

# El tirano no es omnipotente: las instituciones políticas en la Atenas Pisistrátida\*

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## Resumen:

La historiografía moderna ha centrado su investigación sobre las instituciones políticas atenienses del siglo VI a. C. en dos figuras clave: Solón y Clístenes. El estudio de las instituciones durante el período pisistrátida, a menudo por la falta de fuentes al respecto, ha sido dejado de lado. La Atenas de Pisístrato e Hipias se ha tendido a describir como una administración relativamente sencilla, simple, en la que la figura del tirano operaba sobre todos los ámbitos. Sin embargo, con el presente trabajo se pretende mostrar que la realidad jurídica e institucional de la Atenas de la segunda mitad del siglo VI es más compleja. Muchas de las instituciones solonianas se mantuvieron durante el período de tiranía. Su coexistencia con los gobiernos de Pisístrato e Hipias, a veces facilitó, y otras limitó, el alcance del poder político de los Pisistrátidas, sus competencias y, por tanto, la influencia de los tiranos en la administración de la *polis*.

## Palabras clave:

Pisístrato, Hipias, Areópago, Arcontado, Jueces de demo.

## A tyrant is not almighty: political institutions under Peisistratid Athens

## Abstract:

Modern historiography has focused its research on the Athenian political institutions of the 6th century BC on two key figures: Solon and Cleisthenes. The study of the institutions during the Peisistratid period, often because of the lack of sources on the subject, has been neglected. The Athens of both Peisistratus and Hippias has tended to be described as a relatively simple, straightforward administration, in which the figure of the tyrant operated over all areas. However, with this work, I intend to show that the legal and institutional reality of Athens in the second half of the 6th century is more complex. Many of the Solonian institutions were maintained during the period of tyranny. The coexistence of these policies with the governments of Peisistratus and Hippias sometimes facilitated, and sometimes limited, the scope of the political power of the Peisistratids and their capabilities, and therefore the influence of the tyrants on the *polis* administration.

## Key words:

Peisistratus, Hippias, Areopagus, Archonship, Local Justices.

## 1. INTRODUCTION

Under current International Policy, in order to become an independent State, the existence of a territory must be recognized by other pre-existing States. Although apparently modern (as it is the result of a tedious legislation and a long customary tradition), this

acknowledgement also seems to be a requirement when considering a *polis* in Antiquity<sup>1</sup>. However, the minimum expression of a *polis* was one that ultimately depended on its citizens, on who they were and how they were defined. That status was more clearly reflected in the different magistracies and institutions citizens had access to<sup>2</sup>.

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<sup>1</sup> MACK, W., *Proxeny and Polis. International Networks in the Ancient Greek World*, Oxford, 2015, p. 285 synthesizes this view perfectly: *to be a polis was to be among other poleis*.

<sup>2</sup> The acceptance of the *nomoi* by part of the *polis* population is fundamental for its constitution (cf. BLOK, J., «Retracing Steps: Finding Ways into Archaic Greek Citizenship», in DUPLOUY, A. and BROCK, R. (ed.), *Defining Citizenship in Archaic Greece*, Oxford, 2018, p. 98). For the definition and interpretation of what was a *polis*, with a non-religious perspective, we are following HANSEN, M. H., «95 theses about the Greek *polis* in the archaic and classical periods: a report on the results obtained by the Copenhagen Polis Centre in the period 1993-2003», *Historia*, 52-3 (2003), p. 264 n. 25: «the polis was a highly-institutionalised community, and at the core of the polis were the political institutions where the *politai* met and isolated themselves from women, foreigners and slaves. Political activity was a fundamental aspect of the community, and, as a polity, the polis is best seen as a very deliberately planned and highly rational form of political organization». This author (*ibid.*) makes an important distinction between the population on a structural level and those who have full citizenship rights (*politai*), which also had functional implications.

It is a custom to speak of the period of tyranny in Athens as indicative of a monolithic system of government, in which the figure of the tyrant monopolizes or supremely controls all the institutions and magistracies. This is a simplistic perspective that I hope to challenge in this article. In the following pages I intend to show the complex institutional reality of the tyranny of the Peisistratids. It is these counterbalancing influences and reinforcements of power that the administration of Athens still had, even under a tyranny.

Before speaking of the political context in the rise of Peisistratus as tyrant, it is necessary to focus our attention on the State of Athens, and specifically on the different political institutions that were already present in the *polis* during the first half of the 6th century. Only through this initial analysis will we be able to discern with greater certainty what is the amount of «real» political power that the family of the Peisistratids achieved once Peisistratus became tyrant in 561, 556 and, uninterruptedly ruling from 546 to 527, when he died, from which point his son Hippias took over from 527 to 510<sup>3</sup>.

In the years immediately preceding the first ascendancy of Peisistratus to the tyranny, Athens was operating under a would-be oligarchic and aristocratic political system no different from those governing other *poleis* of the Greek world. During the Archaic period, and partly as a consequence of its own historical evolution since the Dark Ages, political authority was based on a system of government capitalized by the families of the upper class, known in the case of Attica as Eupatridae<sup>4</sup>. In Athens, the main *polis* magistracies were framed by institutions ruled by aristocrats from different areas, but especially from the *asty* region.

Aristotle was the first ancient author to systematize in a diachronic way the different political systems of Athens in his *Athenaion Politeia*, around c. 320 BC. In that work, Aristotle says that, by the time Peisistratus became a tyrant, Athens was governed by its «third» constitution, that of Solon (Arist. *Ath.* 7; 41.2). But what happened after? Unfortunately for those of us who try to analyze the circumstances of the 6th century, the majority of the sources (and, therefore, the modern references) are centered on the legislative work of Solon and Cleisthenes, since both of their Constitutions put forth the most ambitious projects in terms of regulation of civic-political aspects. What we know is that there is practical unanimity among the ancient sources in recognizing that the tyrant and, apparently, also his sons, maintained the Solonian laws during their period of ruling (Hdt. 1.59.6; Th. 6.54.6; Plu. *Sol.* 31.3, specifies they did not change the majority; D.L. 1.53)<sup>5</sup>.

If we want to know the political and institutional situation Peisistratus had to address when he became tyrant at 561/0, we need first to consider 1) who were the citizens of Athens and 2) what were the particular magistracies that these citizens could hold. The reader will not find in this article a comprehensive study of the characteristics and capacities of the most relevant institutions and magistracies of pre-Peisistratid Athens, but rather an examination of those elements that would have helped or obstructed the amount of political power held by Peisistratus.

In contrast to the later Roman concept of citizenship, much more defined and firmly established, the status of a Greek citizen in the Archaic period saw certain differences in rights, not only depending on the

<sup>3</sup> Unless otherwise specified, all dates are to be considered as BC.

<sup>4</sup> We do not pretend to go very far back in time. In fact, in order to know the evolution and constitution of Athens as a *polis* from the Dark Ages, we recommend the recent work of VALDÉS GUÍA, M., *La formación de Atenas. Gestación, nacimiento y desarrollo de una polis (1200/1100 – 600 a.C.)*, Zaragoza, 2012. About the definition of Eupatridae, we follow here a traditional perspective, lastly supported by PIERROT, A., «Who were the Eupatrids in the archaic Athens?», in FISHER, N. and WEES, H. (eds.), «Aristocracy» in *Antiquity. Redefining Greek and Roman Elites*, Swansea, 2015, pp. 147-168: they were a group of families from the *asty* region that had controlled not just the priesthoods but also the political magistracies since the Archaic period. We therefore reject the theory initiated by WILAMOWITZ-MÖLLENDORFF, U. von and NIESE, B., *Staat und Gesellschaft der Griechen und Römer*, Berlin-Leipzig, 1910, pp. 70-71, later deepened by FIGUEIRA, T. J., «The Ten Archontes of 579/8 at Athens», *Hesperia*, 53-4 (1984), pp. 448-455 and 459, and defended by DUPLOUY, A., «Les Eupatrides d'Athenès, «nobles défenseurs de leur patrie»», *Cahiers du Centre Gustave Glotz*, 14 (2003), pp. 7-22; «Genealogical and dynastic behavior in archaic and classical Greece: two gentilician strategies», in FISHER, N. and WEES, H. (eds.), «Aristocracy» in *Antiquity. Redefining Greek and Roman Elites*, Swansea, 2015, p. 63 during the last decades. They all consider that this term would be new, from the end of the 6th century BC, and it would allude to those who were against the tyranny of the Peisistratids.

