuted for proposing anything that was illegal under the prior laws (Thuc. 8.67). At one stroke, that measure undermined the rule of the democratic laws.

That in turn enabled the oligarchs to announce 'no one would hold office or receive pay for public service under the old constitution' (Thuc. 8.67). In other words, they ousted all of the existing state officials, while also abolishing the wages for office that had made it possible for poorer Athenians to serve in them. Moreover, they restricted male citizenship to just five thousand men (compared to some thirty thousand at the time of Pericles), who had to meet a wealth threshold that was correlated with what being able to serve in the land army (purchasing one's own shield and spear) required. As one history from later decades put it, 'the whole control of the state should be entrusted to the Athenians best able to serve with their persons and their wealth, being not less than five thousand in number, for the duration of the war: this body of men should have full power to make treaties with whoever they wished' (*Ath. Pol.* 29.5).¹⁸

In other words, the oligarchic regime was turning the principle of democratic military service upside down. Whereas the democrats claimed power based especially on their manning of the fleet, which required muscle but no private means, the oligarchs claimed full political rights only for those able to purchase the shield and spear necessary to fight in the hoplite army phalanx. This cut the male citizen body by about 5/6ths from its height of about thirty thousand at the time of Pericles. The Four Hundred would revise a traditional legal enactment formulae to replace *dēmos* with *polis*: making the point that the many no longer counted as part of the city.¹⁹

But while naming the Five Thousand as the new citizen body in theory, the oligarchs aimed in practice to control Athenian politics as a much smaller group: they weren't just restricting the democratic franchise by some degree, they were reducing and reorganizing the kinds of institutions in which political power could be exercised. In particular, they set up a new Council of Four Hundred, handpicked in a complicated selection method (not election or lottery)²⁰ that included themselves. This new Council would monopolize powers that in the democracy had been widely distributed: granting the Council sole authority to legislate, appoint magistrates, formulate their oaths, and hold them to account.²¹ It would become the seat of power of the Four Hundred oligarchs who controlled the new regime – though it would take a group of armed thugs to oust the democratic Council from their chamber and install the Four Hundred in their place (Thuc. 8.69).

(Berkeley, Los Angeles, and London: University of California Press, 1986), 357.

¹⁷ My translation herein of *hoi suggrapheis*; the Norton Critical Edition gives 'independent commissioners'.

¹⁸ All translations of this text are taken from Aristotle, *The Athenian Constitution* [*Ath. Pol.*], trans. P. J. Rhodes (London: Penguin, 1984); note that elsewhere, in his massive commentary on the text, Rhodes is more sceptical about attributing its authorship to Aristotle: see P.J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford: Clarendon Press, 1981), 61-63, where he concludes: 'On the evidence which we have, Aristotle could have written this work himself, but I do not believe he did' (63).

¹⁹ ML [Meiggs and Lewis] 80.11, as observed by Andrew T. Alwine, 'The Soul of Oligarchy: The Rule of the Few in Ancient Greece', *TAPA* 148 (2018): 235-67, at 246.

²⁰ The new Council was to be selected through a complicated iteration of five men (belonging to the newly restricted citizen roll of Five Thousand) who were each to select one hundred, each of whom was then to coopt three more.

²¹ *Ath. Pol.* 29.1-5.

Once in place, the Four Hundred started to act ‘with an iron hand’: killing a few of their opponents, jailing and exiling others (Thuc. 8.70). The regime behaved like a classic Greek ‘oligarchy’, as one of the ancient sources calls it (*Ath. Pol.* 32.2).²² To be sure, there is a wrinkle here: for in the same account, we are told that these oligarchs proposed that a group should be set up to ‘search out the traditional laws which Cleisthenes had enacted when he set up the democracy’ (*Ath. Pol.* 29.3) and consider the value of these in formulating new laws. In other words, those whom I’ve been calling oligarchs, sought to appropriate the mantle of Cleisthenes, who was remembered as father of the democracy (as I discussed in my Gresham Lecture in October 2025),²³ but whom they wanted to claim as having been more conservative than the democrats themselves believed. This is a familiar manoeuvre in modern politics as well: claiming the past as a way of claiming the present. But it should not confuse us as to the actual purpose of this regime: which was to disenfranchise thousands of people and to gather the reins of power tightly in the hands of an elite few.

