

[Home](#)[Browse and Comment](#)[Search](#)[Buy Books and CD-ROMs](#)[Help](#)

The Athenian Constitution

By Aristotle

Commentary: Several comments have been posted about [The Athenian Constitution](#). [Read them](#) or [add your own](#).

Reader Recommendations: [Recommend a Web site](#) you feel is appropriate to this work, [list recommended Web sites](#), or [visit a random recommended Web site](#).

Download: A text-only version is [available for download](#).

The Athenian Constitution

By Aristotle

Written 350 B.C.E

Translated by Sir Frederic G. Kenyon



[Table of Contents](#)



Section 2

Part 23

So far, then, had the city progressed by this time, growing gradually with the growth of the democracy; but after the Persian wars the Council of Areopagus once more developed strength and assumed the control of the state. It did not acquire this supremacy by virtue of any formal decree, but because it had been the cause of the battle of Salamis being fought. When the generals were utterly at a loss how to meet the crisis and made proclamation that every one should see to his own safety, the Areopagus provided a donation of money, distributing eight drachmas to each member of the ships' crews, and so prevailed on them to go on board. On these grounds people bowed to its prestige; and during this period Athens was well administered. At this time they devoted themselves to the prosecution of the war and were in high repute among the Greeks, so that the command by sea was conferred upon them, in spite of the opposition of the Lacedaemonians. The leaders of the people during this period were Aristides, of Lysimachus, and Themistocles, son of Lysimachus, and Themistocles, son of Neocles, of whom the latter appeared to devote himself to the conduct of war, while the former had the reputation of being a clever statesman and the most upright man of his time. Accordingly the one was usually employed as general, the other as political adviser. The rebuilding of the fortifications they conducted in combination, although they were political opponents; but it was Aristides who, seizing the opportunity afforded by the discredit brought upon the Lacedaemonians by Pausanias, guided the public policy in the matter of the defection of the Ionian states from the alliance with Sparta. It follows that it was he who made the first assessment of tribute from the various allied states, two years after the battle of Salamis, in the archonship of Timosthenes; and it was he who took the oath of offensive and defensive alliance with the Ionians, on which occasion they cast the masses of iron into the sea.

Part 24

After this, seeing the state growing in confidence and much wealth accumulated, he advised the people to lay hold of the leadership of the league, and to quit the country districts and settle in the city. He pointed out to them that all would be able to gain a living there, some by service in the army, others in the garrisons, others by taking a part in public affairs; and in this way they would secure the leadership. This advice was taken; and when the people had assumed the supreme control they proceeded to treat their allies in a more imperious fashion, with the exception of the Chians, Lesbians, and Samians. These they maintained to protect their empire, leaving their constitutions untouched, and allowing them to retain whatever dominion they then possessed. They also secured an ample maintenance for the mass of the population in the way which Aristides had pointed out to them. Out of the proceeds of the tributes and the taxes and the contributions of the allies more than twenty thousand persons were maintained. There were 6,000 jurymen, 1,600 bowmen, 1,200 Knights, 500 members of the Council, 500 guards of the dockyards, besides fifty guards in the Acropolis. There were some 700 magistrates at home, and some 700 abroad. Further, when they subsequently went to war, there were in addition 2,500 heavy-armed troops, twenty guard-ships, and other ships which collected the tributes, with crews amounting to 2,000 men, selected by lot; and besides these there were the persons maintained at the Prytaneum, and orphans, and gaolers, since all these were supported by the state.

Part 25

Such was the way in which the people earned their livelihood. The supremacy of the Areopagus lasted for about seventeen years after the Persian wars, although gradually declining. But as the strength of the masses increased, Ephialtes, son of Sophonides, a man with a reputation for incorruptibility and public virtue, who had become the leader of the people, made an attack upon that Council. First of all he ruined many of its members by bringing actions against them with reference to their administration. Then, in the archonship of Conon, he stripped the Council of all the acquired prerogatives from which it derived its guardianship of the constitution, and assigned some of them to the Council of Five Hundred, and others to the Assembly and the law-courts. In this revolution he was assisted by Themistocles, who was himself a member of the Areopagus, but was expecting to be tried before it on a charge of treasonable dealings with Persia. This made him anxious that it should be overthrown, and accordingly he warned Ephialtes that the Council intended to arrest him, while at the same time he informed the Areopagites that he would reveal to them certain persons who were conspiring to subvert the constitution. He then conducted the representatives delegated by the Council to the residence of Ephialtes, promising to show them the conspirators who assembled there, and proceeded to converse with them in an earnest manner. Ephialtes, seeing this, was seized with alarm and took refuge in suppliant guise at the altar. Every one was astounded at the occurrence, and presently, when the Council of Five Hundred met, Ephialtes and Themistocles together proceeded to denounce the Areopagus to them. This they repeated in similar fashion in the Assembly, until they succeeded in depriving it of its power. Not long afterwards, however, Ephialtes was assassinated by Aristodicus of Tanagra. In this way was the Council of Areopagus deprived of its guardianship of the state.

