THE ORIGIN AND PURPOSES OF OSTRACISM

THE institution of ostracism, because of its unique character and its importance in the history of fifth century Athens, has been an object of interest and controversy since ancient times and has not yet lost its fascination. Thucydides attributed its establishment to fear and insecurity;[1] it was Plutarch's contention that it arose from the envy and jealousy natural to a democracy.[2] Grote's passionate defense of the institution is one of the more remarkable passages in his great work,[3] but it has not won universal acceptance. Walker, for instance, in the *Cambridge Ancient History*, condemns ostracism as follows:

> It was . . . as injurious to the interests of the state as it was unjust to the individual. To the individual it meant the loss of all that was best worth having during the best years of his life; to the state it meant a fatal impediment to the proper working of the party system. A party unfairly deprived of its leader at some great crisis—and in the Greek democracies the leader counted for much more than he does in our popular governments—is not so unlikely to have recourse to unconstitutional methods. The answer to the ostracism of Cimon in 461 B.C. was the assassination of Ephialtes.[4]

It is argued in this essay that attacks and defenses alike have been based on a misunderstanding of the origin and purposes of ostracism. It is hoped that a careful investigation of its original aims will make possible a fair estimate of the institution and its role in Athenian history.

That the very originator of ostracism should be the subject of controversy is somewhat surprising, for no fewer than four ancient authors tell us plainly that it was Kleisthenes.[5] Of these four, Aelian may perhaps be suspected as late and untrustworthy,[6] but Aristotle wrote the *Athenaion Politeia* about 325 B.C., Philochoros wrote his *Atthis* shortly before 267 B.C. and Ephoros based his account on an earlier Atthidographer, either Hellanikos or Kleidemos.[7] Yet in spite of the agreement of these sources, modern scholars continue to find grounds for debate.[8]

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[1] VIII, 73.
[2] *Themistocles*, 22; *Aristides*, 7.
[3] *History of Greece*, IV², pp. 77-80.
[4] "Athens: The Reform of Cleisthenes," *C.A.H.*, IV, p. 153.
[5] Aristotle, *Ath. Pol.*, 22, 1-4; Aelian, *Hist. Var.* XIII, 24; Philochoros in Jacoby, *Fragmente der Griechischen Historiker* (all references are to 3B) Fr. 30, p. 108: Ephoros in Diodoros XI, 55.
[6] Cf. *F.G.H.*, Suppl. I, p. 124.
[7] *Ibid.*, p. 120.
[8] E.g., Beloch, *Griechische Geschichte*, I², 2, p. 332; Hignett, *A History of the Athenian Constitution*, pp. 159 ff.

The case against the Kleisthenic authorship rests on two arguments. The first of these depends on a fragment of Androtion quoted by Harpokration:

ἄλλος δέ ἐστιν Ἵππαρχος ὁ Χάρμου ὡς
φησι Λυκοῦργος ἐν τῶι κατὰ Λεωκράτους·
περὶ δὲ τούτου Ἀνδροτίων ἐν τῆι β φησὶν
ὅτι συγγενὴς μὲν ἦν Πεισιστράτου τοῦ
τυράννου καὶ πρῶτος ἐξωστρακίσθη, τοῦ
περὶ τὸν ὀστρακισμὸν νόμου τότε πρῶτον
τεθέντος διὰ τὴν ὑποψίαν τῶν περὶ Πεισί-
στρατον, ὅτι δημαγωγὸς ὢν καὶ στρατη-
γὸς ἐτυράννησεν.[9]

The crucial words are τότε πρῶτον, which have usually been taken to mean that the law on ostracism, being aimed at Hipparchos, son of Charmos, was passed immediately before his ostracism in 488/7. Thus Jacoby says, " Aristotle states that the Athenians applied the law enacted by Kleisthenes (i.e. 508/7 B.C.) for the first time in 488/7 B.C.; A.(ndrotion) states that the law was not enacted until that year, and he accentuates the statement—τοῦ νόμου τότε πρῶτον τεθέντος." [10] Hignett's interpretation is the same: " By his use of the expression τότε πρῶτον Androtion presumably intended to dismiss briefly the view of a predecessor (possibly Kleidemos) who has attributed the invention of ostracism to Kleisthenes. . . . Since there is no valid reason for rejecting the evidence of Harpocration it follows that Androtion dated the law on ostracism to the year 488." [11]