How did this regime finally fall? Its Achilles’ heel was that the Athenian army, and especially the navy, was dominated by those loyal to the democracy, and in 411 was largely holed up on the island of Samos. These Athenian forces saved the democrats of Samos who had been caught up in their own civil war (including establishing a kind of amnesty: Thuc. 8.73), and then took an oath themselves to ‘practice democratic government...[and] regard the Four Hundred as their enemies’ (Thuc. 8.75). In a remarkable observation, Thucydides says that the soldiers and sailors reassured themselves that ‘they must not become demoralized because their city had abandoned them, since it was the few who had revolted from them, the many, and they were far better able to take care of themselves’ (Thuc. 8.76).

While those democratic forces united abroad, the oligarchs at home fell into what Thucydides calls ‘the fierce internal rivalry that tends to be the downfall of oligarchies that originate in democracies’ (Thuc. 8.89) – an analysis which modern historians have endorsed, noting how oligarchs often seek to become not just an equal few but the first among all.²⁴ Facing military defeat and fearing a naval blockade, the city held a new assembly, this time back on the traditional democratic site of the Pnyx, to ‘[depose] the Four Hundred and [vote] to turn over the government to the Five Thousand’ (Thuc. 8.97).²⁵ In effect, this was replacing a full-fledged oligarchy with a regime that could be seen as ‘a good balance of democratic and oligarchic elements’, as Thucydides himself in the same paragraph praised it: restoring meaningful political power to a larger citizen body, as a stepping stone to the full restoration of democracy which was accomplished within a year (through a process that remains unclear).²⁶

Once the Four Hundred were deposed, some of their leading members fled to avoid being arrested and tried for treason: that fate befell Antiphon, Archeptolemos and Onomakles, the first two being convicted and executed (the last one presumably escaping before the trial ended).²⁷ Others, however, managed to defend themselves by turning on each other in the aftermath of their regime (as they had already started to do before its end), using a tactic ‘to divide the oligarchs into good and bad factions’ with only the latter group being guilty, the former group ‘absolved’.²⁸ And that meant that many of the oligarchs and their sympathizers –

²² Thucydides for his part implies that the Four Hundred themselves instructed their envoys to refer to the regime as the ‘oligarchy’ (8.72.1).

²³ Melissa Lane, ‘From Tyranny to Athenian Democracy’, Gresham College Lecture, 16 October 2025: <https://www.gresham.ac.uk/watch-now/tyranny-democracy>. There I used the spelling ‘Kleisthenes’ to be consistent with some of the secondary sources that I was quoting.

²⁴ Simonton, *Ancient Greek Oligarchies*, 254, observes that ancient Greek oligarchies would turn out to be overall ‘inherently weaker.... than their democratic counterparts’ (albeit speaking of ‘oligarchic institutions’).

²⁵ On the significance of this meeting being held at the Pnyx, see Julia L. Shear, *Polis and Revolution: responding to oligarchy in Classical Athens* (Cambridge: Cambridge University Press, 2011), 38, 51.

²⁶ Federica Carugati and Josiah Ober, ‘Democratic Collapse and Recovery in Ancient Athens (413-403 BCE)’, in *When Democracy Breaks: Studies in Democratic Erosion and Collapse, from Ancient Athens to the Present Day*, eds. Archon Fung, David Moss, and Odd Arne Westad (Oxford: Oxford University Press, 2024): 25-42, at 33-34: ‘The reasons for the demise of the Five Thousand are unclear. But it is possible that this compromise government lacked critical support. It also seems likely that, after the disastrous experience with the Four Hundred, the demand for democracy grew once again stronger’. See also Raphael Sealey, ‘Constitutional Changes in Athens in 410 B.C.’ *California Studies in Classical Antiquity* 8 (1975): 271–95, at 273: ‘Most historians believe that the intermediate regime lasted till some time in the summer of 410. Then, it is supposed, the Athenians were encouraged by the victory at Cyzicus and so they abolished the intermediate regime and restored the traditional democracy, perhaps with some modifications’.

