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DEMETRIUS OF PHALERUM AND LATE FOURTH-CENTURY ATHENIAN SOCIETY: RESPONSE TO DELFIM LEÃO

Despite the efforts of modern scholars, Demetrius of Phalerum still remains an elusive figure. The trajectory of his career, from his active, albeit obscure role in the context of the trial for the Harpalus affair to the ten years of his «rule» at Athens with Cassander's support, to his exile in Egypt at the court of Ptolemy I Soter, is in broad outline well-known. His education at the Lyceum and his association with Theophrastus, which earned him the definition of «Peripatetic philosopher» in the Suda (s.v. $\Delta\eta\mu\dot{\eta}\tau\rho\iota\sigma\varsigma$, 429 Adler = 2 SOD) and a biography among the Peripatetics in Diogenes Laertius' *Lives of the Philosophers* (5,75-85), are equally well attested. He was credited with a substantial list of literary works bearing, in the Aristotelian tradition, on ethics, political and constitutional matters, rhetoric, history and the history of literature, of which about eighty fragments, unfortunately with only a very limited number of literal quotations, are preserved.

Moreover, the period of ten years when he held power at Athens between 317 and 307 BC was clearly a landmark in the evolution of Athenian political and social history. Here is, however, where all problems begin: Demetrius, clearly indulging in a personality cult¹, was awarded during his lifetime lavish honours and was not without his admirers (Strabo 9,1,20 = 19 SOD), but his rule under Macedonian protection also aroused strong political opposition and attracted severe criticism, so that his downfall and expulsion from Athens were immediately saluted as a liberation and return to freedom.

It is thus not surprising that the ancient tradition with regard to such a controversial character is marred by strong ideological bias and that the «images» of Demetrius we obtain from our sources are hardly univocal. An instructive case in point is, for instance, provided by the strikingly different definitions of the nature of Demetrius' regime: while Pausanias, drawing in all likelihood from the fervent democrat Demochares², simply styled Demetrius' government as a tyranny

¹ See, most recently, Muccioli 2015.

For Demochares as the probable ultimate source of Pausanias' portrait of Demetrius see Bearzot 1992, 70-71. For Demochares' harshly critical attitude towards Demetrius see FGrHist 75 F 7 with Marasco 1984; Asmonti 2004. On «party politics» in early Hellenistic Athens cf. Luraghi 2014, 2017.

established with the support of Cassander (1,25,6 = 17 SOD: τύραννόν τε 'Αθηναίοις ἔπραξε γενέσθαι Δημήτριον τὸν Φανοστράτου, δόξαν εἰληφότα ἐπὶ σοφία)³, Plutarch labelled his government as «oligarchical in name but monarchical in fact» (Demetr. 10,2 = 18 SOD: λόγφ μὲν ὀλιγαρχικῆς, ἔργφ δὲ μοναρχικῆς καταστάσεως γενομένης διὰ τὴν τοῦ Φαληρέως δύναμιν; cf. Suid., s.v. Δημήτριος ὁ 'Αντιγόνου, 431 Adler = 27 SOD). Diodorus, on his part, approvingly maintained on the basis of Demetrius' contemporary Duris that «he assumed the supervision of the city and ruled in a peaceful and – in relation to the citizens – caring way» (18,74,3 = 16A SOD: ἦρχεν εἰρηνικῶς καὶ πρὸς πολίτας φιλανθρώπως), whereas Demetrius himself, while rejecting the charge of having overthrown the democracy (a charge featuring also in Philoch., FGrHist 328 F 66), claimed in one of his political writings that he had «corrected», «rectified» it (fr. 27 Wehrli ap. Strabo 9,1,20 = 19 SOD: οὐ μόνον οὐ κατέλυσε τὴν δημοκρατίαν ἀλλὰ καὶ ἐπανώρθωσε (δηλοῖ δὲ τὰ ὑπομνήματα ἃ συνέγραψε περὶ τῆς πολιτείας ταύτης ἐκεῖνος); cf. Euseb. Hieronym. Chron. ad Ol. 118,1-4, p. 127 Helm = fr. 64 Wehrli = 39 SOD).