Part 26

After this revolution the administration of the state became more and more lax, in consequence of the eager rivalry of candidates for popular favour. During this period the moderate party, as it happened, had no real chief, their leader being Cimon son of Miltiades, who was a comparatively young man, and had been late in entering public life; and at the same time the general populace suffered great losses by war. The soldiers for active service were selected at that time from the roll of citizens, and as the generals were men of no military experience, who owed their position solely to their family standing, it continually happened that some two or three thousand of the troops perished on an expedition; and in this way the best men alike of the lower and the upper classes were exhausted. Consequently in most matters of administration less heed was paid to the laws than had formerly been the case. No alteration, however, was made in the method of election of the nine Archons, except that five years after the death of Ephialtes it was decided that the candidates to be submitted to the lot for that office might be selected from the Zeugitae as well as from the higher classes. The first Archon from that class was Mnesitheides. Up to this time all the Archons had been taken from the Pentacosimedimni and Knights, while the Zeugitae were confined to the ordinary magistracies, save where an evasion of the law was overlooked. Four years later, in the archonship of Lysicrates, thirty 'local justices', as they as they were called, were re-established; and two years afterwards, in the archonship of Antidotus, consequence of the great increase in the number of citizens, it was resolved, on the motion of Pericles, that no one should be admitted to the franchise who was not of citizen birth by both parents.

Part 27

After this Pericles came forward as popular leader, having first distinguished himself while still a young man by prosecuting Cimon on the audit of his official accounts as general. Under his auspices the constitution became still more democratic. He took away some of the privileges of the Areopagus, and, above all, he turned the policy of the state in the direction of sea power, which caused the masses to acquire confidence in themselves and consequently to take the conduct of affairs more and more into their own hands. Moreover, forty-eight years after the battle of Salamis, in the archonship of Pythodorus, the Peloponnesian war broke out, during which the populace was shut up in the city and became accustomed to gain its livelihood by military service, and so, partly voluntarily and partly involuntarily, determined to assume the administration of the state itself. Pericles was also the first to institute pay for service in the law-courts, as a bid for popular favour to counterbalance the wealth of Cimon. The latter, having private possessions on a regal scale, not only performed the regular public services magnificently, but also maintained a large number of his fellow-demesmen. Any member of the deme of Laciadae could go every day to Cimon's house and there receive a reasonable provision; while his estate was guarded by no fences, so that any one who liked might help himself to the fruit from it. Pericles' private property was quite unequal to this magnificence and accordingly he took the advice of Damonides of Oia (who was commonly supposed to be the person who prompted Pericles in most of his measures, and was therefore subsequently ostracized), which was that, as he was beaten in the matter of private possessions, he should make gifts to the people from their own property; and accordingly he instituted pay for the members of the juries. Some critics accuse him of thereby causing a deterioration in the character of the juries, since it was always the common people who put themselves forward for selection as jurors, rather than the men of better position. Moreover, bribery came into existence after this, the first person to introduce it being Anytus, after his command at Pylos. He was prosecuted by certain individuals on account of his loss of Pylos, but escaped by bribing the jury.