<sup>5</sup> Aristotle (*Ath.* 16.8) says that Peisistratus «was willing to administer everything according to the laws in all matters, never giving himself any advantage» (trad. H. Rackham; ἐβούλετο πάντα διοικεῖν κατὰ τοὺς νόμους, οὐδεμίαν ἑαυτῷ πλεονεξίαν διδοῦς) but he does not specify if all of these laws were just those of Solon or if he included some of his own.

specific time period, but also varying from one *polis* and to another. This heterogeneity means that we inevitably face a series of key hermeneutical dilemmas when analyzing the political power of the Peisistratids and the role that citizens had in the transmission of their civil liberties<sup>6</sup>.

The Athenian male is the main political character in the development of the tyranny. As an active subject, he had the capacity to intervene in the decision-making of the *polis* directly through its civil institutions and, sometimes, from its magistracies. There is a fundamental legal difference we need to have in mind: it is not the same thing to be an Athenian citizen as it is to be an inhabitant of the city or *chora* of Athens. Broadly speaking, and on a basic level, the Athenian citizen of the first half of the 6th century is, as during the later period of democracy, a man over the age of 18<sup>7</sup>. However, the definition of citizenship in the 6th century sees many differences with that in the 5th or 4th centuries, to which we must pay attention.

In 451/0 BC Pericles established a law through which only those who were children of an Athenian father and an Athenian mother would be recognized as citizens (Arist. *Ath.* 26.4; Plu. *Per.* 37.3). But this was not the case previously. The citizenship law of Pericles was a departure from tradition due to specific historical circumstances that are already addressed in the sources. Therefore, someone

could be an Athenian citizen in the 6th century on the grounds of having a single Athenian parent<sup>8</sup>.

From 594/3 BC onwards, and during the period of tyranny, the citizenship status of an individual living in Attica seems to be guaranteed, protected by three (or maybe even four) laws of Solon. The first one was the *seisachtheia*. It prevented the enslavement of another Athenian by debt, thus reducing his condition of freedom (slightly in D. 24.149 and Pl. *Lg.* 736c-d; explicitly in Arist. *Ath.* 6.1, 10.1; Plu. *Sol.* 15.2, 16.5; *Mor.* 343c-d)<sup>9</sup>. In other words, this measure established a difference between those who were citizens and those who were not, separating those who could legally become slaves from those who received protection<sup>10</sup>.

The second law pertained to the census, which divided the civic body into four categories, or *tele*, to which all citizens belonged according to their income (Arist. *Ath.* 7.2-4). Some common citizenship rights were guaranteed independently of the census group to which each Athenian belonged (*pentakosiomedimnoi*, *hippeis*, *zeugitai* or *thetes*). All of them were able to participate in the *ekklesia* and take part in the courts of justice (*ibid.*)<sup>11</sup>. However, there still existed some differences in the political capacities of the *tele*. Whether because of their origin, their economic situation, or both, some citizens enjoyed certain privileges over others, which allowed them to

<sup>6</sup> Although we have considered in this article to focus on the definition of citizenship in a political level because of the theme we are dealing with, there are other approaches that also signify the citizenship condition during the late Archaic period. It is relatively new in modern historiography to pay attention to archaic citizenship characteristics. Some recent authors, like BLOK, J., «Retracing Steps...», pp. 79-101 (previously studied by PLÁCIDO SUÁREZ, D., «Tema y variaciones: la ciudadanía griega y sus lecturas prácticas y teóricas», *Gerión*, 28-2 (2010), pp. 9-10) have paid more attention to the religious aspect. He even proposes a definition based on their relationship to the *polis* religion (p. 93). Other authors have focused on other elements that would define someone as a citizen, such as his association capacity (ISMARD, P., «Associations and Citizenship in Attica from Solon to Cleisthenes», in DUPLOUY, A. and BROCK, R. (ed.), *Defining Citizenship...*, pp. 145-159, p. 48) or his role with respect to war and *polis* defense (WEES, H. van, «Citizens and Soldiers in Archaic Athens», in DUPLOUY, A. and BROCK, R. (ed.), *Defining Citizenship...*, p. 141); DUPLOUY, A., «Pathways to Archaic Citizenship», in DUPLOUY, A. and BROCK, R. (eds.), *Defining Citizenship...*, p. 48, understands Archaic citizenship as a *performance*.

<sup>7</sup> MANVILLE, P. B., *The Origins of Citizenship in Ancient Athens*, Princeton, 1990, p. 8; WEES, H. van, «Citizens and Soldiers...», p. 105.

<sup>8</sup> Some famous Athenians of the end of the 6th century BC were considered citizens, despite being bastards. That was the case of Themistocles (D. 23.213; Plu. *Them.* 1.3) or Cimon (Arist. *Ath.* 27.3; Plu. *Cim.* 4.1-2), for example.

<sup>9</sup> The bibliography on the *seisachtheia* is enormous. On this measure and its repercussions from a religious point of view, as well as a bibliographical compilation of the most important works on the subject, see VALDÉS GUÍA, M., «La Sisactia de Solón y el juramento de los heliastas», *Arys*, 2 (1999), esp. p. 35 n. 1 and FARAGUNA, M., «Hektemoroi, isomoiria, seisachtheia: ricerche recenti sulle riforme economiche di Solone», *Dike*, 15 (2012), pp. 171-193. According to FLAMENT, C., «Que nous reste-t-il de Solon? Essai de déconstruction de l'image du père de la *páτριος πολιτεία*», *Les Études Classiques*, 75 (2007), p. 313 and VALDÉS GUÍA, M., «Hybris en Atenas arcaica: explotación y formas de violencia de los *aristoi* frente al *demos*», in GONZALES, A. (ed.), *Praxis e Ideologías de la Violencia. Para una anatomía de las sociedades patriarcales esclavistas desde la Antigüedad*, Besançon, 2019, pp. 171-172, Solon's decision would have been the result of a *stasis* situation. There were also divergent interpretations of the *seisachtheia* in Antiquity: for Philochorus (*FGrH* 328 F 57) and Plutarch (*Sol.* 15.2) it meant an abolition of debt, for Androtio (*FGrH* 324 F 40) only a relief of the interest on it. For HARRIS, E. M., «Did Solon Abolish Debt-Bondage?», *Classical Quarterly*, 52-2 (2002), p. 430, Solon avoided the possibility of enslaving and selling to other Athenians, but this did not imply the reduction or abolition of personal debts.

<sup>10</sup> SANCHO, L., «To METEXEIN THΣ ΠΟΛΕΩΣ. Reflexiones acerca de las condiciones de pertenencia ciudadana entre Solón y Pericles», *Gerión*, 9 (1991), p. 69, is skeptical about how far this measure could really separate effectively those who were free citizens and those who were not, as well as its repercussion among their descendants.

<sup>11</sup> DUPLOUY, A., «Pathways to Archaic...», p. 10, synthesizes very well the idea of citizenship from a political perspective: *in a way, archaic citizenship is reduced to a matter of social access to political institutions*. BLOK, J., «Retracing Steps...», p. 101, also includes women as citizens because they took part in some religious rites. This approach, while valid, is far from the one we want to address here, as we are focusing on the political aspects of the proper citizen body, specifically individuals that could access the state administration. This perspective, however, does not deny the important role of women in many other aspects of the Greek *polis*.

participate in some of the most important magistracies and institutions of Athens<sup>12</sup>.

Moreover, there are other laws related to Athenian citizenship, granting some citizens privileges that other groups did not have. As Demosthenes states (57.31), in the times of Solon, only citizens were able to work in the agora of Athens. However, this law has not yet proven to be authentic by modern scholars<sup>13</sup>, so we cannot consider as citizens all the people who worked in the agora during the tyranny of the Peisistratids, especially considering that the tyrants decided to open the civic body (*vid. infra*). Another important law that grants rights for citizens is conveyed by Plutarch (*Sol.* 22.1), who states that «no son who had not been taught a trade (πρὸς τὰς τέχνας) should be compelled to support his father».