²⁷ Shear, *Polis and Revolution*, 61, 57.

²⁸ Shear, *Polis and Revolution*, 65. Even in the prosecution of the three men named above, three of their prosecutors and those calling for justice were other men who had themselves ‘been members of the Four Hundred’ (Shear p.62).

including Theramenes – would live to fight another day – seizing the next opportunity for an Irredentist takeover, which came when Athens was finally forced to accept peace terms imposed by the victorious Spartans in 404 BCE.

404 BCE: The Thirty

Again we have two surviving narratives of these events from ancient Athens: for simplicity and narrative flair, I shall largely follow the historian Xenophon's *Hellenika* (as he himself lived through this period as a young man), while noting the occasional detail or difference from the *Constitution of the Athenians* attributed to Aristotle or his students three-quarters of a century later.²⁹

So: in 404, the Athenian democracy lost the war, and had to accept a humiliating peace. And just at that moment of communal exhaustion and disorientation, a group of ambitious Athenian oligarchs (some of them the very same men as seven years before) decided to bid for power once again. This time, they chose a regularly scheduled and situated Assembly meeting,³⁰ though one assembled with the Spartan general Lysander and his men standing menacingly on the sidelines – making the meeting, in the words of one scholar, an instance of 'form without substance'.³¹ The would-be oligarchs used the same tactic as seven years before, of proposing a new body of men to act as law-reformers. And the Assembly agreed: appointing thirty men 'to draw up the ancestral laws'.³² This role gave a degree of flexibility in choosing which laws to include, which could mean inventing new laws as well. Yet Xenophon observes that 'although they were charged with writing up the laws according to which they would govern, they continually postponed writing the laws down and publishing them for all to see'.³³

Instead, the Thirty went even further than the Four Hundred in consolidating power in their own hands – and in using that power to personally enrich themselves. To be sure, to withstand pressure, the Thirty had to widen the circle of participation just a bit. They 'picked 3000 men who were, they alleged, to share in the government'³⁴ – whereas everyone else, all the others who had been citizens of the democracy, were excluded from citizenship and disarmed. But this list of Three Thousand seem to have been largely quiescent. Power was concentrated in the hands of the Thirty themselves. And whereas the Four Hundred had set up a complicated selection process to institute their new Council, the Thirty arrogated to themselves alone – a junta of just thirty men in the whole city – the power to appoint the 'five hundred councilors and the other officials' (the definite article implying that they filled all the offices of the preexisting democratic constitution with their own nominees to power: *Ath. Pol.* 35.1) – as Xenophon put it, 'as they saw fit'.³⁵

What interests me is that even while handpicking the officeholders and the Councillors, the Thirty seem to have held themselves above the constraints of political office. Whereas the Four Hundred had named themselves as members of their own new Council and used that formal body as the seat of their power, the only attested title accorded to the members of the Thirty was their original role of 'law-reformers'

²⁹ This choice is not in itself intended to reject the judgment of Peter Krentz 'that there are reasonable grounds for believing that Aristotle's account of the Thirty...is taken from the Oxyrhynchus historian, and that it is more accurate, especially in its order of events, than the narrative of Xenophon' (Krentz, *The Thirty at Athens*, 9).

³⁰ The relative procedural legitimacy by which the Thirty came to power is argued for by Shear, *Polis and Revolution*, 172-4, and Krentz, *The Thirty at Athens*, 61-2, both citing *inter alia* *Ath. Pol.* 35.2, *Xen. Hell.* 2.3.51, and *Xen. Mem.* 1.2.31.

³¹ Andrew T. Alwine, 'Xenophon on the Thirty: Political Philosophy in the Hellenica', *Classical Journal* 117 (2021): 151-75, at 164.

³² *Xen. Hell.* 2.3.2, trans. Robert B. Strassler, in Strassler, (ed.), *The Landmark Xenophon's Hellenika* (New York: Pantheon Books, 2009); I follow Ostwald and others in taking the subject of the active verb *politeusousi* in this sentence as a whole to be the Thirty, rather than the Athenian *demos* who had made the decree. See also Edwin Carawan, *The Athenian Amnesty and Reconstructing the Law* (Oxford: Oxford University Press, 2013), 8.