Part 28

So long, however, as Pericles was leader of the people, things went tolerably well with the state; but when he was dead there was a great change for the worse. Then for the first time did the people choose a leader who was of no reputation among men of good standing, whereas up to this time such men had always been found as leaders of the democracy. The first leader of the people, in the very beginning of things, was Solon, and the second was Pisistratus, both of them men of birth and position. After the overthrow of the tyrants there was Cleisthenes, a member of the house of the Alcmeonidae; and he had no rival opposed to him after the expulsion of the party of Isagoras. After this Xanthippus was the leader of the people, and Miltiades of the upper class. Then came Themistocles and Aristides, and after them Ephialtes as leader of the people, and Cimon son of Miltiades of the wealthier class. Pericles followed as leader of the people, and Thucydides, who was connected by marriage with Cimon, of the opposition. After the death of Pericles, Nicias, who subsequently fell in Sicily, appeared as leader of the aristocracy, and Cleon son of Cleaenetus of the people. The latter seems, more than any one else, to have been the cause of the corruption of the democracy by his wild undertakings; and he was the first to use unseemly shouting and coarse abuse on the Bema, and to harangue the people with his cloak girt up short about him, whereas all his predecessors had spoken decently and in order. These were succeeded by Theramenes son of Hagnon as leader of the one party, and the lyre-maker Cleophon of the people. It was Cleophon who first granted the twoobol donation for the theatrical performances, and for some time it continued to be given; but then Callicrates of Paeania ousted him by promising to add a third obol to the sum. Both of these persons were subsequently condemned to death; for the people, even if they are deceived for a time, in the end generally come to detest those who have beguiled them into any unworthy action. After Cleophon the popular leadership was occupied successively by the men who chose to talk the biggest and pander the most to the tastes of the majority, with their eyes fixed only on the interests of the moment. The best statesmen at Athens, after those of early times, seem to have been Nicias, Thucydides, and Theramenes. As to Nicias and Thucydides, nearly every one agrees that they were not merely men of birth and character, but also statesmen, and that they ruled the state with paternal care. On the merits of Theramenes opinion is divided, because it so happened that in his time public affairs were in a very stormy state. But those who give their opinion deliberately find him, not, as his critics falsely assert, overthrowing every kind of constitution, but supporting every kind so long as it did not transgress laws; thus showing that he was able, as every good citizen should be, to live under any form of constitution, while he refused to countenance illegality and was its constant enemy.

Part 29

So long as the fortune of the war continued even, the Athenians preserved the democracy; but after the disaster in Sicily,

when the Lacedaemonians had gained the upper hand through their alliance with the king of Persia, they were compelled to abolish the democracy and establish in its place the constitution of the Four Hundred. The speech recommending this course before the vote was made by Melobius, and the motion was proposed by Pythodorus of Anaphlystus; but the real argument which persuaded the majority was the belief that the king of Persia was more likely to form an alliance with them if the constitution were on an oligarchical basis. The motion of Pythodorus was to the following effect. The popular Assembly was to elect twenty persons, over forty years of age, who, in conjunction with the existing ten members of the Committee of Public Safety, after taking an oath that they would frame such measures as they thought best for the state, should then prepare proposals for the public safety. In addition, any other person might make proposals, so that of all the schemes before them the people might choose the best. Cleitophon concurred with the motion of Pythodorus, but moved that the committee should also investigate the ancient laws enacted by Cleisthenes when he created the democracy, in order that they might have these too before them and so be in a position to decide wisely; his suggestion being that the constitution of Cleisthenes was not really democratic, but closely akin to that of Solon. When the committee was elected, their first proposal was that the Prytanes should be compelled to put to the vote any motion that was offered on behalf of the public safety. Next they abolished all indictments for illegal proposals, all impeachments and public prosecutions, in order that every Athenian should be free to give his counsel on the situation, if he chose; and they decreed that if any person imposed a fine on any other for his acts in this respect, or prosecuted him or summoned him before the courts, he should, on an information being laid against him, be summarily arrested and brought before the generals, who should deliver him to the Eleven to be put to death. After these preliminary measures, they drew up the constitution in the following manner. The revenues of the state were not to be spent on any purpose except the war. All magistrates should serve without remuneration for the period of the war, except the nine Archons and the Prytanes for the time being, who should each receive three obols a day. The whole of the rest of the administration was to be committed, for the period of the war, to those Athenians who were most capable of serving the state personally or pecuniarily, to the number of not less than five thousand. This body was to have full powers, to the extent even of making treaties with whomsoever they willed; and ten representatives, over forty years of age, were to be elected from each tribe to draw up the list of the Five Thousand, after taking an oath on a full and perfect sacrifice.