In pre-Peisistratid Athens, a person's citizen status is a key factor in the historical development of events. The situation of greater or lesser legal security, which seems to be guaranteed during the period of tyranny<sup>14</sup>, explains why the *demos* acts the way it does not only with respect to Peisistratus and his children, but also to the aristocratic attempts to regain control of the *polis*. Being a citizen was something important under the tyranny of the Peisistratids. In fact, without going any further, it seems to have been a *leitmotiv* to consider Peisistratus as a foreigner (Hdt. 5.65.3), which ultimately aims to delegitimize him as a tyrant.

## 2. ATHENIAN MAGISTRACIES AND INSTITUTIONS IN THE FIRST HALF OF THE 6TH CENTURY AND DURING THE TYRANNY

The first requirement to access any of the magistracies and institutions of pre-Peisistratid Athens was

to be a citizen. Before Solon, a magistracy like the archonship was only accessible to those ἀριστίνδην καὶ πλουτίνδην (Arist. *Ath.* 3.1). After him, the criteria changes and it was not a question of birth or affluence, but of assessable property (Arist. *Ath.* 7). In parallel, archaic magistracies reflect the vague separation between what is purely political and religious in the ancient Greek world. The priesthoods in Athens were co-opted by the most powerful families of the *polis*, which displayed their influence not only on a religious level, but also, through the funds they obtained for sacrifices or other ceremonies, on a political one.

This religious-political factor can also be seen in what was probably the most powerful institution at the time when Peisistratus acceded the tyranny: the archonship. Archons were elected magistrates<sup>15</sup> who had among their functions the officiate of some of the most important religious ceremonies of the *polis*<sup>16</sup>. When Peisistratus first rose to power in 561, he may not have been an archon, but we know that the archonship existed because the position of the eponymous archon that year was occupied by Comeas (Arist. *Ath.* 14.1)<sup>17</sup>.

In Athens, military functions of the end of the Archaic period, and until the reforms of Cleisthenes, were under the control of the polemarch archon, who had several officers below him<sup>18</sup> that would help him face the dangers that threatened the independence and self-determination of the *polis*. Ancient sources point out that Peisistratus would have served as a polemarch archon or other high command in the army (Arist. *Ath.* 22.3; Aen. *Tact.* 4.8; Iust. 2.8.2) during one of the already habitual territorial conflicts between Athens and Megara.

<sup>12</sup> Although birth had apparently no *raison d'être* after the establishment of the four Solonian *tele*, it somehow continued to be taken into account among the Eupatrids in maintaining their influence inside the institutions. In fact, no few aristocratic *gene* remained at the head of the main *polis* magistracies during the 6th and 5th century BC, even though one would expect a greater change in the elite over time. If origin did not matter anymore, many aristocratic families would have been left out of these bodies of power, not because of the indebtedness of some of their members, or internal struggles, but, as WEES, H. van and FISHER, N., «The trouble with aristocracy», in *Ead.* (eds.), *'Aristocracy' in Antiquity. Redefining Greek and Roman Elites*, Swansea, 2015, pp. 6-7 note, the partitioning of land by inheritance would have made it difficult for them to sustain their patrimony. And this is something that did not happen.

<sup>13</sup> LEÃO, D. F. and RHODES, P. J., *The Laws of Solon. A New Edition with Introduction, Translation and Commentary*, London-New York, 2016, pp. 178-179, put this law (= Fr. 117) in the *unusable, doubtful, spurious* category. On the discussion of this law, see the recent article of LODDO, L., «La legge ateniese sull'interdizione degli stranieri dal mercato: da Solone ad Aristofonte di Azenia», *Klio*, 100-3 (2018), pp. 667-687.

<sup>14</sup> MANVILLE, P. B., *The Origins of Citizenship...*, pp. 162 and 209.

<sup>15</sup> According to Aristotle (*Ath.* 3.5; also D.L. 1.58; Sud. s.v. Ἀρχῶν. Ἀρχοντες) here were nine archons in the Solonian period. Later, after the archonship of Damasias, ten were established (Arist. *Ath.* 13.2; FIGUEIRA, T. J., «The Ten Archontes of 579/8 at Athens», *Hesperia*, 53-4 (1984), p. 449).

<sup>16</sup> The presence of cults in places where these magistrates and others gathered clearly marks a differentiation between the sacred and the profane (cf. VALDÉS GUÍA, M., *Política y religión en Atenas arcaica*, Oxford, 2002).

<sup>17</sup> In fact, there are numerous inscriptions listing the eponymous archons (i.e. *IG I<sup>3</sup> 1031*), which reflect a certain Eupatrid continuity from the end of the Dark Ages. Unfortunately, Aristotle is the only source that refers to the 561/0 BC archonship.

<sup>18</sup> It is currently unknown what was the specific name for these polemarch subordinates. In general, we know very little about the Athenian army during the 6th century BC, although as OSBORNE, R., *The Transformation of Athens. Painted pottery and the creation of Classical Greece*, Princeton-Oxford, 2018, p. 87, correctly states: «Peisistratos was famous for using non-Athenian troops, including mercenaries, to help him achieve power in Athens, and the Aristotelian Constitution of the Athenians claims that he completely disarmed the Athenians - something that his son Hippias may actually have done.»



Regarding the Athenian magistracies, before this Peisistratus' *polemarchy*<sup>19</sup>, we must first go back to 669/8 BC to find a likely ancestor of the family of the Peisistratids who would have held the archon magistracy (Paus. 2.24.7)<sup>20</sup>. The presence of an eponymous archon called Peisistratus in the first half of the 7th century shows, once again, the aristocratic condition of the Peisistratids in the 6th. However, the existence of other eponymous archons, especially the Alcmeonids or other Eupatrids from the *asty*/Pedion region, such as the Philaids<sup>21</sup>, points to a certain monopolization of the highest political institution of Athens by other *gene*, to the detriment, perhaps, of that of the future tyrants. Nevertheless, Peisistratus managed to put himself at the head of the army a few years before his first seizure of power, and it was precisely this position of polemarch archon that earned him great popularity among the Athenians, and considerably facilitated the granting of his first and third tyranny<sup>22</sup>.

The figure of the tyrant does not appear for the first time in Athens with Peisistratus, although he was the first one to achieve it *de facto*, after some successful symbolic ceremonies. Before him, in the second half of the 7th century, the Alcmaeonid aristocrat Cylon was unsuccessful in trying to become a tyrant, or possibly was one only for a very short period of time (Hdt. 5.71; Arist. *Ath.* Fr. 8).

Also, only a few years before Peisistratus, around 582, Damasias might have tried to become one using his eponymous archonship (Arist. *Ath.* 13.2; Parium Marble *FGrH* 239 A 38)<sup>23</sup>.

The position of tyrant in ancient Athens does not seem to have been a state «magistracy» *per se*, but rather it supposes the recognition of a series of more or less plenipotentiary powers to an individual outside the institutional legality. In the case of Peisistratus, we can speak of a kind of transfer of sovereignty to him from certain sectors of the *demos*, some aristocrats included. In other words, Peisistratus does not become a tyrant by the transfer of power from a *polis* institution (as it happens with the magistracy of *dictator* in Rome), but rather this position is granted to him by others or is assumed by the tyrant himself (for example, through coercion), always from outside the legal and institutional framework<sup>24</sup>.