That this interpretation is by no means the only one possible was recognized by Carcopino, who pointed out that " τότε peut s'appliquer aussi bien à une période de vingt ans qu'à une de vingt jours." [12] Τότε means ' then ' or ' at that time ' relative to the period under discussion; it does not necessarily mean (although it can) ' that year,' ' that month ' or ' that week.' Androtion was writing more than 150 years after the events, and from that perspective τότε could very easily be twenty years. There is, then, no warrant for the assertion that Androtion assigns the introduction of ostracism to the year 488 B.C.

The wording of the passage does suggest, however, that Androtion was criticizing a view of the origin of ostracism with which he did not agree. It is generally assumed that the opinion under criticism was the common one of Kleisthenes' authorship, but

[9] F.G.H., Fr. 6, p. 64.
[10] F.G.H., Suppl. I, p. 119.
[11] Hignett, op. cit., pp. 159-160.
[12] L'Ostracisme athénien, p. 25. Hignett takes no notice of this objection; Jacoby (F.G.H., Suppl. II, p. 115) rejects it without argument.

there is reason to believe that such was not the case. Aristotle, it is agreed, followed Androtion's *Atthis* quite closely,[13] yet he simply gives the traditional view that ostracism was introduced by Kleisthenes. There is no indication that he is departing from his chief source. Hignett suggests that " probably he followed Androtion closely on the motive for the introduction of ostracism while rejecting the date." [14] But this is precisely what Aristotle does not do; he rejects nothing but writes a simple narrative, seemingly without noticing any contradiction.[15] The assumption that Androtion was rejecting Kleisthenic authorship by his use of τότε πρῶτον is not justified. Was there no other tradition about the origin of ostracism? There were, in fact, at least two. One attributed its origin to Hippias [16] and the other, mentioned by no fewer than three authors, to the time of Theseus.[17]

Neither tradition is acceptable, yet the one which attributed ostracism to Theseus seems to have been fairly widespread. It behooved a serious historian to put this fairy tale to rest,[18] which is precisely what Androtion did by saying that Hipparchos (*not* Theseus) was the first man ostracized and that this was accomplished by a law passed τότε πρῶτον (*not* back in legendary days). When Aristotle came to deal with the same question there was no need for him to make any comment, for Androtion had already rejected the false tradition. Both Aristotle and Androtion knew that Kleisthenes had been the originator of ostracism and that Hipparchos had been the first man ostracized. They further agreed on the date of that ostracism and on the reason for the establishment of the law. As there is no disagreement between them, the first argument against the Kleisthenic foundation of ostracism has no validity.

The second argument may be summarized as follows: If the law on ostracism was carried by Kleisthenes as part of his constitutional reform of 508/7 and the first man was not ostracized until 488/7, the twenty-year hiatus is inexplicable, for, as Beloch says, " such a weapon was not forged to be left for twenty years in its

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[13] *F.G.H.*, Suppl. I, p. 104. " Aristotle probably took from A. all his dates and most of his historical facts." Hignett (*op. cit.*, p. 160) is in agreement.

[14] *Op. cit.*, p. 160.

[15] " One should expect Aristotle to comment on this lag of twenty years between enactment and first use of ostracism and to register his disagreement with Androtion; in fact Aristotle did not do either." (A. E. Raubitschek, " The Origin of Ostracism," *A.J.A.*, LV, 1951, p. 221).

[16] Herakleides of Pontos, Fr. 6-7 in Müller, *F.H.G.*, I, p. 208, discussed by Carcopino, *op. cit.*, pp. 7-10.