Part 30

These were the recommendations of the committee; and when they had been ratified the Five Thousand elected from their own number a hundred commissioners to draw up the constitution. They, on their appointment, drew up and produced the following recommendations. There should be a Council, holding office for a year, consisting of men over thirty years of age, serving without pay. To this body should belong the Generals, the nine Archons, the Amphictyonic Registrar (Hieromnemon), the Taxiarchs, the Hipparchs, the Phylarch, the commanders of garrisons, the Treasurers of Athena and the other gods, ten in number, the Hellenic Treasurers (Hellenotamiae), the Treasurers of the other non-sacred moneys, to the number of twenty, the ten Commissioners of Sacrifices (Hieropoei), and the ten Superintendents of the mysteries. All these were to be appointed by the Council from a larger number of selected candidates, chosen from its members for the time being. The other offices were all to be filled by lot, and not from the members of the Council. The Hellenic Treasurers who actually administered the funds should not sit with the Council. As regards the future, four Councils were to be created, of men of the age already mentioned, and one of these was to be chosen by lot to take office at once, while the others were to receive it in turn, in the order decided by the lot. For this purpose the hundred commissioners were to distribute themselves and all the rest as equally as possible into four parts, and cast lots for precedence, and the selected body should hold office for a year. They were to administer that office as seemed to them best, both with reference to the safe custody and due expenditure of the finances, and generally with regard to all other matters to the best of their ability. If they desired to take a larger number of persons into counsel, each member might call in one assistant of his own choice, subject to the same qualification of age. The Council was to sit once every five days, unless there was any special need for more frequent sittings. The casting of the lot for the Council was to be held by the nine Archons; votes on divisions were to be counted by five tellers chosen by lot from the members of the Council, and of these one was to be selected by lot every day to act as president. These five persons were to cast lots for precedence between the parties wishing to appear before the Council, giving the first place to sacred matters, the second to heralds, the third to embassies, and the fourth to all other subjects; but matters concerning the war might be dealt with, on the motion of the generals, whenever there was need, without balloting. Any member of the Council who did not enter the Council-house at the time named should be fined a drachma for each day, unless he was away on leave of absence from the Council.

Part 31

Such was the constitution which they drew up for the time to come, but for the immediate present they devised the following scheme. There should be a Council of Four Hundred, as in the ancient constitution, forty from each tribe, chosen out of candidates of more than thirty years of age, selected by the members of the tribes. This Council should appoint the magistrates and draw up the form of oath which they were to take; and in all that concerned the laws, in the examination of official accounts, and in other matters generally, they might act according to their discretion. They must, however, observe the laws that might be enacted with reference to the constitution of the state, and had no power to alter them nor to pass others. The generals should be provisionally elected from the whole body of the Five Thousand, but so soon as the Council came into existence it was to hold an examination of military equipments, and thereon elect ten persons, together with a secretary, and the persons thus elected should hold office during the coming year with full powers, and should have the right, whenever they desired it, of joining in the deliberations of the Council. The Five thousand was also to elect a single Hipparch and ten Phylarchs; but for the future the Council was to elect these officers according to the regulations above laid down. No office, except those of member of the Council and of general, might be held more than once, either by the first occupants or by their successors. With reference to the future distribution of the Four Hundred into the four successive sections, the hundred commissioners must divide them whenever the time comes for the citizens to join in the Council along with the rest.

Part 32

The hundred commissioners appointed by the Five Thousand drew up the constitution as just stated; and after it had been ratified by the people, under the presidency of Aristomachus, the existing Council, that of the year of Callias, was dissolved before it had completed its term of office. It was dissolved on the fourteenth day of the month Thargelion, and the Four Hundred entered into office on the twenty-first; whereas the regular Council, elected by lot, ought to have entered into office on the fourteenth of Scirophorion. Thus was the oligarchy established, in the archonship of Callias, just about a hundred years after the expulsion of the tyrants. The chief promoters of the revolution were Pisander, Antiphon, and Theramenes, all of them men of good birth and with high reputations for ability and judgement. When, however, this constitution had been established, the Five Thousand were only nominally selected, and the Four Hundred, together with the ten officers on whom full powers had been conferred, occupied the Council-house and really administered the government. They began by sending ambassadors to the Lacedaemonians proposing a cessation of the war on the basis of the existing Position; but as the Lacedaemonians refused to listen to them unless they would also abandon the command of the sea, they broke off the negotiations.

Part 33

For about four months the constitution of the Four Hundred lasted, and Mnasilochus held office as Archon of their nomination for two months of the year of Theopompus, who was Archon for the remaining ten. On the loss of the naval battle of Eretria, however, and the revolt of the whole of Euboea except Oreum, the indignation of the people was greater than at any of the earlier disasters, since they drew far more supplies at this time from Euboea than from Attica itself. Accordingly they deposed the Four Hundred and committed the management of affairs to the Five Thousand, consisting of persons Possessing a military equipment. At the same time they voted that pay should not be given for any public office. The persons chiefly responsible for the revolution were Aristocrates and Theramenes, who disapproved of the action of the Four Hundred in retaining the direction of affairs entirely in their own hands, and referring nothing to the Five Thousand. During this period the constitution of the state seems to have been admirable, since it was a time of war and the franchise was in the hands of those who possessed a military equipment.