Ancient sources refer to the Athenian tyranny as a kind of government at the head of which is found the figure of the tyrant. In the tyranny of the Peisistratids the coexistence of this office with other traditional institutions of the *polis* shows us certain governmental *chorality*, but not because there is more than one tyrant, as Lewis or Sancisi-Weerdenburg or Mitchell believe<sup>25</sup>, but because, as

<sup>19</sup> We think that Peisistratus would have been a polemarch archon (in the absence of other evidence, we agree with HAMMOND, N. G. L., *A History of Greece to 322 B.C.*, Oxford, 1967, p. 165 and VALDÉS GUÍA, M., *Política y religión en Atenas arcaica*, Oxford, 2002, p. 72; «War in Archaic Athens: *polis*, Elites and Military power», *Historia*, 68-2 (2019), p. 131; LAVELLE, B. M., *Fame, Money and Power. The Rise of Peisistratos and «Democratic» Tyranny at Athens*, Ann Arbor, 2005, pp. 46-47, rightly observes that the term of *strategos* used by Herodotus and Aristotle would have been due to an extrapolation of this position that first appears in Athens in 501-500 when it was first created (Arist. *Ath.* 22.2; WHEELER, E. L., «The General as Hoplite», in HANSON, V. D. (ed.), *Hoplites: The Classical Greek Battle Experience*, London-New York, 1991, p. 132). Lavelle does not rule out any other position, but always places him at the head of the operation, without going so far as to suggest that he is a *polemarchos*. ECHEVERRÍA REY, F., «Pisistrato y el uso de la fuerza militar», in ALMELA LUMBRERAS, M<sup>a</sup>. A. et al. (coords.), *Perfiles de Grecia y Roma. Actas del XII Congreso Español de la Sociedad Española de Estudios Clásicos*, Valencia, 2007, pp. 716-717 and 720 considers the possibility that the term *polemarchos* could be also an anachronism and that, therefore, some people like Peisistratus, may just have been at the head of personal troops, not civic ones. However, according to Aristotle (*Ath.* 3.1-3) and a scholiast to Plato (*Phdr.* 235d) the polemarch archon was the second magistracy that had been created in the Archaic period after the *basileus* archon.

<sup>20</sup> Also, in DAVIES, J. K., *Athenian propertied families, 600-300 B.C.*, Oxford, 1971, p. 444 and KIRCHNER, J., *Prosopographia Attica*, Berolini, 1901-1903, p. 191 (= *PA* 11791). There is no record of other Peisistratids who could have held another high office, but their presence can be inferred, more or less intermittently, as they were present at the election process.

<sup>21</sup> Alcmaeonid eponymous archons, such as Megacles (*PA* 9688) in 639/8 or Philaids, such as Miltiades (*PA* 2756. *add.* 2756a) in 668/7, and other Miltiades in 664/3 (*PA* 10205) and in 659/8 (*PA* 10205) or Hippocleides (*PA* 7613), give an account of this concentration of power during the 7th century. During the 6th century, the expulsion of the Alcmeonids after the attack on Cylon would mark a clear preeminence of the traditional aristocracy of the *asty*/Pedion during the period between Draco and Solon, as VALDÉS GUÍA first showed (VALDÉS GUÍA, M., *Política y religión...*, p. 66).

<sup>22</sup> For the first *coup d'état*, see *esp.* Hdt. 1.59.3-6; Arist. *Ath.* 13-14; Plu. *Sol.* 30.1-3; Polyæn. 1.21.3; Ael. *VH* 8.16. For the third one, see *esp.* Hdt. 1.62.1; Polyæn. 1.21.1.

<sup>23</sup> There is still a debate about whether or not Damasias really intended to perpetuate himself in power. For FIGUEIRA, T. J., «The Ten Archontes of 579/8 at Athens», *Hesperia*, 53-4 (1984), pp. 449-450, and, more recently, FLAMENT, C., «Étude sur la chronologie des archontats de Damasias à Athènes et de la première guerre sacrée à Delphes», *Bulletin de Correspondance Hellénique*, 141-1 (2017), pp. 126-129, Damasias would have been authorized to hold office for more than a year. Against this perspective are CADOUX, T. J., «The Athenian Archons from Kreon to Hypsichides», *Journal of Hellenic Studies*, 68 (1948), pp. 91 and 102; DEVELIN, R., *Athenian Officials. 684-321 B.C.*, Cambridge, 1989, p. 40.

<sup>24</sup> Here we move away from the vision, perhaps somewhat Manichean, of SANCISI-WEERDENBURG, H., «The Tyranny of Peisistratos», in *Ead.* (ed.), *Peisistratos and the Tyranny. A Reappraisal of the Evidence*, Amsterdam, 2000, pp. 5 and 14, who sees the figure of the tyrant not as a single person holding office, as she believes this vision to be typical of the 5th century, but as someone who holds power either by his own personal ambition or by inheriting it, and does not necessarily exercise it individually. This position, we consider, displaces the importance of the social acceptance enjoyed by tyrants, since sometimes it was the *demos* itself that supports them and puts them in their place.

<sup>25</sup> LEWIS, D. M., «The Tyranny of the Pisistratidæ», *Cambridge Ancient History*, 4 (1988), p. 288, refers to Hippias and Hipparchus as *joint rulers*; SANCISI-WEERDENBURG, H., «The Tyranny of Peisistratos...», p. 12; MITCHELL, L., *The heroic rulers of archaic and classical Greece*, London-New York, 2013, p. 109. Something different to their perspective is that there is a relationship between the tyrant and the institutions, which is what the sources refer to, not so much the simultaneous presence of two tyrants. DAVIES, J. K., *Athenian propertied families, 600-300 B.C.*, Oxford, 1971, p. 447, for example, uses the term *condominium*, but understands that Thucydides is right in considering as a tyrant only Hippias.

Thucydides (6.54.6) says, the Peisistratids always made sure that one of the family was at the head of the different magistracies (πλὴν καθ' ὅσον αἰεὶ τινα ἐπεμέλοντο σφῶν αὐτῶν ἐν ταῖς ἀρχαῖς εἶναι).

It is impossible to know completely what kind of executive and legislative prerogatives were attributed exclusively to the tyrant and not to other members of his family. In other words, we cannot know to what extent Peisistratus first, and Hippias later, had unique political powers because of their status as tyrants and how much they utilized the function of (with greater or lesser success) other coexisting magistracies and institutions. However, it is likely to be deduced, from surviving sources, that there was a certain political cohabitation, since there are many authors who, as we have seen, guarantee that the Peisistratids did not modify the constitution of Solon, i.e., a large part of the Athenian institutions remained in operation under the tyranny<sup>26</sup>.

Among the institutions and magistracies that may have survived the period of tyranny, three are particularly noteworthy. Two of them come from a broad historical

and political tradition in Athens, as is the case of the *ekklesia* and the Areopagus. The *ekklesia* would have hardly enjoyed power or influence during the 7th century and the first half of the 6th; the Areopagus, was formed by ex-archons (Plu. *Sol.* 19) and took charge of the crimes of voluntary homicide or those of special political transcendence already with Solon<sup>27</sup>. The proof that the Areopagus survives the period of tyranny is provided, above all, by Demosthenes (23.66), who affirms that «only in that court neither the tyrant nor the oligarchy nor democracy have dared to take away the causes of homicide, but rather, everyone considers that, with respect to them, they themselves would manage to invent a weaker jurisprudence than that already invented in that court of justice»<sup>28</sup>.

The rest of the crimes in the years prior to the arrival of Peisistratus seem to have been judged by a third institution, the *Boule* or Council of 400 of Solon (Arist. *Ath.* 4.3), which, gathered as *Heliaia*, had certain judicial powers<sup>29</sup>. However, this theory has some detractors. The traditional thesis defends that the *Heliaia* would be the *ekklesia* in a judicial version<sup>30</sup>, and others even think that it would be an independent institution of both the assembly and the *Boule*

<sup>26</sup> Archaeological evidence also points out that it would have been in Peisistratid times when the *Stoa Basileios* was built (ROBERTSON, N., «Solon's Axones and Kyrbeis, and the Sixth-Century Background», *Historia*, 35-2 (1986), p. 153, mentions that perhaps it was shortly before the arrival of the Persians; VALDÉS GUÍA, M., *Política y religión...*, p. 20), where the tyrant would have kept some of Draco and Solon's *kyrbeis* and axons respectively. Aristotle (*Ath.* 22.1) comments that the tyranny suppressed both of them due to disuse, although this assessment probably has to do mainly with the final period of the tyranny. Recent research has placed the *kyrbeis* and axons on the acropolis, see: MEYER, E. A., «Posts, Kurbeis, Metopes: The Origins of the Athenian «Documentary» Stele», *Hesperia*, 85-2 (2016), p. 332.