³³ *Xen. Hell.* 2.3.11, trans. Robert B. Strassler, in Strassler, (ed.), *The Landmark Xenophon's Hellenika* (New York: Pantheon Books, 2009), See also Paul-François Foucart, 'Inscription d'Éleusis du Ve siècle', *Bulletin de correspondance hellénique* 4 (1880) 225-56, at 252; Debra Nails, 'Excursus 3: The Rule of the Thirty 404/3', in Nails, *The People of Plato: A Prosopography of Plato and Other Socratics* (Indianapolis and Cambridge: Hackett, 2002), 111-13.

³⁴ *Xen. Hell.* 2.3.18, trans. here and below according to Xenophon, *Hellenika II.3.11-IV.2.8*, ed. Peter Krentz (Warminster: Aris and Phillips, 1995) except where further noted.

³⁵ *Xen. Hell.* 2.3.11.

(*suggrapheis*): positions that were ‘extraordinaires’, in the words of one French scholar,³⁶ without a fixed term of office, and so not liable to render accounts in the way that the holders of the ordinary offices were required to do.³⁷ To be sure, this role did have an episodic constitutional history in Athens and other Greek cities. But the role was never counted as one of established political office.³⁸ So the Thirty came to power through collective appointment to extraordinary roles, with no term limits and free from the annual accountability procedures (*euthunai*) required of regular officeholders.³⁹

Moreover, there is no evidence that the Thirty ever named themselves to fill any of the ordinary offices.⁴⁰ We know the names of all of the Thirty, running alphabetically from Aeschines to Theramenes (Xen. *Hell.* 2.3.2)⁴¹ – led by Critias, a cousin of Plato’s mother and an erstwhile companion of Socrates – a man who had composed poetry about various constitutions, but who had also been previously exiled by the democracy, before making this bid for power. And we know the names of at least some of the people whom they appointed to the offices – people such as Pythodorus and Patrocles. Yet there is no evidence of any overlap, not even of the Thirty having served as members of the Council of Five Hundred that they hand-picked.⁴² As I shall argue in the final part of this lecture, this will matter in understanding what it took to restore accountability after they were overturned.

Meanwhile, what did the Thirty use their extraordinary powers to do? Like the Four Hundred, they killed, but they did so on a far larger and more pervasive scale: having established a new body of ‘three hundred attendants armed with whips’.⁴³ One scholar has observed that ‘violence was needed both to destroy the

³⁶ Paul-François Foucart, ‘Inscription d’Éleusis du Ve siècle’, *Bulletin de correspondance hellénique* 4 (1880) 225–56, at 252-3. He also remarks, 252, on the precedents for such roles in the fifth century, arguing that they ‘n’avaient aucun pouvoir’ (‘had no power’: trans. Lane).

³⁷ ‘We have no evidence ... that an extra-ordinary [sic] official appointed without fixed terms of office was liable to render monthly or even annual accounts during the course of his term’: Stephen Todd, ‘Lysias against Nikomachos: The Fate of the Expert in Athenian Law’, in L. Foxhall and A.D.E. Lewis (eds) *Greek Law in its Political Setting: Justifications not Justice* (Oxford: Clarendon Press, 1996), 101-31, at 111. Todd notes that this remark excludes a passage in Lysias (30.5) about the role of an *anagrapheus* (a passage which is itself controversial), itself a role whose subjection to *euthuna* is debated.

³⁸ Mogens Herman Hansen, ‘Seven Hundred *Archai* in Classical Athens’, *GRBS* 21 (1980) 151-73, makes no mention of any *suggrapheus* [singular] in his list of Athenian offices, though he does list the *anagrapheus* among those officials not mentioned in the *Ath. Pol.* (156 with n.12. Danielle S. Allen, ‘Appendix A: The Number of Magistrates in Athens’, in Allen, *The World of Prometheus: The Politics of Punishing in Democratic Athens* (Princeton: Princeton University Press, 2000), disagrees with Hansen on some points, but like him makes no mention of any *suggrapheus* as established magistrates.