Part 34

The people, however, in a very short time deprived the Five Thousand of their monopoly of the government. Then, six years after the overthrow of the Four Hundred, in the archonship of Callias of Angele, battle of Arginusae took place, of which the results were, first, that the ten generals who had gained the victory were all condemned by a single decision, owing to the people being led astray by persons who aroused their indignation; though, as a matter of fact, some of the generals had actually taken no part in the battle, and others were themselves picked up by other vessels. Secondly, when the Lacedaemonians proposed to evacuate Decelea and make peace on the basis of the existing position, although some of the Athenians supported this proposal, the majority refused to listen to them. In this they were led astray by Cleophon, who appeared in the Assembly drunk and wearing his breastplate, and prevented peace being made,

declaring that he would never accept peace unless the Lacedaemonians abandoned their claims on all the cities allied with them. They mismanaged their opportunity then, and in a very short time they learnt their mistake. The next year, in the archonship of Alexias, they suffered the disaster of Aegospotami, the consequence of which was that Lysander became master of the city, and set up the Thirty as its governors. He did so in the following manner. One of the terms of peace stipulated that the state should be governed according to 'the ancient constitution'. Accordingly the popular party tried to preserve the democracy, while that part of the upper class which belonged to the political clubs, together with the exiles who had returned since the peace, aimed at an oligarchy, and those who were not members of any club, though in other respects they considered themselves as good as any other citizens, were anxious to restore the ancient constitution. The latter class included Archinus, Anytus, Cleitophon, Phormisius, and many others, but their most prominent leader was Theramenes. Lysander, however, threw his influence on the side of the oligarchical party, and the popular Assembly was compelled by sheer intimidation to pass a vote establishing the oligarchy. The motion to this effect was proposed by Dracontides of Aphidna.

Part 35

In this way were the Thirty established in power, in the archonship of Pythodorus. As soon, however, as they were masters of the city, they ignored all the resolutions which had been passed relating to the organization of the constitution, but after appointing a Council of Five Hundred and the other magistrates out of a thousand selected candidates, and associating with themselves ten Archons in Piraeus, eleven superintendents of the prison, and three hundred 'lash-bearers' as attendants, with the help of these they kept the city under their own control. At first, indeed, they behaved with moderation towards the citizens and pretended to administer the state according to the ancient constitution. In pursuance of this policy they took down from the hill of Areopagus the laws of Ephialtes and Archestratus relating to the Areopagite Council; they also repealed such of the statutes of Solon as were obscure, and abolished the supreme power of the law-courts. In this they claimed to be restoring the constitution and freeing it from obscurities; as, for instance, by making the testator free once for all to leave his property as he pleased, and abolishing the existing limitations in cases of insanity, old age, and undue female influence, in order that no opening might be left for professional accusers. In other matters also their conduct was similar. At first, then, they acted on these lines, and they destroyed the professional accusers and those mischievous and evil-minded persons who, to the great detriment of the democracy, had attached themselves to it in order to curry favour with it. With all of this the city was much pleased, and thought that the Thirty were doing it with the best of motives. But so soon as they had got a firmer hold on the city, they spared no class of citizens, but put to death any persons who were eminent for wealth or birth or character. Herein they aimed at removing all whom they had reason to fear, while they also wished to lay hands on their possessions; and in a short time they put to death not less than fifteen hundred persons.

Part 36

Theramenes, however, seeing the city thus falling into ruin, was displeased with their proceedings, and counselled them to cease such unprincipled conduct and let the better classes have a share in the government. At first they resisted his advice, but when his proposals came to be known abroad, and the masses began to associate themselves with him, they were seized with alarm lest he should make himself the leader of the people and destroy their despotic power. Accordingly they drew up a list of three thousand citizens, to whom they announced that they would give a share in the constitution. Theramenes, however, criticized this scheme also, first on the ground that, while proposing to give all respectable citizens a share in the constitution, they were actually giving it only to three thousand persons, as though all merit were confined within that number; and secondly because they were doing two inconsistent things, since they made the government rest on the basis of force, and yet made the governors inferior in strength to the governed. However, they took no notice of his criticisms, and for a long time put off the publication of the list of the Three Thousand and kept to themselves the names of those who had been placed upon it; and every time they did decide to publish it they proceeded to strike out some of those who had been included in it, and insert others who had been omitted.