<sup>27</sup> VALDÉS GUÍA, M., «War in Archaic Athens: polis, Elites and Military power», *Historia*, 68-2 (2019), p. 137; «The Social and Cultural Background of Hoplite Development in Archaic Athens: Peasants, Debts, *zeugitai* and *Hoplēthes*», *Historia*, 68-4 (2019), p. 398, considers appropriate Aristotle's reading of the Constitution of Draco in his *Athenaion Politeia*. The *ekklesia* would include some small landowners and leaseholders who, later, with Solon, would go into a situation of *atymia* and, therefore, of exclusion. VALDÉS GUÍA, M., *Política y religión...*, pp. 50-51, believed that the Areopagus would acquire all these judicial skills to the detriment of the former draconian body of *ephetai*. It is also possible that the Areopagus assumed during the tyranny the function of carrying out the *euthyna* (p. 41). However, we do not have any documental evidence of it, so all this is just speculation.

<sup>28</sup> Trad. A. T. Murray. Aristotle (*Pol.* 1315b20-22; *Ath.* 16.8) and Plutarch (*Sol.* 31.3) both include an anecdote that states that Peisistratus would have gone to trial in this institution as a defendant.

<sup>29</sup> Here we follow the interpretation first initiated by RUSCHENBUCH, E., «Die Tradition über das solonische Volksgericht», *Historia*, 14-3 (1965), p. 384, who believed that it was wrong to consider the *Heliaia* as a court of appeal, treated as such by the sources of the fourth century onwards. This hypothesis was later further developed by others, such as JEFFERY, L. H., *Archaic Greece. The City-States c. 700-500 B.C.*, New York, 1976, pp. 93-94; RHODES, P. J., *A Commentary on the Aristotelian Athenaion Politeia*, Oxford, 1981, p. 160 (who even sees the τερὸ δικαστήριον instead of ἡλίαια as anachronistically used by Aristotle and Plutarch); or VALDÉS GUÍA, M., *Política y religión...*, p. 40-41; VALDÉS GUÍA, M., «The Social and Cultural...», p. 400 (who hypothesises that the *Heliaia* would consist of a special commission integrated within the Solonian *Boule*, based on the contemporary *Boule* of Chios, as Jeffery already did). This judicial position is also suggested by an oath in D. 24.149 (which OSTWALD, M., *From Popular Sovereignty to the Sovereignty of Law*, Berkeley, 1986, p. 12, takes back to the 6th century).

<sup>30</sup> This position is chiefly defended by MACDOWELL, D. M., *The Law in Classical Athens*, London, 1978, pp. 29-33 and ANDREWES, A., «The Growth of the Athenian State», in BOARDMAN, J. and HAMMOND, N. G. L. (eds.), *The Cambridge Ancient History*, III, 3, Cambridge, 1982, pp. 388-389, whose main reasons are etymological. Others, like FORREST, W. G., *Los orígenes de la democracia griega. El carácter de la política griega. 800-400 a. de C.*, Torrejón de Ardoz, 1988 [1978], pp. 144-149 and HUMPHREYS, S., «The Evolution of Legal Process in Ancient Attica», in GABBA, E. (ed.), *Tria Corda. Scritti in onore di Arnaldo Momigliano*, Como, 1983, pp. 237-238, do not support their vision by any source or argument. For RHODES, P. J., «ΕΙΣΑΓΓΕΛΙΑ in Athens», *Journal of Hellenic Studies*, 99 (1979), pp. 103-114, at least in the 5th and 4th centuries it depended the judicial version of the *ekklesia* or *Boule* on who was going to be judged, either a magistrate or a common person, and reminds (p. 104) that «no ancient text states that the *Heliaea* was a judicial session of the whole assembly», but thinks it could be. HANSEN, M. H., «Eisangelia in Athens: A Reply», *Journal of Hellenic Studies*, 100 (1980), p. 94, answered Rhodes directly, stating that *eisangelia* to the *Boule* existed, and it was another type of *eisangelia*.

(Harp. s.v. Ἡλιαία καὶ ἡλιασις; Sch. D. 24.21)<sup>31</sup>. Among the main reasons for considering the *Heliaia* as a part of the *Boule* (some already developed by Valdés Guía)<sup>32</sup>, is that we do not know which was the function of the *Boule* in Solonian times, and it is quite a coincidence that when the *Boule* changes to 500, so does the *Heliaia* to 501 (Arist. *Ath.* 22.2 refers to an oath at the end of the 6th century previously contextualized by D. 24.148 in the times of Solon)<sup>33</sup>. Besides, it would also be quite incoherent that during the first steps of the Athenian democracy, the *ekklesia* may lose some of its previous competences for the new *dikasteria* (in case it had a judicial version). In any case, the composition of the *Boule* is neither known with certainty (Arist. *Ath.* 4.3, 8.4 and Plu. *Sol.* 19 merely mention that it depends on the four Ionian tribes instituted by Solon), but it is likely that the expansion of this institution to its four hundred members under Solon could respond to his objective of including greater representation of more popular sectors, which had been traditionally excluded from political life. If the Council had been maintained during the period of tyranny (we have no reason to believe that it did not continue, nor news of its dismantling), it would probably have included among its members some of the followers of Peisistratus, those of lower social status (Arist. *Ath.* 13.5; Plu. *Sol.* 29.1, 30.2), as well as new *gene* that would have acquired greater renown as a consequence of their pacts with the tyrants, such as the Salaminians and the Kerykes<sup>34</sup>.

Valdés Guía believes that Peisistratus would have transformed the Council of 400, in whose «military» version there would be 360 members, into a Council of 300 once it took over the tyranny for the third and last time in 546. To defend this idea, she argues that this number coincides with the 300 *doryphoroi* Peisistratus would have asked for during

his first seizure of power in 561<sup>35</sup>. However, and taking into account the more «popular» character that is presupposed of this political body from Solon onward, in addition to the one of Peisistratus himself, it seems unlikely that the tyrant would have decided to reduce this body from 400 to 300. In order to support his argument, Valdés Guía<sup>36</sup> speaks of the dependence that the Local Justices (κατὰ δῆμους δικάσταί) would have on the *Boule*. However, the *Athenaion Politeia*, which mentions that this body of judges was created by Peisistratus (Arist. *Ath.* 16.3-4), does not make explicit the concrete number of judges that would have been established, so there could perfectly be 40, at a ratio of 10 for each tribe, the same as after the Thirty Tyrants (*Ath.* 53.3).

It is because of this assumption that Valdés Guía attributes to Cleisthenes the recovery of the *Boule* of 400 of Solon again, even though he later expanded it to 500. It was Pericles (Arist. *Ath.* 26.3) who established the number of Local Justices at 30, a number which, if it were the same as the previous one, would not have been explicitly mentioned by Aristotle, who would merely point out that the Alcmeonid was recovering such an institution. In fact, in the phrase of Aristotle «they established thirty judges again called from demos» (*Ath.* 26.3: οἱ τριάκοντα κατέστησαν οἱ δικάσταὶ κατὰ δῆμους), this «again» (πάλιν), rather than referring to the number, probably refers to the institution that follows. It could be read as «again called from demos» (πάλιν οἱ καλούμενοι κατὰ δῆμους). This πάλιν could also be understood with respect to the changes that took place after the assumption of greater powers by the Areopagus (Arist. *Ath.* 23.1), which had acquired some judicial functions that perhaps would have received previously with Ephialtes (*Ath.* 25.2). So, this πάλιν likely had nothing even to do with the number of 30.

