

This is a PDF version of an electronic document, part of the series, *Dēmos: Classical Athenian Democracy*, a publication of *The Stoa: a consortium for electronic publication in the humanities* [www.stoa.org]. The electronic version of this article offers contextual information intended to make the study of Athenian democracy more accessible to a wide audience. Please visit the site at <http://www.stoa.org/projects/demos/home>.

# Ephialtes

## SUMMARY

Ephialtes was a democratic reformer in Athens in the early years of the 5th century BCE. Evidence about him is scanty, although we can learn a certain amount from Plutarch's biography of Cimon, who was Ephialtes' main political opponent (Plut. *Cim.*). Around 462 BCE, Ephialtes brought about changes to the Court of the Areopagus. He sponsored laws and decrees that removed many powers from the Areopagus and gave them to the People's Court or the Assembly. Because the Areopagus, consisting of former archons serving on the body for life, was the least democratic of Athens' political institutions, the reforms of Ephialtes can be said to have completed Athens' transformation into a radical democracy.

## INTRODUCTION

Writing in the 4th century BCE, the orator Isocrates offers this critical description of Athenian politics in the early

5th century BCE: “...the city waxed powerful and seized the empire of the Hellenes, and our fathers, growing more self-assured than was appropriate for them, began to look with disfavor on those good men and true (τοῖς μὲν καλοῖς κάγαθοῖς τῶν ἀνδρῶν) who had made Athens great, envying them their power, and to crave instead men who were base-born and full of insolence (πονηρῶν δ’ ἀνθρώπων καὶ μεστῶν θρασύτητος ἐπεθύμησαν), thinking that by their bravado and contentiousness they would be able to preserve Democracy (διαφυλάττειν τὴν δημοκρατίαν)” (Isoc. 15.316–317). Aristotle describes the early history of the Athenian democracy in terms of a struggle between two factions in Athens, that of the rich, and that of the People, with individual Athenians leading each party. After the tyranny of Peisistratus and his sons, which ended c. 510 BCE (source: *OCD*<sup>3</sup>), Isagoras took the side of the rich, and Cleisthenes took the side of the People, then Miltiades and Xanthippus, then Aristides and Themistocles, and then Cimon led the rich, while Ephialtes took the side of the People (Aristot. *Ath. Pol.* 28.2). The most significant event in the political development of Athenian government in the time of Cimon and Ephialtes, according to Aristotle, was when Ephialtes “put down the Council of the Areopagus” (καταλύσας τὴν Ἀρεοπαγίτιν βουλήν) (Aristot. *Ath. Pol.* 41.1). Because of the changes to the power and authority of the Council of the Areopagus, “it came about that the constitution became still more democratic” (Aristot. *Ath. Pol.* 27.1).

## EPHIALTES' FAMILY AND CHARACTER

Plutarch did not write a biography of Ephialtes, unfortunately, and so we know many fewer details about him than about other prominent Athenians. Interested readers should read the article on Cimon, Ephialtes' principle political rival, to fill out the picture of Athenian politics in the first half of the 5th century BCE.

Ephialtes was the son of Sophonides (Diod. 11.77.6). Aelian includes him in a list of important public figures who were not rich (Ael. *VH* 2.43; Ael. *VH* 11.9), which we might contrast to the famous wealth of his political rival Cimon (Hdt. 6.136.3; Plut. *Cim.* 4.4; Aristot. *Ath. Pol.* 27.2–3; Plut. *Cim.* 10.1–2; Dem. 13.29). Aelian also calls Ephialtes a “philosopher”, but what that is supposed to mean is not clear (Ael. *VH* 3.17).

Ephialtes seems to have held the position of strategos (στρατηγός), or General, at Athens, since we hear of him commanding an Athenian fleet in the Aegean, shortly after Cimon's victories over Persia in 467 (Plut. *Cim.* 13.5; source for date, *OCD*<sup>3</sup>).