In order to sidestep the problems caused by ancient tradition and avoid the methodological flaws connected with combining sources with very diverse origins and agendas, one possible approach is to focus on individual authors who had extensive knowledge of Demetrius' political action and writings, and verify to what extent a consistent picture emerges from the information scattered in their works. This is precisely the line of investigation taken by Delfim Leão in his fine paper on Plutarch and Demetrius of Phalerum: Plutarch was surely familiar with Demetrius' writings and made use of them as a historical source for his Lives of Solon and Athenian politicians of the fifth and fourth centuries. He was also well acquainted with the story of Demetrius' rise to power and sudden downfall and used it as a paradigm for moral purposes. Although for some reason he chose not to dedicate to Demetrius a biography of his own (as he did for Phocion and Demetrius Poliorcetes), the overall picture that can be gleaned from the combined study of the Lives and Moralia, as demostrated by Delfim Leão, is nuanced and well-informed with, from time to time, positive or critical overtones reflecting Plutarch's own ethical concerns.

Another illuminating example of this approach is offered by L. O' Sullivan's analysis of Demetrius' portrait in Cicero – as we shall see, probably the most important witness for his activity as a legislator. The picture we obtain here is remarkably different since Cicero admired Demetrius most of all for his oratory strongly influenced by his philosophical formation (off. 1,1,3; de orat. 2,23,95; orat. 26,91-92, 94-96; Brut. 9,37; 82; 285) and, with some undeniable degree of

³ For a curse tablet naming, among others, Demetrius together with Cassander see Gager 1992, 147-148 (no. 57); cf. Habicht 1985, 77-82.

self-complacent identification, for being a man who had successfully combined active political engagement and intellectual pursuits (*leg.* 3,6,14; cf. also 5,19,53)⁴.

My impression is that such a «literary» perspective aiming at elucidating the reasons why certain «fragments» of Demetrius' works were cited by later authors is extremely helpful not only per se but also as preliminary work with a view to the controversial issue of the meaning and scope of his legislation as well as of its impact on Athenian society. In the following observations I will attempt to provide a brief overview of some of the most important questions in the light of recent scholarship, following in particular the publication of the two monographs on Demetrius of Phalerum by L. O'Sullivan and A. Banfi⁵. What has attracted the attention of scholars is in particular the question whether Demetrius was a «philosopher in politics», in other words a «doctrinaire» educated in Aristotelian philosophy who attempted to apply to his government the principles of political theory he had learnt through his association with the Lyceum, as is suggested by Aelianus' Varia Historia, where he is included among the philosophers who had «engaged in politics rather than confining themselves to intellectual excellence and living a sheltered life» (3,17: ἐπολιτεύσαντο οὖν καὶ φιλόσοφοι, μηδ' αὐτὸ τοῦτο μόνον την διάνοιαν άγαθοι γενόμενοι έφ' ήσυχίας κατεβίωσαν), and by the Suda, where Demetrius is portrayed as both a «Peripatetic philosopher» and δημαγωγός (s.v. Δημήτριος, 429 Adler = 2 SOD). My argument will accordingly be organized into three sections.

1) The starting point for any discussion about Demetrius' role during the ten years of his government revolves around his official «title». According to Diodorus (18,74,3), the peace terms negotiated with Cassander in 317 included a provision to the effect that an ἐπιμελητής who had the approval of Cassander was to be appointed. As a result, Demetrius became overseer and regent of the polis. On this basis, IG II² 1201, a badly fragmentary honorific decree of the deme of Aixone, where the term indicating Demetrius' title is lost in the lacuna, has been restored with the word ἐπιμελητής (II. 10-13: καὶ...αἱ]ρεθεὶς ὑπὸ τοῦ δήμο[υ τοῦ Ἀθηναίων νόμου]ς ἔθ[η]κεν καλ[ού]ς [καὶ συμφέροντας τει πόλε]ι). This is, however, in my opinion unlikely because, beside being one stoichos too long, ἐπιμελητής was from the beginning of Alexander's conquest of Asia the title given to a «governor», or «commissioner», charged with the administration of a city, typical of the Macedonian power structure (Arr. An. 1,17,7; Strabo 13,1,26; Plut. Phoc. 29,4). The title thus reflected the Macedonian point of view of Cassander, but considering the recurring use in the sources of νομοθέτης and related terms with regard to Demetrius' role (Marmor Parium, FGrHist 239 B 15, Ep. 13; Athen. 12,542d; Plut. Arist. 27,4-5; cf. also Ael. V.H. 3,17 [νομοθεσίας ἦρξε, with reference to his exile

⁴ O'Sullivan 2009, 232-240.