[17] Theophrastos in Suidas *s.v.* ἀρχὴ σκυρία, ed. Adler, p. 375, ὀστρακισθῆναι δὲ πρῶτον Ἀθήνησι Θησέα ἱστορεῖ Θεόφραστος ἐν τοῖς πρώτοις καιροῖς. Scholiast to Aristophanes' *Plutus*, 627, ed. Rutherford, I, p. 65, μετὰ τὸ χαρίσασθαι τὴν δημοκρατίαν τοῖς Ἀθηναίοις τὸν Θησέα, Λύκος τις συκοφαντήσας ἐποίησεν ἐξοστρακισθῆναι τὸν ἥρωα. Eusebius, *Chronicorum canonum quae supersunt*, ed. Schoene, p. 50, Θησεύς, Ἀθηναίους κατὰ χώραν διεσπαρμένους εἰς ἓν συναγαγὼν ἤτοι εἰς μίαν πόλιν, πρῶτος ἐξωστρακίσθη αὐτὸς πρῶτος θεὶς τὸν νόμον. See the discussion by Carcopino, *op. cit.*, pp. 10-15.

[18] Even so careless a writer as Pausanias rejects the attribution to Theseus of Athenian Democracy, I, iii, 3.

sheath." [19] Since we are told that the law was aimed at Hipparchos and since he was in fact its first victim—although not until 488/7—the unexplained delay argues against Kleisthenic authorship.[20] But this argument fails if the delay can be accounted for, and a proper understanding of the purposes of the institution provides such an explanation.

Ancient sources agree that the law was aimed at the party of the tyrants [21] and in particular at its leader, Hipparchos.[22] Hignett saw the weakness of Aristotle's attempts to explain the delay in effecting Hipparchos' ostracism and concluded that " the attribution of this motive to Kleisthenes is no more than a conjecture which deduces the purpose of the law from its results." [23] This is itself only a conjecture and should not go unexamined. The sources for the *Athenaion Politeia* may have been of two kinds, documentary and traditional. If documentary sources existed,[24] they would be restricted to a statement of the law, the date it was passed and a reference to its originator; they would not go into the question of purpose except in so far as the wording of the law made that clear. There were, however, separate traditions concerning the origin of ostracism. These would have arisen less from the wording of the law itself than from the arguments of its proponents and detractors. It is natural that such traditions should include an alleged motive for the legislation along with more verifiable information; indeed, it would be surprising if a motive were not mentioned. It is this tradition—that Kleisthenes had originated the institution and had done so in order to attack the tyrannists and their leader Hipparchos—that Androtion passes on and Aristotle accepts, whatever its source. The only conjecture Aristotle makes is in the attempt to reconcile the purpose of the law, which he takes from the tradition, with the date that purpose was accomplished.

What, then, were the events which caused Kleisthenes to devise this weapon against the Peisistratids? The overthrow of the tyranny was accomplished by Kleomenes, King of Sparta, at the urging of the exiled Alkmaionids and with the support of some of the aristocrats who had remained in Athens. The common citizens were

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[19] *Op. cit.*, I², 2, p. 332.

[20] Raubitschek (*loc. cit.*) accepts 488/7 B.C. as the date of the origin of ostracism but brings Kleisthenes " out of retirement " like " Herbert Hoover, Winston Churchill and Carlo Sforza " to enact the legislation. For this there is not a scintilla of evidence; in fact, everything points the other way. It is unlikely that the return to power of such an important figure would go unnoticed by our sources. More positively, the election of Xanthippos to the archonship in 489 and the fact that it was he who prosecuted Miltiades in the same year, point to him as leader of the Alkmaionid group immediately after Marathon. Raubitschek's arguments are ably refuted in detail by C. A. Robinson Jr., " Cleisthenes and Ostracism," *A.J.A.*, LVI, 1952, pp. 23-26.

[21] Androtion, *loc. cit.*, διὰ τὴν ὑποψίαν τῶν περὶ Πεισίστρατον.

[22] *Ath. Pol.*, 22, 4, ὧν ἡγεμὼν καὶ προστάτης ἦν Ἵππαρχος.

[23] Hignett, *op. cit.*, p. 161.