Apart from these few details, most of what we know about Ephialtes has to do with his greatest political triumph, the reform of the Council of the Areopagus at Athens. Diodorus, who is critical of the reform, summarizes the event and adds a “moral,” saying that Ephialtes “persuaded the Assembly to vote to curtail the power of the Council of the Areopagus and to destroy the renowned customs

which their fathers had followed. Nevertheless, he did not escape the punishment for attempting such lawlessness, but he was done to death by night and none ever knew how he lost his life” (Diod. 11.77.6).

#### THE AREOPAGUS BEFORE THE REFORMS.

The Council of the Areopagus (also called the Court of the Areopagus), its history, and its role in the Athenian democracy is described at length, with links to the ancient evidence, elsewhere (see Areopagus). What follows is a brief summary of its powers before Ephialtes’ reforms, to help put those reforms in context.

The Court of the Areopagus was an ancient institution. It features in the mythological history of Athens, as portrayed in Aeschylus’ tragedy *Eumenides*, in which the goddess Athene puts the Eumenides, or Furies, on trial on this Hill of the Areopagus at Athens (Aesch. *Eum.*). Even under the democratic government of the 4th century BCE, after much of the power of government was in the hands of the People, this mythology could be invoked for rhetorical effect in the classical period, as when a certain Autocles arguing that a certain Mixidemides should stand trial before the Court of the Areopagus: “If the awful goddesses [*i.e.* the Furies – CWB] were content to stand their trial before the Areopagus, should not Mixidemides?” (Aristot. *Rh.* 1398b 25). The orator Demosthenes praises the institution and its history: “Concerning that Court of the Areopagus I

could relate a greater number of noble stories, in part traditional and legendary, in part certified by our own personal testimony, than could be told of any other tribunal. It is worth your while to listen to one or two of them by way of illustration. First, then, in ancient times, as we are told by tradition, in this court alone the gods condescended both to render and to demand satisfaction for homicide, and to sit in judgement upon contending litigants – Poseidon, according to the legend, deigning to demand justice from Ares on behalf of his son Halirrothius, and the twelve gods to adjudicate between the Eumenides and Orestes. These are ancient stories; let us pass to a later date. This is the only tribunal which no despot, no oligarchy, no democracy, has ever dared to deprive of its jurisdiction in cases of murder, all men agreeing that in such cases no jurisprudence of their own devising could be more effective than that which has been devised in this court” (Dem. 23.65–66). Isocrates, another 4th century orator, claims that, once upon a time, the court had authority over the day to day behavior of the citizens: “For our forefathers placed such strong emphasis upon sobriety that they put the supervision of decorum in charge of the Council of the Areopagus – a body which was composed exclusively of men who were of noble birth and had exemplified in their lives exceptional virtue and sobriety, and which, therefore, naturally excelled all the other councils of Hellas” (Isoc. 7.37). Aristotle says that in the time of Draco, the legendary first lawgiver of Athens, “The Council of the Areopagus was guardian of the laws, and

kept a watch on the magistrates to make them govern in accordance with the laws. A person unjustly treated might lay a complaint before the Council of the Arepagites [the members of the Court of the Areopagus – CWB], stating the law in contravention of which he was treated unjustly” (Aristot. *Ath. Pol.* 4.4).

The Court of the Areopagus was an aristocratic institution, composed of “men who were of noble birth” (οἷς καλῶς γεγονόσι) (Isoc. 7.37). It was composed of men who had held the office of archon (Plut. *Sol.* 19.1; Plut. *Per.* 9.3). Members of the Court of the Areopagus, the “Areopagites” (Ἀρεοπαγῖται) held office for life, not only in pre-democratic Athens but also in the latter half of the 4th century (Aristot. *Ath. Pol.* 3.6). According to Aristotle, before the time of the lawgiver Solon – the middle of the 6th century BCE (source: *OCD*<sup>3</sup>) – the Court of the Areopagus itself chose the men who would be archons, and thus future members of the Areopagus (Aristot. *Ath. Pol.* 8.1). “Selection of archons was by wealth and birth” (ἡ γὰρ αἵρεσις τῶν ἀρχόντων ἀριστίνδην καὶ πλουτίνδην ἦν) (Aristot. *Ath. Pol.* 3.6), and so the Court of the Areopagus preserved itself as a body of the aristocrats of Athens.