³⁹ As Meiggs and Lewis remark, ‘the best-known ξυγγραφεῖς [*suggrapheis*] are those of 411’: see Russell Meiggs and David M. Lewis (eds) *A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C.*, rev. ed. (Oxford: Clarendon Press, 1988), no. 73, in discussion *ad loc.* at 220 of two inscriptions. See also Martin Ostwald, *From Popular Sovereignty to the Sovereignty of Law: Law, Society, and Politics in Fifth-Century Athens* (Berkeley, Los Angeles, and London: University of California Press, 1986), 416.

⁴⁰ If I am right in hypothesizing that they eschewed holding proper offices, from the absence of evidence to the contrary, this would contrast with the practice of the Four Hundred as described at one point by Thucydides, at least one of whom (Theramenes) was ‘in office (*en archais*)’ in that oligarchy (8.89.2). It is striking that in this episode, Theramenes and some others fall out with the broader oligarchical group (just as Theramenes would do again with the others of the Thirty, to fatal results, as I remark below). Perhaps this taught the recidivist oligarchs the danger of giving the tools of office to some of their number but not others.

⁴¹ See discussion in Krentz, *The Thirty at Athens*, 51-6.

⁴² Historians such as Shear, *Polis and Revolution*, 171, assume that the Thirty must have served on the Council that they named. But none of the three known names of the members of the Council in 404/03, as documented by Krentz, *The Thirty at Athens*, 57 with n. 3, naming Epichares (from Andoc. 1.95), Evandrus (Lys. 26.10), and Teisias (Isoc. 16.43), figures in the complete list of the names of the Thirty given by Xenophon (*Hell.* 2.3.2). Vincent Azoulay and Paulin Isnard, *Athens, 403 BC : a democracy in crisis?*, trans. Lorna Coing (Cambridge: Cambridge University Press, 2025), 42, observe that, while ‘Lysias [13.74, in *Against Agoratus*] goes so far as to maintain, in one of his speeches, that “the Thirty and the Council that held office under them [...] had themselves all been members of the exiled Four Hundred”’, this is exaggerated (it was probably only a majority who had been members of the Four Hundred); their remark however implies the distinction between the Thirty and their Council for which I am arguing herein. I am grateful to Alexa White for calling my attention to this implication, and for further advice and help with this lecture. See also Krentz, *The Thirty at Athens*, 55-56, who, while also reading Lysias’ claim as exaggerated, identifies seven, possibly eight (if including Eratosthenes) members of the Thirty as ‘known members of the Four Hundred’ (55), concluding: ‘The events of the earlier revolution... must have had a direct influence on the course taken by the Thirty’ (56).

⁴³ Shear, *Polis and Revolution*, 211.

democracy and to construct their regime',⁴⁴ which after all involved depriving nearly 100 times their own number of their active political rights. And while the Thirty had initially deployed violence against a group of so-called 'sycophants' who were themselves broadly unpopular with the people (*Ath. Pol.* 35.3),⁴⁵ they soon turned to using violence not only to suppress dissent and consolidate the new regime (as the Four Hundred had largely done), but also as a source of private peculation: 'they put to death those who were outstanding for their wealth, birth or reputation, cunningly removing those whom they had cause to fear and whose property they wanted to plunder' (*Ath. Pol.* 35.3); Xenophon confirms that they 'killed many either because of personal enmity or to obtain their property' (*Xen. Hell.* 2.3.20-21). One of the characters in Plato's *Republic*, a wealthy foreigner settled in Athens, would in real life meet his death at the hands of the Thirty, precisely so that they could expropriate his family's property.

Critias was unabashed in declaring himself and his twenty-nine comrades, together with the new Council that they had appointed, to be 'open enemies of the people'.⁴⁶ They soon turned on one of their own number, Theramenes, who had spoken out against some of the violence (calling the rule of the junta at that point *biaian*),⁴⁷ and against Critias' policy of stripping citizenship from those who had previously been honored by the democracy.⁴⁸ Critias announced to the Council (in a meeting lined by youths holding daggers): 'I erase this man Theramenes from the list' of the Three Thousand, and so – according to the oligarchs' 'new laws', by which 'the Thirty are empowered to execute those not on the list' – readied him for the execution without trial that soon ensued (*Xen. Hell.* 2.3.51).

