

entire body of male citizens. This development included a series of challenges to the traditional authority of the long-standing aristocratic Council of the Areopagus. In the last decade of the previous century, around 512 b.c., the lawgiver Cleisthenes had reformed Athens's traditional *politeia* (the so-called "ancestral constitution") by creating a new Council of 500, selected by lot from the entire citizen body, which, over several decades, assumed many of the powers of the Areopagus. The Citizenship was limited to males born of two Athenian-born parents; women, slaves, and foreign workers did not participate. Pericles' citizenship law of 451 made this official; the law was reenacted in 403 when the Athenians reinscribed their laws: see Aristotle, *Constitution*

The result was a growing sense of confidence and efficacy among the citizens, who began to assert themselves directly in the running of the city. Athens's creation of a navy—and the success of the navy in repelling the Persian invasion in 480 b.c. —allowed the poor citizens to claim pride of place as rowers who defended Athens, which bolstered their political strength. In the decades after the Persian Wars, a nonviolent political struggle between the Areopagus and the citizen Assembly had led to the political ascendancy of the Assembly. The Council of 500 became *probouleutic* —meaning it reviewed Assembly proposals prior to an Assembly vote—but the final decision lay with the citizens, gathered in their Assembly.

At the outbreak of the Peloponnesian War in 431, Athens was a radical democracy. This was democracy in its most consistent form: the direct exercise of political power by the citizens, in which every male citizen had the right to speak, to make proposals, and to vote on matters of common import. The decisions of the Assembly could not be appealed—even though the Council of 500 had the authority to preview and approve proposals before an Assembly vote—and there were few effective limits to the Assembly's power. To use a modern term, the Assembly became sovereign over Athens.

This system was, up to 411 b.c., remarkably stable. We know of no civil wars and no prolonged violence in Attica from the traditional founding of the unwritten "ancestral constitution" by the lawgiver Solon in 594/93 b.c. up to the end of the Peloponnesian War in 403. But this does not mean that the Assembly always functioned according to law. Evidence suggests that the Assembly acted throughout the war with increasing arrogance, including heavy-handed treatment of allies that bred discontent and revolt. The Assembly had become what Aristotle would later describe as a "composite tyranny." Aristotle's analysis was based not on the numbers who participated in decision-making, but on whether the Assembly or the laws were the final authority. The vital question concerned the relationship between the Assembly and the fundamental laws of Athens. It was, in modern terms, a constitutional question: Were there lawful limits to the popular power of the Assembly, or was this power unlimited?

It is difficult to discern what the Athenians thought this relationship should be. The fifth-century intellectual revolution has left us almost no democratic theory. In essence, the Athenians thought that to elevate any person, or body of persons, over the Assembly (e.g., to establish a council with the power to veto a decision of the Assembly) was to usurp the democracy and to establish tyranny. There was no institutional separation of powers, and no checks against a vote taken by the Assembly. There was a rudimentary functional separation of powers based on procedures; proposals had to be considered by the Council of 500 before being voted upon in the Assembly, but the Assembly, if swayed by orators, did at times overrule this custom. The use of lots in selecting jurors