<sup>31</sup> This idea was first defended by HANSEN, M. H., «*Demos, Ecclesia and Dicasterion in Classical Athens*», *Greece, Rome and Byzantine Studies*, 19 (1978), pp. 141-142 (and again in HANSEN, M. H., «The Athenian Heliaria from Solon to Aristotle», *Classica et Mediaevalia*, 33 (1981-1982), p. 39; HANSEN, M. H., «*Demos, Ekklesia, and Dikasterion. A Reply to Martin Ostwald and Josiah Ober*», *Classica et Mediaevalia*, 40 (1989), pp. 105-106, and most recently in HANSEN, M. H., «The Concept of *Demos, Ekklesia, and Dikasterion* in Classical Athens», *Greek, Roman, and Byzantine Studies*, 50 (2010), pp. 520-532, against the idea of the *dikasteria* = *ekklesia*, stressing an Aristotelian passage of the *Politics* (1273b41-1274a5) and some passages of the *Athenaion Politeia* (7.3 and 9.1) against the etymological argument of MacDowell, Rhodes and others (*vid. supra* n. 30). Also in this line, SEALEY, R., *The Athenian Republic. Democracy or the Rule of Law?*, London, 1987, pp. 60-70; SEALEY, R., *The Justice of the Greeks*, Ann Arbor, 1994, pp. 121-122; MANVILLE, P. B., *The Origins of Citizenship...*, p. 152 n. 75 thinks Arist. *Ath. Pol.* 9.1 can be taken at face value.

<sup>32</sup> VALDÉS GUÍA, M., *Política y religión...*, pp. 38-43.

<sup>33</sup> This newest interpretation would give an answer to SEALEY, R., *The Athenian Republic. Democracy...*, p. 69: «What, for example, was the size of the *Heliaia* of Solon? (...) If the Solonian *Heliaia* exercised authority independent of the assembly, whence did the *Heliaia* arise?»

<sup>34</sup> This inclusion of new citizens would explain why, after the tyranny, Cleomenes decided to expel from the civic body more than seven hundred *oikoi* who had been included in an «irregular» manner (Hdt. 5.72; Arist. *Ath.* 13.5; 20.3, which follows the former; Arist. *Pol.* 1275b41-45 focuses on those that Cleisthenes would have included). SANCHO, L., «To METEXEIN TΗΣ ΠΟΛΕΩΣ...», p. 73, is more prudent and reminds us that nothing proves that the new citizens (*neopolitai*) included with Cleisthenes were the same as those expelled with the *diapsephismos* of Cleomenes. SEALEY, R., «Regionalism in Archaic Athens», *Historia*, 9 (1960), p. 160, even doubts that Solon created the Council of the Four Hundred, and defends the idea that it would have been an affirmation of Aristotle destined to give greater antiquity and legitimacy to the *Boule* of Cleisthenes. SHEAR, J. L., *Polis and revolution. Responding to Oligarchy in Classical Athens*, Cambridge, 2011, p. 58, certainly attributes it to Solon as well, as most authors do.

<sup>35</sup> VALDÉS GUÍA, M., *Política y religión...*, p. 149. However, this number of *doryphoroi* is still nuclear, as there are different traditions: a scholiast to Plato (*R.* 566b) and Polyaeus (1.21.3) speak of 300, Diogenes Laertius (1.66) of 400, and our main sources for this first seize, Herodotus (1.59.4) and Aristotle (*Ath.* 14.1, 3), do not even specify the amount. Neither does Aelianus (*VH* 8.16) or Justin (2.8.10).

<sup>36</sup> VALDÉS GUÍA, M., *Política y religión...*, pp. 53, 149-150; VALDÉS GUÍA, M., «Entre el Consejo de Solón y el de Clístenes: ¿Helicia en época de Pisistrato?», *Gerión*, 21 (2003), p. 83.



Even taking Valdés Guía's reading that Peisistratus had 30 Local Justices and not 40, her reading is based on the thought that they were appointed from among some of the members of the *Boule*. However, this number of Local Justices may not have had anything to do with the *Boule*. For example, they might be 30 because their election depended on the three traditional areas of Attica in which they operated. We believe that our interpretation simplifies the fact that Peisistratus modified the *Boule*, passing it to 300, and then Cleisthenes did it again, establishing one of 400 and, later, another of 500<sup>37</sup>. It is more likely that, regardless of who was part of it, the Council of Four Hundred and its «military version» maintained the same number throughout the 6th century. Peisistratus could not preserve himself as a tyrant solely by controlling the *thetes*, so expelling a large number of Eupatrid aristocrats (especially from the *asty*/Pedion area) from the Council would have been an extremely risky move.

Putting this point aside, one of the most unknown institutions, of which it is even difficult to affirm its permanence in the moments prior to the tyranny of the Peisistratids, is the *Naukrary*, at the head of which were the *prytaneis* of the *naukraroi*. In spite of the enormous modern historiography on the subject, it is still complicated to give an accurate answer not only to its simple

composition, but also to its functions (at first apparently military, administrative and financial)<sup>38</sup>. In any case, heeding the preserved sources, it does not seem that the *prytaneis* of the *naukraroi* continued to exist after Solon's reforms<sup>39</sup>. The work that they carried out seems to have been recovered with Cleisthenes, who, under the denomination of *demarchs*, would have made use of them for those aspects related to the collection of taxes, as well as with the military and naval recruitment (v. gr. Arist. *Ath.* 21.5; Poll. 8.108; Hsch. s.v. ναύκλαρος; Phot. s.v. ναυκληρος; Ptol. *Vocab.* 402.18)<sup>40</sup>. However, on one side there are those who deny an identification between the Solonian *naukraroi* and the Cleisthenic *demarchs* because there are no local government responsibilities stated for the *naukraroi*, nor a navy subsidy at the end of the 6th century<sup>41</sup>. Kleidemos (*FGrH* 323 F8 = Phot. s.v. ναυκραρία) and other ancient sources (v.gr. the ostrakon *SEG* 36:44,a) have also shown the possibility that the *Naukrary* lasted some years after the *demarchia* was created, and so do think then some modern historians<sup>42</sup>. On the other side, we have the testimonies of, by and large, Aristotle (*Ath.* 21.5), but also, Ptolemaeus (*Vocab.* 402.18) and Herodotus (6.89, who talks about 50 Athenian naval forces of the 490), among others, which are moving in the direction that the *demarchs* served more or less the same functions of the *naukraroi*<sup>43</sup>. So then, the debate continues in modern scholarship.

<sup>37</sup> It is striking that none of these supposed changes that Valdés Guía presumes are pointed out by the sources. SEALEY, R., «Regionalism in Archaic Athens...», p. 174, for his part, believes that the (second) expansion of the number of members of the Cleisthenes' *Boule* (from 400 to 500) would have responded to his interest in guaranteeing that it represented a majority of the city's aristocrats, something contrary to what is usually considered.

<sup>38</sup> It is not our intention to dwell too much on the characteristics of this institution. In order to know the evolution of the *prytaneis* of the *naukraroi*, from their formation by aristocrats who, independently of their place of residence in Attica, put their ships at the service of the State in the 7th century, to their later composition in the first half of the 6th century, see: BRAVO, B., «Remarques sur les assises sociales, les formes d'organisation et la terminologie du commerce maritime à l'époque archaïque», *Dialogues d'Histoire Ancienne*, 3 (1977), pp. 25-30; WALLINGA, H. T., «The Athenian Naukraroi», in SANCISI-WEERDENBURG, H. (ed.), *Peisistratos and the Tyranny...*, pp. 131-146. For an alternative etymological interpretation and so, of the competences of the *ναυκραρία*, institution, see BILLIGMEIER, J. C. and DUSING, A. S., «The Origin and Function of the *Naukraroi* at Athens: An Etymological and Historical Explanation», *Transactions of the American Philological Association*, 111 (1981), pp. 12-16; GABRIELSEN, V., «The Naukrariai and the Athenian Navy», *Classica et Mediaevalia*, 36 (1985), p. 49; RIHLL, T., «The Attic *ναυκραρία*», *Liverpool Classical Monthly*, 12-1 (1987), p. 10; JORDAN, B., «The Naukraroi of Athens and the meaning of *νεμω*», *L'Antiquité Classique*, 61 (1992), pp. 65-66; and again GABRIELSEN, V., *Financing the Athenian Fleet. Public Taxation and Social Relations*, Baltimore, 1994, p. 24; HANSEN, M. H., *Die Athenische Demokratie im Zeitalter des Demosthenes. Struktur, Prinzipien und Selbstverständnis*, Berlin, 1995, p. 27, fails to take up a position himself if the *naukrary* was related to a *naus* (ship) or *naos* (temple).