And yet, against all the odds, the democracy would not only be restored – but it would be restored by means of an amnesty, one of the first in recorded history (amnesty coming from the Greek terms for negating memory or remembering).⁴⁹ How did that happen? In the third and final part of this lecture, I shall argue that the key to the success of the Athenian amnesty and the restoration of Athenian democracy was the enforcing of accountability.⁵⁰

Taming the Oligarchs Afresh: Restoring Democracy through Amnesty and Accountability

Let me first say that it took violence to fight violence. The Thirty were defeated in a desperate battle with democratic forces (including men who had been deprived of their citizenship or driven into exile) who had regrouped in the Athenian port of Piraeus, captured a key military fortress, and ultimately ousted the Thirty from the city's interior (killing many of them, including Critias, in the fighting – the Thirty are said to have erected a statue in his memory of 'a personified Oligarchia holding a torch and setting Demokratia ablaze').⁵¹ The democrats then reestablished their constitution with some major institutional changes to try to make it more resilient against future oligarchic coups.

Having won the battle but lost so many families and friends to the oligarchic terror, one can imagine that the victorious democrats were tempted simply to put all of the surviving Thirty and their supporters to the sword. Indeed, a law that most scholars believe had been passed in the aftermath of 411, known as the decree of

⁴⁴ Andrew Wolpert, "The violence of the Thirty Tyrants," in Sian Lewis (ed.) *Ancient Tyranny* (Edinburgh: Edinburgh University Press, 2006), 213-23, at 220, 221, and 221 respectively.

⁴⁵ Christopher J. Joyce, *Amnesty and reconciliation in late fifth century Athens: the rule of law under restored democracy* (Edinburgh: Edinburgh University Press, 2022), 61.

⁴⁶ *Xen. Hell.* 2.3.28, trans. Strassler, as this phrase is more vividly rendered in the Landmark translation.

⁴⁷ Alwine, 'Xenophon on the Thirty', 167, citing *Xen. Hell.* 2.3.19.

⁴⁸ *Xen. Hell.* 2.3.16, as discussed in Alwine, 'The Soul of Oligarchy', 244.

⁴⁹ Shear, *Polis and Revolution*, 61-62, on the 'amnesty decree of Patrokleides in 406/5': it 'excludes from its provisions those who, having been tried by various courts, were condemned to death as tyrants' (citing *Andoc.* 1.78). The authenticity of this decree has been challenged by Mirko Canevaro and Edward M. Harris, 'The Documents in *Andocides' On the Mysteries*', *The Classical Quarterly* 62 (2012): 98–129, and defended against that challenge by Mogens Herman Hansen, 'Is Patrokleides' Decree (*Andoc.* 1.77–79) a Genuine Document?', *Greek, Roman, and Byzantine Studies* 55 (2015): 884-901. (An earlier 'amnesty' in Athens was purportedly included in the laws of Solon: *Plut. Sol.* 19.4.)

⁵⁰ Part of what follows is borrowed or adapted from Melissa Lane, 'The Idea of Accountable Office in Ancient Greece and Beyond', *Philosophy* (2019) 1-22.

⁵¹ Alwine, 'The Soul of Oligarchy', 251, citing a scholion on *Aesch.* 1.39.

Demophantus and inscribed on a monument in the agora in front of the Old Bouleuterion,⁵² required each citizen to swear an oath to kill anyone who ‘overthrows the democracy at Athens or holds any office while the democracy is overthrown’ and to reward anyone who acts on that pledge.⁵³ But instead of simply killing all the erstwhile oligarchs, the democrats offered them a set of choices, a set of peace terms, as it were, for the civil war:

(1) they could simply leave Athens and withdraw to an oligarchic enclave at Eleusis, in which case they would be ineligible to hold any office in Athens itself.⁵⁴

(2) those choosing to remain in Athens (with exceptions in clause 3 below) would be covered by an settlement which (while the evidence is complex and contested) seems to have included: the reestablishment of peace, the return of those outside the city (from either side), settling of property disputes, the sharing of religious sites, and a commitment to ‘not remembering past wrongs (*mē mnēsikakēzein*)’ (Xen. *Hell.* 2.4.43)—from which derives the label of ‘amnesty’ for the overall settlement.