[24] As Aristotle (*Ath. Pol.*, 29, 3) seems to indicate, *pace* Jacoby, *F.G.H.*, Suppl. I, p. 121 and Hignett, *op. cit.*, p. 160.

apathetic,[25] for the Peisistratids had come to power as a popular party, and such out-
rages as they may have committed were directed against the power of the aristocracy
rather than against the demos. Shortly after the liberation, a struggle for power
developed between Kleisthenes the Alkmaionid and Isagoras, a member of an old
aristocratic family. Isagoras was successful in their first encounter, winning the
archonship for the year 508/7 and it was then that Kleisthenes first gave any evidence
of democratic interests.[26] The demos, largely Peisistratid in sympathy,[27] had to be
won over, and Kleisthenes began by restoring to citizenship those who had been
disenfranchised by Isagoras, and by leading the opposition to Isagoras' attempt to
establish an oligarchy in Athens.[28] But he was far from becoming an instrument of
the demos; his reforms were rather Solonian in spirit [29]—Solon's requirements for
holding office and his class structure were left unchanged—and they brought about
no radical change in Athenian political and social institutions. The constitution of
Kleisthenes was a victory for the hoplite class over the nobles, and " the landed gentry
of Athens were left by Kleisthenes in control of the executive and of the important
judicial functions vested in the Areopagus." [30]

The expulsion of the Spartans and the oligarchs left Kleisthenes in command of
the situation at Athens for the time but in great peril from abroad. The Spartans
were sure to attempt a *revanche* to restore the oligarchs. Unity at home was essential
to face the external threat, but as leader of the moderate party Kleisthenes could
expect opposition from both sides. The right, it is true, was in disfavor and its leaders
in exile; for the time being at least it was politically ineffective. The great political
threat was from the left, from the lower classes who had supported the tyranny and
who might be expected to support the tyrannists once the threat of oligarchy passed.
It is a common characteristic of revolutions (notably the French and Russian) that
even when their original aim is only moderate reform, they tend to become more radical
as the excited lower classes press for greater changes. The threat of a renascent
tyrannist party was Kleisthenes' first problem, compounded by the consideration that
destruction of that party was no solution, for he needed the cooperation of the demos
and its leaders to face the imminent threat of attack by Sparta and the oligarchs.
External danger was the common ground on which all the opponents of oligarchy
might meet, whatever their differences on internal questions. So long as Kleisthenes
enjoyed the popularity which came from his opposition to Isagoras he could count on

[25] Hignett, *op. cit.*, p. 125.

[26] Herodotos, V, 66, 2, ἐσσούμενος δὲ ὁ Κλεισθένης τὸν δῆμον προσεταιρίζεται.

[27] Hignett, *op. cit.*, p. 156; A. W. Gomme, " Athenian Notes," *A.J.P.*, LXV, 1944, p. 325.

[28] Herodotos, V, 72.

[29] *Ath. Pol.*, 29, 3, οὐ δημοτικὴν ἀλλὰ παραπλησίαν οὖσαν τὴν Κλεισθένους πολιτείαν τῇ Σόλωνος.

[30] Hignett, *op. cit.*, p. 156.

the effective support of the demos, but he was still not in a position to resist a determined effort on the part of the tyrannists to deprive him of that support.[31]

But while Kleisthenes could not afford to destroy the tyrannist party, he could, given the means, deprive it of its leader, and ostracism would provide precisely those means. The law doubtless had the stated intent of preventing the recurrence of tyranny, and being enacted when it was, it was sure to be popular. The decree would have been innocently free of names, since Kleisthenes could not afford the appearance of proposing arbitrary *ad hominem* legislation, but it must have been immediately apparent that a law against tyranny—one which provided for the exile of a single individual—was in fact most readily applicable against the leader of the tyrannist party, Hipparchos.[32] Kleisthenes would not trouble to refute this interpretation, for it suited his purpose admirably. Ostracism had the great virtue of serving as a threat to Hipparchos which need not be carried out if he were willing to cooperate with Kleisthenes. The fact that Kleisthenes was successful in having the law passed indicates that he controlled a majority of the votes, and this enabled him to present Hipparchos with the alternatives of cooperation or ostracism.