<sup>39</sup> WALLINGA, H. T., «The Athenian Naukraroi...», pp. 143-144, denies that there is any evidence that the tyrants modified or reintroduced the *prytaneis* of the *naukraroi*, neither that they carried out any kind of innovation in the naval organization of the *polis*. He also lists the only ten sources we have (pp. 131-133). Aristotle (*Ath.* 8.3) mentions how Solon wrote down the amount of *naukrariai*.

<sup>40</sup> This theory was first stated by BÖCKH, A., *Die Staatshaushaltung der Athener*, Berlin, 1886 [1817], p. 323, even before the *Athenaion Politeia* appeared: *Als demnächst Kleisthenes die Gaue einführt, blieben dennoch die Naukrarien, vermuthlich in finanzieller und militärischer Rücksicht*. Much later followed, among others, by VALDÉS GUÍA, M., *Política y religion...*, pp. 56 and 65; WEES, H. van, «Citizens and Soldiers...», pp. 118-119, does believe that they existed after Solon's time, and that they would also be in charge of mobilizing warships, among other military resources.

<sup>41</sup> HIGNETT, C., *A History of the Athenian Constitution to the end of the fifth century B.C.*, Oxford, 1952, p. 142; FIGUEIRA, T. J., «Xanthippos, Father of Perikles, and the Prutaneis of the Naukraroi», *Historia*, 35-3 (1986), p. 257 and 279, defends the idea that *naukrarioi* existed at the same time as *demarchs*; SCHUBERT, C., «Die Naukrarien: zur Entwicklung der Attischen Finanzadministration», *Historia*, 57-1 (2008), p. 64, follows the former, and relying on the sources, considers that we cannot talk about a substitution of the magistracies, but at least admits that some of the functions of the *naukrarioi* would have been taken by the *demarchs*. LAMBERT, S. D., «Herodotus, the Cylonian Conspiracy and the ΠΡΥΤΑΝΙΕΣ ΤΩΝ ΝΑΥΚΡΑΡΩΝ», *Historia*, 35-1 (1986), p. 112, thinks that probably the functions of the *naukraroi* (only related to the navy) went to the bouletic *prytaneis* created by Kleisthenes. Against these views, among others, BILLIGMEIER, J. C. and DUSING, A. S., «The Origin and Function...», *Transactions of the American Philological Association*, 111 (1981), p. 11-12, based on Hesychios (s.v. ναύκλαροι) and on the *Anecdota Bekker* 1.275.20-21.

<sup>42</sup> *Ναυκραρία*: τὸ πρότερον οὕτως ἐκάλουον, *Ναυκραρία* καὶ *Ναύκλαρος*. *Ναυκραρία* μὲν ὁποῖόν τι ἡ συμμορία καὶ ὁ δῆμος, *ναύκλαρος* δὲ ὁποῖόν τι ὁ δήμαρχος (Kleidemos *FGrH* 323 F8). SCHUBERT, C., «Die Naukrarien...», pp. 44-55, 64 also sees Kleidemos statement anachronistic and a contradiction of Arist. *Ath.* 21.5.

<sup>43</sup> We consider the interpretation of WALLINGA, H. T., «The Athenian Naukraroi...», pp. 144-145 and 145 n. 20 the most convincing one.



The only new institution that appears during the tyranny of the Peisistratids, and therefore, one that deserves especially close attention, is that of the Local Justices (Arist. *Ath.* 16.3-5). They probably appeared once Peisistratus had established himself for the third and last time as a tyrant, i.e., from 546 onwards, since before that time it would have been difficult for him to create and maintain a political body like this one. The formation of this new legal institution, perhaps outside of the Council-*Heliaia*, would have allowed Peisistratus to pursue his project of a more centralized and popular state, since these magistrates would have been walking and imparting justice around the countryside<sup>44</sup>. We do not know if this institution would have survived the Cleisthenic reforms and part of the subsequent period of democracy, since Aristotle himself (*Ath.* 53.1) tells us that it was not recovered until Pericles (*Ath.* 26.3) and that after the episode of the Thirty Tyrants its number would have risen to 40<sup>45</sup>.

Even before the judicial reform of Pericles, Aristophanes seems to refer to the judges as *diakrioi* (lit. in text: Διακρίων) on his *Vespae* (1225), which to some extent points to the influence that they, that is, the followers of Peisistratus (Hdt. 1.59.3 - lit. ὑπερακρίων; Arist. *Ath.* 13.4; Plu. *Sol.* 29.1), would have had on the justice during the period of tyranny. It is true that this commentary of Aristophanes could be unclear, but the fact that immediately after (Ar. *V.* 1227) the protagonists are willing to sing an *Harmodios* (Ἀρμόδιος) helps to contextualize the play as a nod to the tyranny<sup>46</sup>.

Another proof of this connection between the region of the Diacria, from which Peisistratus came, and the Classical courts, has to do with Lycos, who presided over the judicial chambers (Ar. *V.* 389-390; 819). The link between Lycos and the Diacria can even be traced back to the myth of Pandion (Str. 9.1.6 = Sophocles F 24 Pearson)<sup>47</sup>. However, another tradition persists, considering the cult to Lycos in this context more Argive than Athenian. A scholium to

Aristophanes (*Lys.* 664) says the supporters of Hippias against the Leipsidrion coup were called *lykopodes* (λυκόποδες), who, according to Aristotle (F394 Rose), would be the *doryphoroi* of tyrants (ὡς μὲν Ἀριστοτέλης, τοὺς τῶν τυράννων δορυφόρους)<sup>48</sup>. As to who these *lykopodes* were, on the one hand, Lavelle<sup>49</sup> suggested that they were an infantry corps composed of Athenians on foot who could be considered as not directly serving the tyrants, since in the scholium and in Aristophanes' play they were presented as defenders of their *motherland* against those who sought to attack it. On the other hand, Bing and, more recently, Singor<sup>50</sup> believed that they were a professionalised corp, not of Athenians, but of Argive mercenaries, who were at the service of the Peisistratids. For these two authors, the Argive affiliation of these *lykopodes* is demonstrated by the fact that they bore wolf emblems, like the coins of Argos and, more specifically, by the cult of Apollo *Lykeios*, also practiced in this *polis* in the Peisistratid period.

However, we believe that Lavelle was right in asserting that the *lykopodes* were Athenians and that, as the scholiast to Aristophanes says, they may have been part of the *doryphoroi* of the tyrants. Not only because of the very circumstances in which this corp appears in Herodotus (1.59.4-5), at a time in Athenian history when Peisistratus had hardly had any contact with Argos, and which Bing and Sling underestimate as a source, but because of another series of indications. Apart from the connection between the Diacria and Lycos (Str. 9.1.6 = Sophocles F 24 Pearson), there are other links between the Peisistratids and the figure of Lycos, but not as Bing and Sling think, relying loosely on Theopompus (*FGrH* 115 F136) and Pausanias (1.19.3-4) to defend a supposed link between the earlier cult of Apollo at *Lykeion* and that of Apollo *Lykeios* at Argos, for there is no apparent evidence for this connection in the sources. Currently, according to Theopompus (collected in Sud. s.v. Λύκειον), Peisistratus would have been responsible for the foundation of the *Lykeion*, yes, but this was an altar in a gymnasium<sup>51</sup> and the fact that the altar belongs to a

<sup>44</sup> The Local Justices would probably take care of issues related to land boundaries, debts, loans, etc. Cf. VALDÉS GUÍA, M., «El demos ático en el s. VI: entre la actuación y la conciencia política y el clientelismo», in FORNIS, C. et. al. (ed.), *Dialéctica histórica y compromiso social: homenaje a Domingo Plácido*, Zaragoza, 2010, p. 63; GALLEGO, J. and VALDÉS GUÍA, M., *El campesinado ático y el desarrollo de la democracia ateniense*, Madrid, 2014, p. 105.