(3) For the surviving members of the Thirty themselves,⁵⁵ and some of their henchmen (sources differ on which ones, but definitely including the ‘Eleven’ whose official duties had included ‘carrying out executions...and handing over confiscated property’ for sale:⁵⁶

- the amnesty would apply only to those who submitted accounts of their period in power that were then approved by democratic review panels;
- no such approval would be given to anyone found to have committed homicide during the oligarchy with their own hands.⁵⁷

The amnesty seems to have prevented further court prosecutions of specific actions during the period of the oligarchy (other than those for the Thirty and their henchmen, or for homicide, as noted above). Nevertheless, ‘not remembering’ in the sense of ‘not prosecuting’ did not amount to complete forgetting. Speeches from successive decades do show that past oligarchic allegiance was raised in debating whether particular individuals were qualified to hold office under the restored democracy. Even the trial of Socrates in 399 BCE would be remembered later as an attack on him for the actions of some of his friends in that period: the orator Aeschines asked a jury rhetorically in 346/345 (more than 50 years after Socrates’ trial and execution) whether they (meaning their ancestors) had not ‘put to death Socrates the sophist, fellow citizens, because he was shown to have been the teacher of Critias, one of the Thirty, who put down the democracy...’.⁵⁸

What I want to explore in conclusion is what the final demand in the settlement (as presented above) actually meant: namely, the requirement that members of the Thirty must pass *euthunai*, the giving of accounts for their period in power. When we look back at the aftermath of the Four Hundred, we can detect a trace of formal distancing from the legitimacy of those who had held offices under the oligarchy; one historian has observed that when the democratically installed ‘treasurers of 410/9 came to inscribe their accounts... they used a new *stèle* as if to emphasise their distance from the boards of the previous year’ that had been chosen

⁵² Shear, *Polis and Revolution*, 90-96.

⁵³ Quoting the oath preserved in Andocides 1.96-98 as translated in Teegarden, *Death to Tyrants!*, 5, and taking this to have been passed in the aftermath of the Four Hundred, as it has traditionally been dated, against the argument that it should instead be dated to the aftermath of the Thirty (and that Andocides’ document is a forgery), made by Canevaro and Harris, ‘The Documents in Andocides’ *On the Mysteries*’; see the rebuttal of Canevaro and Harris’s arguments by Alan H. Sommerstein, ‘The authenticity of the Demophantus decree’. *The Classical Quarterly* 64 (2014): 49-57.

⁵⁴ *Ath. Pol.* 39.6. Nevertheless, two years later, many from Eleusis were killed and the enclave effectively destroyed.

⁵⁵ There is no certain evidence that any of the Thirty accepted this offer. Lysias’ speech *Against Eratosthenes* is the sole candidate surviving text to be a prosecution at a *euthuna* of a member of the Thirty, though scholars contest whether it was rather ‘a subsequent prosecution for homicide, or indeed whether the speech was actually delivered’: Lysias, trans. S.C. Todd, *The Oratory of Classical Greece*, vol. 2 (Austin: University of Texas Press, 2000), ‘Introduction’ to *Against Eratosthenes* (Lys. 12), 113-16, at 113. Three of the Thirty had been killed in the fighting of 403; most, and perhaps all, of the others seem to have availed themselves of the provision in the agreement allowing their faction to withdraw from Athenian citizenship and establish their own self-governing enclave instead in Eleusis’.

⁵⁶ Krentz, *The Thirty at Athens*, 58.

⁵⁷ No one accused of having ‘himself performed the act of killing or wounding’ was to be exempted by any of the provisions of amnesty from a homicide trial (*Ath. Pol.* 39.5-6). See also Andoc. 1.90.

⁵⁸ Aeschines, *Against Timarchus* 1.173, trans. Adams, in Aeschines, *Aeschines with an English translation*, trans. Charles Darwin Adams (London: William Heinemann, 1919).

under the oligarchy.⁵⁹ But those preceding treasurers (the *hellenotamiae*) had not been members of the Four Hundred themselves (*Ath. Pol.* 30.2). They were tainted, and the taint was noticeable, but the principle of office still applied.