Solon changed method by which Athenians became archons – forty candidates were elected, and from these forty, nine archons were picked by lot (Aristot. *Ath. Pol.* 8.1). Under the laws of Solon, the Court of the Areopagus retained its role as “overseer of the constitution” (ὥσπερ ὑπῆρχεν καὶ πρότερον ἐπίσκοπος οὔσα τῆς πολιτείας); it

could punish citizens, fine them, and spend money itself without answering to any other governing body; and it oversaw cases impeachment (Aristot. *Ath. Pol.* 8.4). Aristotle describes the government of Athens under Solon as a blend of elements – the courts were democratic, the elected archons were aristocratic, and the Court of the Areopagus was oligarchic (Aristot. *Pol.* 1273b).

The Court of the Areopagus seems to have enjoyed a return to its former glory immediately after the Persian Wars. Aristotle tells the story of how, during the chaos of the Persian invasion in 480 BCE, the Council of the Areopagus took a leading role in organizing, and financing, the evacuation of all Athenians to Salamis and the Peloponnese, which raised the body's status considerably (Aristot. *Ath. Pol.* 23.1). He goes on to say that the Council of the Areopagus enjoyed preeminence in Athens for almost two decades, until the time when Conon was archon, and Ephialtes brought about his reforms in 462 BCE (Aristot. *Ath. Pol.* 25.1; source for date: *OCD*<sup>3</sup>).

## THE REFORMS

The ancient sources are not consistent regarding who was responsible for the reform of the Areopagus. Aristotle's *Constitution of the Athenians*, for example, mentions Ephialtes alone at one point (Aristot. *Ath. Pol.* 25.1), Ephialtes and Themistocles elsewhere (Aristot. *Ath. Pol.* 25.3–4), and Pericles elsewhere (Aristot. *Ath. Pol.* 27.1). Plutarch also

gives credit to Pericles (Plut. *Per.* 9.3), but his description of events helps straighten out the confusion and point to Ephialtes as the man responsible for the reforms themselves: “For this reason all the more did Pericles, strong in the affections of the people, lead a successful party against the Council of the Areopagus. *Not only was the Council robbed of most of its jurisdiction by Ephialtes, but Cimon also, on the charge of being a lover of Sparta and a hater of the people, was ostracized*” (Plut. *Per.* 9.4 [emphasis added – cwb]). Elsewhere in his biography of Pericles, Plutarch refers to Ephialtes as the one “who broke down the power of the Council of the Areopagus” (Plut. *Per.* 7.6). According to Plutarch, then, Pericles may have been an important influence behind the events, but it was Ephialtes who actually brought about the reforms (see also Aristot. *Pol.* 1274a, which seems to agree with Plutarch’s version, and Diod. 11.77.6, which mentions Ephialtes only).

#### POLITICAL BACKGROUND TO EPHIALTES’ REFORMS: CIMON AND THEMISTOCLES

In the years following the Persian Wars, which ended in 479 BCE (source: *OCD*<sup>3</sup>), the principle advocate of a less democratic, more restricted, government was Cimon, the son of Miltiades (Plut. *Cim.* 4.1; Plut. *Cim.* 10.7). Themistocles was a leading advocate of democratic reforms, and Ephialtes seems to have been his successor in this role,



after Themistocles was ostracized in 472 BCE (Plut. *Them.* 22.2; Plut. *Cim.* 10.6–8; source for date: *OCD*<sup>3</sup>).