<sup>45</sup> In my opinion, it would have gone back to forty, according to the different tribes that Solon established. It would have been Pericles who carried out the modification of his number, as we stated in the previous paragraph.

<sup>46</sup> VALDÉS GUÍA, M., *Política y religión...*, p. 150 n. 73; VALDÉS GUÍA, M., «Entre el Consejo de Solón...», pp. 84-85. On a new contextualization of the *harmodioi* at the end of the 5th century and not at the end of the 6th century, as had been believed so far, see the recent article by SAMONS, L. J., «Who Sang «the Harmodios»?», *Historia*, 69-1 (2020), pp. 2-14.

<sup>47</sup> Strabo seems to follow Philochorus (*FGrH* 328 F 107) for the sons of Pandion. About Lycos and his later cult development, see: Hdt. (1.173.1; 7.92). Other modern authors also appreciate this relationship: HOPPER, R. J., ««Plain», «Shore», and «Hill» in Early Athens», *Annual of the British School at Athens*, 56 (1961), pp. 192-193; VALDÉS GUÍA, M., *Política y religión...*, pp. 150 and 172. On the construction of this legend in the sources, see JACOBY, F., *Fragmente der griechischen Historiker*, Leiden-Berlin, 1951, pp. 329-335.

<sup>48</sup> According to this scholium, they were called *lykopodes* because they always had their feet covered with wolf-skin to avoid being injured on the ground; but the scholiast (Ar. *Lys.* 664) also adds that others explain this term by the coat of arms of a wolf which they must have had on their shields.

<sup>49</sup> LAVELLE, B. M., «Herodotus, Skythian Archers, and the *doryphoroi* of the Peisistratids», *Klio*, 74 (1992), p. 93. Later also supported by VALDÉS GUÍA, M., «Entre el Consejo de Solón...», pp. 82 n. 56.

<sup>50</sup> BING, J. D., «Lykopodes: A Contribution to Athenian Military History from Peisistratos to Kleisthenes», *Classical Journal*, 72-4 (1977), pp. 311-313, 316; SINGOR, H. W., «The Military Side of the Peisistratan Tyranny», in SANCISI-WEERDENBURG, H. (ed.), *Peisistratos and the Tyranny...*, pp. 124-125.

<sup>51</sup> BING, J. D., «Lykopodes: A Contribution...», p. 313, does remember this detail.

gymnasium brings us closer to the idea that the *lykopedes* were Athenians and not Argives, as Peisistratus' intention was to make athletics a social institution by making them accessible to those who could not traditionally participate in the *agones*.

As if this were not enough, it is also in the Diacria that we can later situate the *genos* of the *Lykomidai* to which belonged not only Lycomedes, a trierarch at the battle of Salamis, but also Themistocles himself. According to Shapiro<sup>52</sup>, the Athenian general would have had Phrasicles as his nephew (following Plu. *Them.* 32.3), whose female form, Phrasiclea, we find in a well-known epigram of c. 530 at Merenda<sup>53</sup>. This locality is barely 10 km from Brauron, in the Diacria, which shows a certain proximity to the place of origin of the Peisistratids and, therefore, between them and the *Lykomidai*. Following this line of thought, we can infer that 1) the tradition that points out to the front of the trials to the *diakrioi*, 2) the presence of Lycos in the judicial rooms and 3) the link of the Diacria with the Peisistratids and Lycos, all of which seem to show, at least in a superficial way, certain connivance between the judicial power and the Athenian tyrants.

### 3. CONCLUSIONS

Not all Athenian citizens were involved in the institutions and magistracies of Athens during the second half of the 6th century BC, even if they had the legal right<sup>54</sup>. In the complex socioeconomic situation, in part as consequence of the partial failure of the Solonian economic reforms, ideal conditions were created for the existence in Athens in the second quarter of the century of a large majority of citizens who were indebted to such an extent that they could barely afford to participate directly or even indirectly in politics through the magistracies and institutions. Some of those also saw the mere possibility of losing their citizenship as a danger<sup>55</sup>. This is why, despite Solon's political reforms, which sought to embrace a wider social spectrum with the creation of the Council of 400 or the *seisachtheia* itself, the Athenian political scene remained almost exclusively monopolized by the aristocrats. These

shared, either in a customary manner when they allied, or through conflict, the political power of Athens.

That would change after some years<sup>56</sup>, and it is in this context in which the citizenship condition was in jeopardy that the figure of Peisistratus emerges as the leader of the *hyperakrioi/diakrioi*, who, making use of his recent fame for the success of the war against Megara, manages to set himself up as a tyrant for the first time in 561 and for the last in 546. In 527 Peisistratus would be substituted by his son Hippias, who seems to have kept most of his father's political legacy. However, we still know very little about the Athenian institutions during the Archaic period and, as we have seen, there is a great deal of debate ahead, not so much about the existence of some of the political bodies, such as the *Heliaia*, the *Boule* or the *Naucrary*, but especially about their constitution and competences.

Rather than taking the traditional simplistic view that a tyranny was made up only of a tyrant, this work helps to show that a tyranny, or at least the one of the Peisistratids, was a complex institutional web. Most of the Athenian magistracies and institutions in Solonian times remained in place during the whole Peisistratid tyranny and, not only did they not counterbalance the power of the tyrants, but they were used by them to share it among their family and their followers (Th. 6.54.6), while dividing the influence of the aristocrats<sup>57</sup>. In fact, it was partially because of this institutional network that the Peisistratids were able to maintain themselves at the head of the *polis* for 36 consecutive years.

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<sup>52</sup> SHAPIRO, H. A., *Art and cult under the tyrants in Athens*, Mainz, 1989, p. 73.

<sup>53</sup> About this inscription, see KONTOLEON, N. M., *Aspects de la Grèce préclassique*, Paris, 1970, p. 53-54, pl. 14-15.

<sup>54</sup> Also, we are concerned that there were some institutions with particular age restrictions, such as the archonship or the *Boule*, which could not be entered with less than 30 years, at least in the 4th century (cf. Arist. *Ath.* 4.3; MANVILLE, P. B., *The Origins of Citizenship...*, p. 8 n. 18).

<sup>55</sup> In Solonian times it is the possession of land that undoubtedly defines the citizenship status of the Athenians (cf. DUPLOUY, A., «Pathways to Archaic...», p. 19), as demonstrated by their census division under Solon. However, there are still important doubts regarding the *thetes* and *hectemoroï* and their possible status (or not) as «less privileged» citizens. It is impossible to know up until what point this requirement of owning land continues, since in classical times it no longer seems to be so, as Dionysus of Halicarnassus states about the reasons that pushed Lysias to elaborate a discourse on the subject (*Lys.* 32.1-2). It cannot be discarded that during the period of tyranny this condition of owning land disappeared and that precisely for this reason Isagoras and Cleomenes decided to withdraw later the citizenship to some that would have acquired it with Peisistratus and his children.

<sup>56</sup> Thanks to the *stasis*, there was a gradual incorporation of the *demos* into the conflict, and common people slowly became involved in political affairs (cf. SIERRA, C., «*Pólis tírannos*. El *démos* ateniense como aristócrata indeseado en el pensamiento político del siglo V A.C.», *De Rebus Antiquis*, 6 (2016), p. 35).

<sup>57</sup> For example, the list of archons contained in IG I<sup>3</sup> 1031 clearly shows how the Peisistratids used the eponymous archonship position to attract other *Eupatridae* to their faction.

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#### ABBREVIATIONS

- PA: KIRCHNER, J., *Prosopographia Attica*, Berolini, 1901-1903.
- FGrH: JACOBY, F., *Fragmente der griechischen Historiker*, Leiden-Berlin, 1923.
- Pearson: PEARSON, A. C., *The fragments of Sophocles*, Cambridge, 1917.
- SEG: PLEKET, H. W. and STROUD, R. S. (eds.), *SEG. Supplementum Epigraphicum Graecum*, vols. 26-41, Amsterdam, 1979-1994.