Part 37

Now when winter had set in, Thrasybulus and the exiles occupied Phyle, and the force which the Thirty led out to attack them met with a reverse. Thereupon the Thirty decided to disarm the bulk of the population and to get rid of Theramenes; which they did in the following way. They introduced two laws into the Council, which they commanded it to pass; the first of them gave the Thirty absolute power to put to death any citizen who was not included in the list of

the Three Thousand, while the second disqualified all persons from participation in the franchise who should have assisted in the demolition of the fort of Eetioneia, or have acted in any way against the Four Hundred who had organized the previous oligarchy. Theramenes had done both, and accordingly, when these laws were ratified, he became excluded from the franchise and the Thirty had full power to put him to death. Theramenes having been thus removed, they disarmed all the people except the Three Thousand, and in every respect showed a great advance in cruelty and crime. They also sent ambassadors to Lacedaemonian to blacken the character of Theramenes and to ask for help; and the Lacedaemonians, in answer to their appeal, sent Callibius as military governor with about seven hundred troops, who came and occupied the Acropolis.

Part 38

These events were followed by the occupation of Munichia by the exiles from Phyle, and their victory over the Thirty and their partisans. After the fight the party of the city retreated, and next day they held a meeting in the marketplace and deposed the Thirty, and elected ten citizens with full powers to bring the war to a termination. When, however, the Ten had taken over the government they did nothing towards the object for which they were elected, but sent envoys to Lacedaemonian to ask for help and to borrow money. Further, finding that the citizens who possessed the franchise were displeased at their proceedings, they were afraid lest they should be deposed, and consequently, in order to strike terror into them (in which design they succeeded), they arrested Demaretus, one of the most eminent citizens, and put him to death. This gave them a firm hold on the government, and they also had the support of Callibius and his Peloponnesians, together with several of the Knights; for some of the members of this class were the most zealous among the citizens to prevent the return of the exiles from Phyle. When, however, the party in Piraeus and Munichia began to gain the upper hand in the war, through the defection of the whole populace to them, the party in the city deposed the original Ten, and elected another Ten, consisting of men of the highest repute. Under their administration, and with their active and zealous cooperation, the treaty of reconciliation was made and the populace returned to the city. The most prominent members of this board were Rhinon of Paeania and Phayllus of Acherdus, who, even before the arrival of Pausanias, opened negotiations with the party in Piraeus, and after his arrival seconded his efforts to bring about the return of the exiles. For it was Pausanias, the king of the Lacedaemonians, who brought the peace and reconciliation to a fulfillment, in conjunction with the ten commissioners of arbitration who arrived later from Lacedaemonian, at his own earnest request. Rhinon and his colleagues received a vote of thanks for the goodwill shown by them to the people, and though they received their charge under an oligarchy and handed in their accounts under a democracy, no one, either of the party that had stayed in the city or of the exiles that had returned from the Piraeus, brought any complaint against them. On the contrary, Rhinon was immediately elected general on account of his conduct in this office.

Part 39

This reconciliation was effected in the archonship of Eucleides, on the following terms. All persons who, having remained in the city during the troubles, were now anxious to leave it, were to be free to settle at Eleusis, retaining their civil rights and possessing full and independent powers of self-government, and with the free enjoyment of their own personal property. The temple at Eleusis should be common ground for both parties, and should be under the superintendence of the Ceryces, and the Eumolpidae, according to primitive custom. The settlers at Eleusis should not be allowed to enter Athens, nor the people of Athens to enter Eleusis, except at the season of the mysteries, when both parties should be free from these restrictions. The secessionists should pay their share to the fund for the common defence out of their revenues, just like all the other Athenians. If any of the seceding party wished to take a house in Eleusis, the people would help them to obtain the consent of the owner; but if they could not come to terms, they should appoint three valuers on either side, and the owner should receive whatever price they should appoint. Of the inhabitants of Eleusis, those whom the secessionists wished to remain should be allowed to do so. The list of those who desired to secede should be made up within ten days after the taking of the oaths in the case of persons already in the country, and their actual departure should take place within twenty days; persons at present out of the country should have the same terms allowed to them after their return. No one who settled at Eleusis should be capable of holding any office in Athens until he should again register himself on the roll as a resident in the city. Trials for homicide, including all cases in which one party had either killed or wounded another, should be conducted according to ancestral practice. There should be a general amnesty concerning past events towards all persons except the Thirty, the Ten, the Eleven, and the magistrates in Piraeus; and these too should be included if they should submit their accounts in the usual way. Such accounts should be given by the magistrates in Piraeus before a court of citizens rated in Piraeus, and by the magistrates in the city before

a court of those rated in the city. On these terms those who wished to do so might secede. Each party was to repay separately the money which it had borrowed for the war.