In the years before Ephialtes enacted his reforms, both Cimon and Themistocles stood trial before the Court of the Areopagus, and these trials provide an interesting background to Ephialtes' reforms.

By 467 BCE, while the Persians had been mostly driven from the Aegean sea, they remained in the Chersonese, a peninsula in the northern Aegean, and allied themselves with some of the people of Thrace; the Athenians dispatched Cimon to wage war against them (Plut. *Cim.* 14.1; source for date: *OCD*<sup>3</sup>). Cimon won a victory in Thrace, which would have allowed him, had he wished to, to invade Macedonia. When he failed to do this, he was brought to trial in Athens, accused of accepting bribes to leave Macedonia alone; one of the prosecutors at his trial was Pericles (Plut. *Cim.* 14.2–3). Cimon spoke well in his own defense (Plut. *Cim.* 14.3) and was acquitted, but this trial, at least as Plutarch narrates Cimon's career, marked the beginning of a period of confrontation between him and the democratic reformers (Plut. *Cim.* 15.1–2; Plut. *Cim.* 10.7).

Themistocles was himself a member of the Court of the Areopagus, but was ostracized at the end of the 470s BCE (Plut. *Them.* 22.1; Thuc. 1.135). While he was in exile, the Court of the Areopagus tried him for treason – the charge was “Medism,” or conspiring with Persia – and condemned him to death, although he was absent (Thuc. 1.138; Plut. *Them.* 22.1; Aristot. *Ath. Pol.* 25.3). According to

Aristotle, Themistocles encouraged Ephialtes to limit the powers of the Court of the Areopagus in order to forestall his own prosecution (Aristot. *Ath. Pol.* 25.3–4). This directly contradicts all other sources, who make it clear that Themistocles was not, in fact, in Athens at the time of his trial (Thuc. 1.135–138; Plut. *Them.* 22.1), but it might suggest that the trial of Themistocles, a famous advocate of democratic reform, influenced Ephialtes.

Cause and effect in history, ancient or modern, are difficult to establish, but we can say this: when Ephialtes enacted his reforms that limited the powers of the Court of the Areopagus, thus making Athens more democratic (Aristot. *Ath. Pol.* 41.1; Aristot. *Ath. Pol.* 27.1; Plut. *Per.* 7.6), that court had recently acquitted a famous opponent of democracy and had condemned a famous proponent of democracy.

In the year 462, Cimon led an Athenian army to the Peloponnese to help Sparta put down a rebellion, a mission that Ephialtes had opposed (Plut. *Cim.* 16.8). Ephialtes seems to have taken advantage of his absence to enact democratic reforms, especially a reform in the powers and authority of the Court of the Areopagus (Plut. *Cim.* 15.1–2; for a full discussion of the circumstances of Cimon's absence, and the timing of Ephialtes' reforms, see the article on Cimon). Upon Cimon's return, he was ostracized for ten years (Plut. *Cim.* 17.2; Plut. *Per.* 9.4).

## POLITICAL BACKGROUND TO EPHIALTES' REFORMS: THE PEOPLE

According to Aristotle, Ephialtes brought about a reform of the Court of the Areopagus by denouncing the Court before the Council (τῆς βουλῆς τῶν πεντακοσίων) and the Assembly (ἐν τῷ δήμῳ) (Aristot. *Ath. Pol.* 25.4). So the reform was not, finally, the work of Ephialtes alone, but an act of legislation by two of the more democratic institutions in Athens. Aristotle connects this event to a newfound feeling of power among the common people of Athens following the Persian Wars, when the less wealthy citizens by serving in the navy had saved the city. He makes the connection between naval victories and the reform of the Court of the Areopagus explicitly in his *Politics* (Aristot. *Pol.* 1274a), and the *Constitution of the Athenians* strongly suggests the connection as well: “For he took away some of the functions of the Areopagus, and he urged the state very strongly in the direction of naval power, which resulted in emboldening the multitude, who brought all the government more into their own hands.” (Aristot. *Ath. Pol.* 27.1; note that “he” in this quotation is Pericles, but as we have seen this work attributes these reforms to Ephialtes and Pericles, as does the *Politics* [see Aristot. *Pol.* 1274a – CWB]).