⁵ O'Sullivan 2009; Banfi 2010.

in Egypt]) and his own claim to have been the third νομοθέτης of Athens (Syncell. *Ecl. Chron.*, p. 331, 6-7 Mosshammer = 20B SOD; cf. Cic. *Resp.* 2,1,2 = 56 SOD), this is in all probability the word to be restored in the inscription. In this context I would in particular lay great stress on Duris, *FGrHist* 76 F 10 *ap.* Athen. 12,542d = 43A SOD, where Demetrius is lampooned for his profligate lifestyle since while whe was laying down laws for the others (ὁ τοῖς ἄλλοις τιθέμενος θεσμούς) and regulating their lives (καὶ τοὺς βίους τάττων), he organised his own life with utter freedom from law (ἀνομοθέτητον ἑαυτῷ τὸν βίον κατεσκεύαζεν)», and thus precisely as the opposite of a νομοθέτης. The use of the term θεσμοί was here clearly meant to set Demetrius in the same tradition as Draco and Solon, while contrasting the contents of his sumptuary laws with his own unruly behaviour.

This is, however, not only a mere nominalistic question because the decree demonstrates that Demetrius was appointed to the role of legislator by the Athenian demos and that, despite Macedonian domination, polis institutions were still fully functioning. This is confirmed also by the fact that in the prescripts of the two extant decrees from the period of Demetrius' rule (IG II² 450, 453 [SEG 32,100]) there appears to be no significant change from democratic practice and that possibly even selection of the *proedroi* by lot was still in operation⁶. The same must be true of the popular courts if we are to believe two lexicographic entries according to which the number of judges in eisangelia-trials was increased to 1500 (Poll. 8,53 = 96A SOD; Lex. Cantabr. s.v. εἰσαγγελία). It is worth emphasizing that, leaving aside the oligarchy imposed by Antipater (Suid. s.v. Δημάδης), the Athenian popular courts continued to be active down to the end of the second century BC, a recently published inscription unexpectedly even attesting the survival of δίκαι ἔμμηνοι in a late Hellenistic context⁷. That the popular courts had at the time of Demetrius' regime the same political role as they had had under the democracy has, nonetheless, been convincingly doubted by M. Gagarin on the basis of the career of Dinarchus, who was almost exclusively active, and became rich, as a logographer for private cases8.

2) A second question revolves around the nature of the timocratic system established by Demetrius. In his presentation of Demetrius' regime Diodorus maintains that the peace terms with Cassander enjoined that «the state was to be governed on the basis of property qualifications as far as ten minae» (τὸ πολίτευμα διοικεῖσθαι ἀπὸ τιμήσεων ἄχρι μνῶν δέκα) (18,74,3). The passage has always been interpreted in contrast to Diod. 18,18,4, according to which Antipater's oligarchy had given full franchise only to those who possessed more than 2000 drachmas (καὶ προσέταξεν ἀπὸ τιμήσεως εἶναι τὸ πολίτευμα καὶ τοὺς μὲν κεκτημένους πλείω

⁶ Tracy 1995, 37-38.

⁷ Walser 2012, 83-91; Papazarkadas 2017. Cf. also Thür 2001.

⁸ Gagarin 2000, 358-364.

δραχμῶν δισχιλίων κυρίους εἶναι τοῦ πολιτεύματος καὶ τῆς χειροτονίας). Demetrius' regime has thus appeared to be a more moderate form of oligarchy granting political rights to a larger number of citizens, in other words all those who met a property requirement of 1000 drachmas. As pointed out by H. van Wees, however, this is not what Diodorus actually says, since he refers to τιμήσεις, «property qualifications», in the plural (and not in the singular as at 18,18,4) and does not mention a minimum threshold (in which case we would expect an expression with $\pi\lambda$ είω, ἀπό or ὑπέρ) but rather alludes to a maximum limit (ἄχρι, «up to»)⁹. According to van Wees, whose linguistic argument seems to me convincing, Demetrius did not therefore establish «a single property threshold for citizenship, but a set of property qualifications among which 1,000 drachmas was not the minimum, but the threshold for the highest grade», exactly like in the «constitution of Draco» in Arist. *Ath. Pol.* 4, thus not excluding automatically from citizen rights those below 1000 drachmas, provided they met a lower minimum qualification, possibly of 300 or 500 drachmas.