It is clear that Hipparchos chose to cooperate, for the next two decades give evidence of a coalition between the party of Kleisthenes and that of Hipparchos. In foreign policy both opposed Sparta and sought alliance with Persia. When Hippias took refuge at the Persian court it gave the tyrannists a tie with Persia, and Kleisthenes too, when menaced by a Spartan invasion, sought protection from Artaphernes, the Persian satrap of Lydia.[33] Again, at Marathon in 490 B.C. the tradition of Alkmaionid complicity in the flashing of a shield to signal the Persians, whatever its basis, gives evidence that in the popular mind the family of Kleisthenes was friendly to the tyrants. On the domestic scene the evidence is still more conclusive, for Hipparchos' archonship in 496 [34] must have been his reward for support and cooperation.

Hence Kleisthenes' failure to use the law against the man who was undoubtedly its intended victim is seen to have been no failure at all. It had served its purpose so well in fact that the ' sword ' could remain in its ' sheath ' unused, and this is surely what Kleisthenes intended, for had he wanted merely to be rid of Hipparchos there was no lack of devices already available.[35] With the threat of ostracism Kleisthenes was able to check the political ambitions of Hipparchos and his party and to form an effective coalition based on their mutual opposition to oligarchy.

After Marathon the political scene was quite different from what it had been

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[31] Gomme, *op. cit.*, p. 328.

[32] *Ath. Pol.*, 22, 5-6.

[33] Herodotus, V, 73; Hignett, *op. cit.*, p. 178; Walker, *op. cit.*, pp. 157-158.

[34] Dionysios of Halikarnassos, *Ant. Rom.*, VI, i, 1.

[35] E. g. the Solonian law against tyrants (*Ath. Pol.*, 16, 10).

twenty years before: Kleisthenes (*pace* Raubitschek, *loc. cit. supra*, note 15) was no longer in control; a new generation of political leaders had arisen including such eminent figures as Aristeides, Xanthippos and Themistokles; the tyrannist party, already weakened by Kleisthenes, was now discredited as a result of the Persian attempt to restore Hippias. Party alignments had changed with the destruction of tyrannist power and the rise of the non-hoplite demos. Such new issues came to the fore as the naval policy of Themistokles and the extension of democracy in Athens. A personal struggle for power arose among the new leaders of the hoplite democracy established by Kleisthenes.

It is in this new context that the first ostracism must be understood. The attack on Hipparchos was not the long-delayed execution of Kleisthenes' intention to be rid of the tyrannist leader, but merely the first in a series of expulsions in the new struggle for political supremacy. Hipparchos (488/7) was followed into exile by Megakles (487/6), Xanthippos (485/4) and Aristeides (483/2). Each of these men was either a tyrannist or an Alkmaionid, that is, a member of the coalition established by Kleisthenes. After Marathon this coalition lost power; its popular support passed to the new force in Athenian politics, and its political leaders were ostracized one by one. To the question *cui bono*?, the answer must be Themistokles.[36] It was his use of the weapon forged by Kleisthenes to eliminate opposition to himself and his policies that achieved the unity necessary to face the dangers and sacrifices of the second Persian invasion.[37]

Themistokles' judicious use of ostracism is a tribute to his political acumen. In 488 his opposition, though weakened, was not impotent, and his control of the demos was not yet complete. His choice of Hipparchos as the first victim was a master stroke. After Marathon the attack on a relative of the Peisistratids would seem an act of pure patriotism. Best of all, it would seem merely the fulfillment of Kleisthenes' intention. It would appear to be non-political and aimed against tyranny, yet by banishing a leader of the opposition it would accomplish a political aim. The choice of Megakles as the second victim was equally astute, for he too had been known as a friend of the tyrants [38] and was an Alkmaionid as well. By this time Themistokles was strong enough to lay aside the pretense of preventing tyranny, which was no longer a threat, and to direct ostracism against political opponents wholly unconnected with tyranny.[39]

It is clear, then, that the Atthidographers and Aristotle were in agreement on the

[36] Robinson, *op. cit.*, p. 26.

[37] J. A. R. Munro ("Marathon," *C.A.H.*, IV, p. 266) accepts Themistokles as the manipulator of ostracism in these years. He also attributes to Themistokles the law opening the archonship to the lot and considers his control of the state as the product of both these devices. His position is amplified and defended with great plausibility by C. A. Robinson Jr. in a series of articles summarized in the article cited *supra* note 20.