By 462 BCE, when Ephialtes made his reforms, the archons (the future members of the Court of the Areopagus) were chosen by lot, not by vote (Aristot. *Ath. Pol.* 22.5). It is possible that this change made the institution seem less

prestigious, and thus worthy of holding fewer powers [This interesting suggestion is from P.J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford, 1993) – CWB].

#### THE REFORMS THEMSELVES

By means of Ephialtes' reforms, according to Aristotle, "the Council of the Areopagus was deprived of the superintendence of affairs. After this there came about an increased relaxation of the constitution" (Aristot. *Ath. Pol.* 26.1). A fragment from Philochorus, who was a historian writing in the 3rd century BCE, offers a little more detail. In his description of the *nomophylakes*, or "guardians of the laws" (νομοφύλακες), he says: "There were seven of them, and they were established when Ephialtes left to the Council of the Areopagus only those cases pertaining to the body" (ἑπτὰ δὲ ἦσαν καὶ κατέστησαν, ὡς Φιλόχορος, ὅτε Ἐφιάλτης μόνα κατέλιπε τῇ ἐξ Ἀρείου πάγου βουλῇ τὰ ὑπὲρ τοῦ σώματος) (Philoch. fr. 64).

To understand what Aristotle means by "deprived of superintendence of affairs", or what Philochorus means by "only those cases pertaining to the body" we can only look at comments in the sources about the Court of the Areopagus' role after Ephialtes' reforms. Aristotle, describing the Court of the Areopagus and its functions in the middle of the 4th century BCE (over a century after Ephialtes' reforms), says that this court had authority over trials of

murder, wounding, death by poison, and arson, but that other similar crimes – involuntary manslaughter, murder of slaves or foreigners, accidental killings, or killings in self-defense – come before other courts, the Court of the Palladium or the Court of the Delphinium (Aristot. *Ath. Pol.* 57.3). A law quoted in a speech by Demosthenes agrees (Dem. 23.22); but it is important to remember that laws quoted in speeches may have been added to the manuscript later, sometime centuries later.

If Ephialtes' reforms took many crimes out of the jurisdiction of the Court of the Areopagus and assigned them to other courts, with juries of citizens, then there would have been a greater need for citizens to serve on juries. And, in fact, several of the accounts of Ephialtes and Pericles reforming the Court of the Areopagus also the institution of pay for jury service, an innovation that may have aimed at meeting this new need. Aristotle relates the two reforms very closely, and relates them both to an increasingly democratic government: "Ephialtes and Pericles docked the power of the Council on the Areopagus, while Pericles instituted payment for serving in the law-courts, and in this manner finally the successive leaders of the people led them on by growing stages to the present democracy" (Aristot. *Pol.* 1274a; also Plut. *Per.* 9.3; Aristot. *Ath. Pol.* 27.2–3).

The evidence from the 4th century BCE shows the Court of the Areopagus performing other functions, but it is impossible to say whether those were left by Ephialtes, or they

were added sometime after his reforms. At the end of the 5th century BCE, after Athens had lost the Peloponnesian War, the city was governed for a short time by the so-called Thirty Tyrants, whose first order of business was to undo Ephialtes' reforms (Aristot. *Ath. Pol.* 35.2). After the Thirty Tyrants were, themselves, overthrown, the city returned to democratic rule (Aristot. *Ath. Pol.* 36–41). It is possible that the Court of the Areopagus was given new authority over specific matters at this time. For example, in the 4th century the court had authority over people accused of digging up sacred olive trees, the penalty for which death or exile (Aristot. *Ath. Pol.* 60.2; Lys. 7.22). We also find them investigating matters pertaining to piety, but with limited powers of punishment (Dem. 59.80).