If this is correct, the upshot of the argument is that Demetrius' regime was even more inclusive than is usually assumed and that the number of those who were completely debarred from political participation must have been relatively low (what their status was [metics or ἀρχόμενοι πολίται «inactive citizens», cf. Arist. *Pol.* 1277b39-1278a40] is a moot point). The assumption of some degree of continuity with democratic institutions again appears to be legitimate.

3) Very little is known about Demetrius' laws and, notwithstanding his probable official role as νομοθέτης, the question of how comprehensive his legislation was must be left to some extent unanswered. Only one law can be securely attributed to him on the basis of an extensive passage from the second book of Cicero's *Laws* concerning the evolution of Athenian legislation about funerals and burials from the times of Cecrops to the end of the fourth century (2,25,62-26,66 = 53 SOD)¹⁰. As Cicero explicitly states (2,25,64: *ut scribit Phalereus*; cf. 26,66), his source was Demetrius himself in one of his political or constitutional works. According to Cicero, Demetrius, *vir...non solum eruditissumus*, *sed etiam civis e re publica maxime tuendaeque civitatis paratissimus*, «restricted expenses» (*sumptum minuit*), «limited the size of new tombs» (*sepulcris...novis finivit modum*) and «appointed a magistrate specifically to look after this» (*procurationi certum magistratum praefecerat*). Although Cicero is rather vague in his wording, the new office is in all likelihood to be identified with the γυναικονόμοι¹¹.

⁹ van Wees 2011, 97.

¹⁰ See the commentary by Dyck 2004, 411-420.

O'Sullivan 2009, 47-51. For the literary and epigraphic sources on gynaikonomoi in the Greek cities see Bernhardt 2003, 264-284.

Two points need to be considered: the first is that Demetrius presented himself as the continuator of a normative tradition going back to Solon and archaic legislators in the spirit of *patrios politeia*. I therefore agree with Delfim Leão's suggestion that the source for Plutarch's statement in the *Life of Solon* to the effect that the regulations for the prices for sacrificial animals in Solon's lawcode were recorded in the sixteenth *axon* (22,3-4) was probably Demetrius himself, who is mentioned by Plutarch immediately before. Demetrius clearly had seen and studied the *axones*, to which also Aristotle had dedicated a work in five books¹².

The second is that Demetrius may well have intended in this particular case to apply Aristotle's view that a polis should be as much as possible made up of ἴσοι...καὶ ὅμοιοι and that μεσότης and moderation were the foundations of κοινωνία (Pol. 1295b26-40) but, as shown by the study of burials in Athenian cemeteries both in the city and in the Attic demes, he was also reacting against a steady trend towards more and more ostentatious funerary precincts (periboloi) and monuments, as exemplified in the literary sources by the monument erected on the sacred road to Eleusis by Harpalus for his mistress Pythionike (Theopomp., FGrHist 115 F 253 ap. Athen. 13,594e-595c; Paus. 1,37,5; Diod. 17,108,5; Plut. Phoc. 22,1-2)13 or, in the archaeological record, by the extravagant monument for Nikeratos of Histria and his son Polyxenos (SEMA 1149), which was originally erected near one of the gates of the Long Walls and is now exhibited at the Archaeological Museum of Piraeus¹⁴. It needs, however, to be stressed that the first inklings of the emerging of a new, more moderate and sober attitude towards lavish funerary monuments can already be identified at the end of the Classical period in «democratic» Lycurgan Athens when, as shown by D. Marchiandi, in the burials of some members of the political elite close to Lycurgus as well as of some members of the family of Lycurgus himself a distinct taste for simpler, less elaborate and less expensive markers, such as kioniskoi, trapezai and aniconic lekythoi, can be observed¹⁵.