The problem of how to hold the Thirty accountable was more challenging. For the *euthunai* that they were being asked to pass were for their role as members of the Thirty, not as holding subordinate offices. Indeed, as I argued earlier, the Thirty seem (so far as we can tell) to have held themselves above the fray of office. Both in their initial appointment as law-reformers, and (more speculatively) in not naming themselves to any of the offices that we have a record of their having filled, they seem to have been pulling the strings all the while keeping themselves free from any institutional norms and duties.

Despite those points, several scholars have read the amnesty requirement of *euthunai* for the Thirty as if it had remained the case under their regime that these were required of officeholders, just as they had always been under the democratic constitution.⁶⁰ But I think that it was not that simple. For the accountability of office was not a principle that the Thirty would likely ever have sought or expected to apply meaningfully to themselves. They did not hold or fill offices expecting that accountability would apply, such that the restored democracy had only to carry out the relevant administrative routines. Instead, the requirement that the Thirty render their accounts served to reinstitute a democratic norm that had been in abeyance: insisting that all power must be rendered legally accountable, even when – and especially because – it had not been exercised that way. The Old Oligarch himself had recognized the centrality of *euthunai* to the democracy, complaining that the *demos* there spent too much time on civic business, including ‘conduct[ing] more examinations [*euthunai*] into the conduct of their officials than all other people combined’.⁶¹ Radical Irredentism could be tamed only by reinstating the radical Bottom-Up Accommodation on which Athenian democracy had previously hinged.

This Athenian model of amnesty plus accountability offers a new way to think about the dilemma facing post-populist regimes today. Consider Poland in the wake of its PiS populist regime, which was overturned at the ballot box in parliamentary elections in 2023, after eight years in power (but not before having appointed a majority of the Constitutional Court and a large number of other judges). A Polish judge has recently reflected on how the restored democracy should treat the officeholders of the previous anti-democratic regime. He laid out two choices:

‘On the one hand, a rigorous, meticulous adherence to all legal provisions...as long as they still formally apply.

On the other hand, there are those who argue that in a situation of complete destruction of the rule of law, such a policy may only entrench the pathological system or, at best, lead to apathy in reforming the state’.⁶²

The Athenian democracy in 403 BCE found a third way: acknowledging that ‘legal provisions’ had been overturned, and then reinstating them in order to rectify the destruction of the rule of law. Irredentism by oligarchs may yield only to such a reassertion of Bottom-Up democratic control. Both in ancient Athens and elsewhere, in restoring democracy and taming oligarchs, the challenge is to overcome the bitterness that can lead to civil war, of which Thucydides observed (at Corcyra) that ‘Ideological strife produced distrust everywhere, and nothing – no binding word or awe-inspiring oath – could end it’ (Thuc. 3.83.1-2).

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⁵⁹ Shear, *Polis and Revolution*, 55 n.129, citing *IG* I³ 375.

⁶⁰ See for example Carawan, *Athenian Amnesty*, 76, discussing ‘those who held office during the period of civil conflict’ – as including ‘the incumbent Ten who continued in office through the transition, and any officers from the previous regime (the Thirty *et al.*) who might now present themselves for accounting’, as well as ‘the democratic officers who had governed Peiraeus since the spring’ – by saying that all of these were simply being covered by ‘the basic rule that officers must face accountings was nothing new’ (*ibid.*). Adriaan Lanni, *Law and Order in Ancient Athens* (Cambridge: Cambridge University Press, 2016), 181, similarly remarks that the requirement of *euthuna* imposed as part of the amnesty agreement ‘was not an extraordinary transitional justice institution but the standard procedure faced by all outgoing officials under the democracy both before and after the [oligarchical] revolution’.

⁶¹ ‘Old Oligarch’ [Ps.-Xen.], 3.2, in M. Gagarin and P. Woodruff (trans. and eds) *Early Greek Political Thought*.

⁶² The Honorable Igor Tuleya, ‘Battle for the Rule of Law’, *North Dakota Law Review* 100 (2025) 1-11, at 9.

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