[38] *Ath. Pol.*, 22, 5-6.

[39] *Ibid.*

origin and early history of ostracism. Moreover, their account, most fully and clearly stated in the *Athenaion Politeia*, is substantially correct, holding that the law was introduced by Kleisthenes along with the rest of his constitutional reforms in 508/7 or shortly thereafter, that it was aimed primarily at the tyrannist party and its leader Hipparchos, and that the first ostracism was not accomplished until 488/7 B.C. when Hipparchos was exiled.

Did Kleisthenes intend nothing more in introducing ostracism? He had, to be sure, an immediate political purpose, but it is easy to believe that he intended it to be more than an *ad hominem* political weapon. His imaginative and far-sighted reorganization of the tribal system lends weight to this supposition as does the carefully designed and complicated machinery of the process of ostracism itself. So soon after the overthrow of tyranny, while the threat of its restoration was still a real one, the originator of ostracism surely meant to create a device to check the rise of future tyrants. But the great constitutional question facing the newly born democracy, one which faces every democracy, was how to prevent the dangers of faction and subversion while avoiding the extremes of inquisition, violence and mass expulsion resorted to by other Greek democracies with tragic consequences.[40] The difficulties confronting a democracy are aptly described by Grote:

> The force in the hands of any government, to cope with conspirators or mutineers, was extremely small, with the single exception of a despot surrounded with his mercenary troops. Accordingly, no tolerably sustained conspiracy or usurper could be put down except by direct aid of the people in support of the government; which amounted to a dissolution, for the time, of constitutional authority, and was pregnant with reactionary consequences such as no man could foresee. To prevent powerful men from attempting usurpation was therefore of the greatest possible moment. Now a despot or an oligarchy might exercise at its pleasure preventive means, much sharper than the ostracism, such as the assassination of Kimon . . . directed by the Peisistratids. At the very least, they might send away any one, from whom they apprehended attack or danger, without incurring even so much as the imputation of severity. But in a democracy, where arbitrary action of the magistrate was the thing of all others most dreaded, and when fixed laws, with trial and defence as preliminaries to punishment, were conceived by the ordinary citizen as the guarantees of his personal security and as the pride of his social condition—the creation of such an exceptional power presented difficulties.[41]

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[40] E.g. at Kerkyra (Thucydides, III, 70, 81, 82.)
[41] *Op. cit.*, pp. 79-80.

It is a measure of the greatness of Kleisthenes' law on ostracism that it satisfied these difficulties. Its careful and deliberate procedure, the large quorum necessary for an ostracism, the lenity of the sentence and the immunity granted the victim's family and property put to rest the fear of arbitrary action. At the same time the annual vote on the need for an ostracism served as a reminder to the people and as a warning to potential revolutionaries. That the device was from the beginning used for political purposes must not be regarded as a perversion of its original aim. As a successful politician, Kleisthenes must have realized that his constitutional safeguard would be employed for political purposes and he shaped it accordingly. Throughout its history ostracism served both as a referendum on issues and as a vote of confidence in political leaders. Themistokles and Perikles followed the example and the intention of Kleisthenes when, as leaders of the majority, they used ostracism to rid themselves of dangerous political rivals. It was a safety valve that helped avoid the explosion of *stasis* which might have rent Athens with factional strife and prematurely destroyed its greatness.

The success of ostracism is attested on the one hand by the weakness of subversive groups so long as the law was in force, and on the other by the small number of ostracisms necessary for the safety of the state. In more than ninety years (508-417 B.C.) we know of fewer than twenty ostracisms,[42] of which only nine are certain.[43] It was only after the ostracism of Hyperbolos had shown the way to circumvent the institution that subversion was successful in Athens. Perhaps the end of ostracism and the coup d'etat of 411 B.C. have a relationship that is more than coincidental.

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[42] Carcopino lists fifteen (*op. cit.*, pp. 11-12), to which Raubitschek adds another ("Menon son of Menokleides," *Hesperia*, XXIV, 1955, pp. 288-289).
[43] Carcopino, *op. cit.*, pp. 142-178; list on p. 178.