If this is correct, while it is legitimate to identify some tension between opposite attitudes towards funerary customs in Lycurgan Athens and to infer that lavish expenditure for private burials was not uncontested, it becomes at the same time possible to recognise that Demetrius' funerary legislation, far from being dictated solely by philosophical theories about the ideal state, was grounded in a set of new beliefs about political relations and social behaviour within the *polis* community that had been nesting in Athenian society for some decades. A law forbidding women to travel in carriages to Eleusis during the Mysteries is for instance already attributed to Lycurgus in his biography in the *Lives of the Ten Orators* ([Plut.] *Mor.* 842a). Its meaning must in particular be assessed in the light

¹² On the question of the physical form of the *axones* and their relation to the *kyrbeis* see now Meyer 2016, 331-343, with earlier bibliography.

¹³ Scholl 1994; Marchiandi 2011, 370 and 624.

¹⁴ Marchiandi 2011, 30 and 375 (Xyp.1).

¹⁵ Marchiandi 2013, esp. 151-155.

of Demosthenes' comment to the effect that Meidias was not only a reluctant liturgist but, among other things, «he takes his wife to celebrations of Mysteries, and anywhere else she wishes, in a carriage drawn by white horses from Sicyon... I do not know what benefit most of you derive from all these items that Meidias purchases for his personal luxury and extravagance (ἐγὼ δ' ὅσα μὲν τῆς ἰδίας τρυφῆς ἕνεκα Μειδίας καὶ παρουσίας κτᾶται, οὐκ οἶδ' ὅ τι τοὺς πολλοὺς ὑμῶν ἀφελεῖ)» (21,158-159).

This leads us to another point touched on by Delfim Leão, in other words the abolition of the liturgy of *choregia* which was at some point replaced by the institution of *agonothesia*, first epigraphically attested in 307/6 BC, after Demetrius' demise by his homonym Demetrius Poliorcetes (*IG* II² 3073)¹⁶. That Demetrius' reforms dealt with *choregia* is nowhere clearly stated in our sources, although it is suggested by one of the very few *verbatim* quotations from his works in Plutarch's *De gloria Atheniensium*, where he is attributed the sarcastic remark to the effect that for *choregoi* who were not victorious in dramatic contests «there was nothing left but to be the object of scorn and ridicule», but for those who won there was the tripod, «not a votive offering to celebrate their victory (οὖκ ἀνάθημα τῆς νίκης)...but a last libation of their spilt livelihood and an empty memorial of their bankrupt estates» (ἀλλ' ἐπίσπεισμα τῶν ἐκκεχυμένων βίων καὶ τῶν ἐκλελοιπότων κενοτάφιον οἴκων; fr. 136 Wehrli = *FGrHist* 228 F 25 = 115 SOD).

Demetrius' legislation on choregia surely needs to be looked at against the background of Aristotle's treatment in Nichomachean Ethics of μεγαλοπρέπεια «magnificence», in other words «the art of spending conveniently on a large scale» (1122a23: ἐν μεγέθει πρέπουσα δαπάνη ἐστίν), and of its objects that had to be «honourable» (τὰ τίμια) and the manifestation of «public-spirited ambition in the public sphere» (πρὸς τὸ κοινὸν εὐφιλοτίμητα), including expenses concerning the gods («dedications, buildings and sacrifices [ἀναθήματα καὶ κατασκευαὶ καὶ θυσίαι]») and those that were functional to the needs of the community «as people think that they ought to produce a chorus or equip a trireme or give a feast to the city in a splendid way» (καὶ ὅσα πρὸς τὸ κοινὸν εὐφιλοτίμητά ἐστιν οἷον εἴ που γορηγείν οἴονται δείν λαμπρώς ἢ τριηραργείν ἢ καὶ ἑστιάν τὴν πόλιν) (1122b19-23). Significantly, however, in his parallel discussion of liturgies and public services in Politics choregia, together with lampadarchia and the like, are listed among the expensive and useless liturgies (τὰς δαπανηρὰς μὲν μὴ χρησίμους δὲ λειτουργίας), as opposed to those which are classified as χρήσιμοι, good and «useful» (1309a14-16). The rationale underlying Aristotle's theoretical stance aptly emerges from a passage of Lycurgus' Against Leocrates where the orator disapproves of the current trend to enumerate in the lawcourts one's own public services in the expectation of an adequate return from the judges for «if someone keeps horses or finances a splendid chorus or spends his money on such activities,

¹⁶ Wilson-Csapo 2012.

he does not deserve this kind of favour from you – for these he wins a crown and brings no benefit to anyone else – but he deserves a favour if he has done a splendid job commanding a trireme or having walls constructed around the country or contributing from his own private funds to the common defense. These activities are performed for you in common, and in them you can see the virtue of the men who have contributed, in other cases you see only the wealth of men who have spent money» (1,139-140).