Part 40

When the reconciliation had taken place on these terms, those who had fought on the side of the Thirty felt considerable apprehensions, and a large number intended to secede. But as they put off entering their names till the last moment, as people will do, Archinus, observing their numbers, and being anxious to retain them as citizens, cut off the remaining days during which the list should have remained open; and in this way many persons were compelled to remain, though they did so very unwillingly until they recovered confidence. This is one point in which Archinus appears to have acted in a most statesmanlike manner, and another was his subsequent prosecution of Thrasybulus on the charge of illegality, for a motion by which he proposed to confer the franchise on all who had taken part in the return from Piraeus, although some of them were notoriously slaves. And yet a third such action was when one of the returned exiles began to violate the amnesty, whereupon Archinus haled him to the Council and persuaded them to execute him without trial, telling them that now they would have to show whether they wished to preserve the democracy and abide by the oaths they had taken; for if they let this man escape they would encourage others to imitate him, while if they executed him they would make an example for all to learn by. And this was exactly what happened; for after this man had been put to death no one ever again broke the amnesty. On the contrary, the Athenians seem, both in public and in private, to have behaved in the most unprecedentedly admirable and public-spirited way with reference to the preceding troubles. Not only did they blot out all memory of former offences, but they even repaid to the Lacedaemonians out of the public purse the money which the Thirty had borrowed for the war, although the treaty required each party, the party of the city and the party of Piraeus, to pay its own debts separately. This they did because they thought it was a necessary first step in the direction of restoring harmony; but in other states, so far from the democratic parties making advances from their own possessions, they are rather in the habit of making a general redistribution of the land. A final reconciliation was made with the secessionists at Eleusis two years after the secession, in the archonship of Xenaenetus.

Part 41

This, however, took place at a later date; at the time of which we are speaking the people, having secured the control of the state, established the constitution which exists at the present day. Pythodorus was Archon at the time, but the democracy seems to have assumed the supreme power with perfect justice, since it had effected its own return by its own exertions. This was the eleventh change which had taken place in the constitution of Athens. The first modification of the primaeval condition of things was when Ion and his companions brought the people together into a community, for then the people was first divided into the four tribes, and the tribe-kings were created. Next, and first after this, having now some semblance of a constitution, was that which took place in the reign of Theseus, consisting in a slight deviation from absolute monarchy. After this came the constitution formed under Draco, when the first code of laws was drawn up. The third was that which followed the civil war, in the time of Solon; from this the democracy took its rise. The fourth was the tyranny of Pisistratus; the fifth the constitution of Cleisthenes, after the overthrow of the tyrants, of a more democratic character than that of Solon. The sixth was that which followed on the Persian wars, when the Council of Areopagus had the direction of the state. The seventh, succeeding this, was the constitution which Aristides sketched out, and which Ephialtes brought to completion by overthrowing the Areopagite Council; under this the nation, misled by the demagogues, made the most serious mistakes in the interest of its maritime empire. The eighth was the establishment of the Four Hundred, followed by the ninth, the restored democracy. The tenth was the tyranny of the Thirty and the Ten. The eleventh was that which followed the return from Phyle and Piraeus; and this has continued from that day to this, with continual accretions of power to the masses. The democracy has made itself master of everything and administers everything by its votes in the Assembly and by the law-courts, in which it holds the supreme power. Even the jurisdiction of the Council has passed into the hands of the people at large; and this appears to be a judicious change, since small bodies are more open to corruption, whether by actual money or influence, than large ones. At first they refused to allow payment for attendance at the Assembly; but the result was that people did not attend. Consequently, after the Prytanes had tried many devices in vain in order to induce the populace to come and ratify the votes, Agyrrhius, in the first instance, made a provision of one obol a day, which Heracleides of Clazomenae, nicknamed 'the king', increased to two obols, and Agyrrhius again to three.