Ephialtes' reforms took authority away from the Court of the Areopagus and put it into the hands of the people, but the court did retain its status as a time-honored and exalted institution. At the beginning of the 4th century, Lysias could say to the Athenians, "you have, in the council of the Areopagus, the finest model in Greece: a court so superior to others that even the men convicted in it admit that its judgements are just" (Lys. 1.12). Half a century later, Aeschines offers this praise for the body: "Take the example of the Council of the Areopagus, the most scrupulous tribunal in the city. I myself have before now seen many men convicted before this tribunal, though they spoke most eloquently, and presented witnesses; and I know that before now certain men have won their case, although they

spoke most feebly, and although no witnesses testified for them. For it is not on the strength of the pleading alone, nor of the testimony alone, that the members of the court give their verdict, but on the strength of their own knowledge and their own investigations. And this is the reason why that tribunal maintains its high repute in the city.” (χρήσασθε δὴ παραδείγματι τῆ βουλῆ τῆ ἐξ Ἀρείου πάγου, τῷ ἀκριβεστάτῳ συνεδρίῳ τῶν ἐν τῆ πόλει. πολλοὺς γὰρ ἤδη ἔγωγε τεθεώρηκα ἐν τῷ βουλευτηρίῳ τούτῳ εὖ πάνυ εἰπόντας καὶ μάρτυρας πορισαμένους ἀλόντας· ἤδη δέ τινες κακῶς πάνυ διαλεχθέντας καὶ πρᾶγμα ἀμάρτυρον ἔχοντας οἶδα νικήσαντας. οὐ ἂρ ἐκ τοῦ λόγου μόνον οὐδ’ ἐκ τῶν μαρτυριῶν, ἀλλ’ ἐξ ὧν αὐτοὶ συνίσασι καὶ ἐξητάκασι, τὴν ψῆφον φέρουσι. τοιγάρτοι διατελεῖ τοῦτο τὸ συνέδριον εὐδοκιμοῦν ἐν τῆ πόλει.) (Aeschin. 1.92).

#### THE DEATH OF EPHIALTES

Aristotle says that, shortly after reforming the Court of the Areopagus, Ephialtes was kidnapped and murdered by Aristodicus of Tanagra (Aristot. *Ath. Pol.* 25.2; also Plut. *Per.* 10.7, who cites Aristotle as his source). Other sources do not think that the case of Ephialtes’ murder is so easily solved, however. Diodorus, highly critical of Ephialtes’ democratic reforms, describes the man’s end in moral terms: “Ephialtes the son of Sophonides, who, being a popular leader, had provoked the masses to anger against the Areopagites, persuaded the Assembly to vote

to curtail the power of the Council of the Areopagus and to destroy the renowned customs which their fathers had followed. Nevertheless, he did not escape the punishment for attempting such lawlessness, but he was done to death by night and none ever knew how he lost his life” (Diod. 11.77.6). Plutarch says that the historian Idomeneus – who lived in the late 4th and early 3rd centuries BCE (source: *OCD*<sup>3</sup>) – actually accused Pericles of murdering Ephialtes (Plut. *Per.* 10.6). In his own century, the 5th century BCE, Ephialtes’ murders were not known (Antiph. 5.68).

Plutarch, whose judgement of Ephialtes’ reforms and their effect on the people of Athens is highly critical (Plut. *Per.* 7.6), nevertheless names the reformer as one of the founders of Athens’ prosperity and power in the 5th century (Plut. *Per.* 16.2).



Christopher W. Blackwell

#### SECONDARY WORKS CITED

- S. Hornblower and A. Spawforth ed., *The Oxford Classical Dictionary*, 3rd Edition (Oxford, 1996) [*OCD*<sup>3</sup>].
- P.J. Rhodes, *Commentary on the Aristotelian Athenaiion Politeia* (Oxford, 1993).