A dramatic surge of private spending for ostentatious purposes can be moreover detected in this period in choregic monuments displayed on the «street of tripods» such as Lysicrates' monument, dated to 335/4 BC, or in Thrasyllos' and Nikias' monuments which, in turn, belong to the time of Antipater's oligarchy¹⁷. Again, with his abolition of *choregia* Demetrius was not only applying philosophical principles but attempting to curb contemporary practices of lavish expenditure with a view to promoting equality and cohesion within the newly formed political community of Athens, following his moderate and, as we have seen, quite «inclusive» timocratic reform¹⁸.

Two more laws can be attributed to Demetrius: the first restricting to thirty the number of guests permitted at private feasts, and giving the gynaikonomoi the power to enforce it, which seems to be part of his sumptuary legislation; the second establishing a board of νομοφύλακες who had to oversee the activity of magistrates and compel them to follow the laws and, at the same time, exerted control on decisions of the boule and the ekklesia preventing them from voting «anything illegal or disadvantageous» (Phot. s.v. οἱ νομοφύλακες τίνες ... εἴ τι παράνομον αὐτοῖς εἶναι δόξειεν <ἣ> ἀσύμφορον τῆ πόλει; the other sources on the nomophylakes are Philoch., FGrHist 328 F 64; Lex. Rhet. Cantabr., s.v. νομοφύλακες; Poll. 8,94)¹⁹. Since the only chronological element to date the introduction of such board of «law-guardians» is the fact that they were mentioned in book seven of Philochorus' Atthis, they may well have belonged also with the oligarchy of Antipater, but this is in my opinion unlikely because control over the assembly was hardly necessary under a government where the number of citizens had been severely restricted, while their presence was more justified in Demetrius' much broader regime. As I have shown elsewhere, a comparison between the functions of the νομοφύλακες at Athens and those of the νομοφύλακες in Aristotle's *Politics* leads to interesting results since they appear to be completely different: in Aristotle's *Politics nomophylakes* have either censorial responsibilities

¹⁷ For choregic monuments on the «street of tripods» see Goette 2007, 128-138; Greco 2011, 528-531, 541-544.

¹⁸ Contra, most recently, Simonton 2017, 90-91, underlining the oligarchic character of Demetrius' regime.

¹⁹ Canevaro 2011, 63-69; Faraguna 2015, 152-155. On the «law-guardians» and the historical and philological questions connected to their functions contrast the opposing views of Banfi 2012, 72-74 and Couvenhes 2012, esp. 85-91.

with regard to the εὐκοσμία of citizens (1322b37-39) or probouleutic functions (1298b26-31) but they never exert control over magistrates or the assembly²⁰. A clearer definition of the powers of the assembly in legislative procedures had, on the other hand, been a characteristic of the Athenian democracy since the end of the fifth century²¹.

It thus appears that Demetrius was hardly merely a doctrinaire using Athens as a «laboratory» to implement Aristotle's political theories. He had no doubt been educated at the Lyceum and, as shown by his literary production, shared the same interests and lines of enquiry developed within the school but the most striking feature of what little we know of his legislation and its objects is the continuity with political and social issues that had already come to the fore in the last period of the democracy under Lycurgus, and thus its «practical» nature and scope. As we have seen, Demetrius was harshly criticized by his political enemies for being a tyrant and for the excesses of his «tyrannical» lifestyle or, otherwise, for being Cassander's puppet and having set up an oligarchy under Macedonian domination, but, in the light of his legislation, his claim to have «corrected» Athenian democracy in the spirit of *patrios politeia* appears to have been made in earnest and, in conclusion, to have been not far off the mark.

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²⁰ Faraguna 2015, 152-155.

²¹ Canevaro 2015.

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