Part 42

The present state of the constitution is as follows. The franchise is open to all who are of citizen birth by both parents. They are enrolled among the demesmen at the age of eighteen. On the occasion of their enrollment the demesmen give their votes on oath, first whether the candidates appear to be of the age prescribed by the law (if not, they are dismissed back into the ranks of the boys), and secondly whether the candidate is free born and of such parentage as the laws require. Then if they decide that he is not a free man, he appeals to the law-courts, and the demesmen appoint five of their own number to act as accusers; if the court decides that he has no right to be enrolled, he is sold by the state as a slave, but if he wins his case he has a right to be enrolled among the demesmen without further question. After this the Council examines those who have been enrolled, and if it comes to the conclusion that any of them is less than eighteen years of age, it fines the demesmen who enrolled him. When the youths (Epehebi) have passed this examination, their fathers meet by their tribes, and appoint on oath three of their fellow tribesmen, over forty years of age, who, in their opinion, are the best and most suitable persons to have charge of the youths; and of these the Assembly elects one from each tribe as guardian, together with a director, chosen from the general body of Athenians, to control the while. Under the charge of these persons the youths first of all make the circuit of the temples; then they proceed to Piraeus, and some of them garrison Munichia and some the south shore. The Assembly also elects two trainers, with subordinate instructors, who teach them to fight in heavy armour, to use the bow and javelin, and to discharge a catapult. The guardians receive from the state a drachma apiece for their keep, and the youths four obols apiece. Each guardian receives the allowance for all the members of his tribe and buys the necessary provisions for the common stock (they mess together by tribes), and generally superintends everything. In this way they spend the first year. The next year, after giving a public display of their military evolutions, on the occasion when the Assembly meets in the theatre, they receive a shield and spear from the state; after which they patrol the country and spend their time in the forts. For these two years they are on garrison duty, and wear the military cloak, and during this time they are exempt from all taxes. They also can neither bring an action at law, nor have one brought against them, in order that they may have no excuse for requiring leave of absence; though exception is made in cases of actions concerning inheritances and wards of state, or of any sacrificial ceremony connected with the family. When the two years have elapsed they thereupon take their position among the other citizens. Such is the manner of the enrollment of the citizens and the training of the youths.

Part 43

All the magistrates that are concerned with the ordinary routine of administration are elected by lot, except the Military Treasurer, the Commissioners of the Theoric fund, and the Superintendent of Springs. These are elected by vote, and hold office from one Panathenaic festival to the next. All military officers are also elected by vote.

The Council of Five Hundred is elected by lot, fifty from each tribe. Each tribe holds the office of Prytanes in turn, the order being determined by lot; the first four serve for thirty-six days each, the last six for thirty-five, since the reckoning is by lunar years. The Prytanes for the time being, in the first place, mess together in the Tholus, and receive a sum of money from the state for their maintenance; and, secondly, they convene the meetings of the Council and the Assembly. The Council they convene every day, unless it is a holiday, the Assembly four times in each prytany. It is also their duty to draw up the programme of the business of the Council and to decide what subjects are to be dealt with on each particular day, and where the sitting is to be held. They also draw up the programme for the meetings of the Assembly. One of these in each prytany is called the 'sovereign' Assembly; in this the people have to ratify the continuance of the magistrates in office, if they are performing their duties properly, and to consider the supply of corn and the defence of the country. On this day, too, impeachments are introduced by those who wish to do so, the lists of property confiscated by the state are read, and also applications for inheritances and wards of state, so that nothing may pass unclaimed without the cognizance of any person concerned. In the sixth prytany, in addition to the business already stated, the question is put to the vote whether it is desirable to hold a vote of ostracism or not; and complaints against professional accusers, whether Athenian or aliens domiciled in Athens, are received, to the number of not more than three of either class, together with cases in which an individual has made some promise to the people and has not performed it. Another Assembly in each prytany is assigned to the hearing of petitions, and at this meeting any one is free, on depositing the petitioner's olive-branch, to speak to the people concerning any matter, public or private. The two remaining meetings are devoted to all other subjects, and the laws require them to deal with three questions connected with religion, three connected with heralds and embassies, and three on secular subjects. Sometimes questions are brought forward without a preliminary vote of the Assembly to take them into consideration.

Heralds and envoys appear first before the Prytanes, and the bearers of dispatches also deliver them to the same officials.

Part 44

There is a single President of the Prytanes, elected by lot, who presides for a night and a day; he may not hold the office for more than that time, nor may the same individual hold it twice. He keeps the keys of the sanctuaries in which the treasures and public records of the state are preserved, and also the public seal; and he is bound to remain in the Tholus, together with one-third of the Prytanes, named by himself. Whenever the Prytanes convene a meeting of the Council or Assembly, he appoints by lot nine Proedri, one from each tribe except that which holds the office of Prytanes for the time being; and out of these nine he similarly appoints one as President, and hands over the programme for the meeting to them. They take it and see to the preservation of order, put forward the various subjects which are to be considered, decide the results of the votings, and direct the proceedings generally. They also have power to dismiss the meeting. No one may act as President more than once in the year, but he may be a Proedrus once in each prytany.

Elections to the offices of General and Hipparch and all other military commands are held in the Assembly, in such manner as the people decide; they are held after the sixth prytany by the first board of Prytanes in whose term of office the omens are favourable. There has, however, to be a preliminary consideration by the Council in this case also.



Table of Contents



Home



Browse and
Comment



Search



Buy Books and
CD-ROMs



Help