

The Athenian Constitution

Pseudo Aristotle

H. Rackham translation (Loeb 1935)

Edited with notes by E. Edward Garvin (2013)

Forward:

The following is an abridged copy of the translator's introduction to the 1935 Loeb volume, with slight emendations by the current editor.

The place of the *Athenian Constitution* in the encyclopedia of Aristotle's writings is known to us from the concluding paragraph of the *Nicomachean Ethics*. That work forms the first volume of a treatise on the welfare of man as a social being, of which the *Politics* forms the second volume; and at the end of the former (*Nic. Eth.* x.9.21, 23) a prefatory outline of the latter is given, in which occur the phrases; 'the collections of constitutions,' and, 'the collected constitutions:' it is stated that on these will be based that division of the *Politics* (i.e. Books III.-VI.) which will deal with the stability of states in general and of the various special forms of constitution, and with the causes of good and bad government.

These treatises are said in ancient lists of Aristotle's writings to have been a hundred and fifty-eight in number. Each no doubt consisted, like the volume before us, of a constitutional history of the state in question followed by a description of its constitution at the time of writing. They are frequently spoken of as the work of Aristotle, but he may well have employed the aid of pupils in their compilation.¹ They were not preserved through the Middle Ages in the Aristotelian Corpus, and until fifty years ago were only known to modern students from numerous references and quotations in later writers.

¹ It is now generally accepted that the current manuscript (MS.) is not the work of Aristotle but very likely one of his students.

THE ATHENIAN CONSTITUTION: MSS.

But in 1880 two small and much damaged sheets of papyrus were found in the sands of Egypt which scholars eventually proved to come from a copy of the most important of all these constitutional treatises, the one on the Constitution of Athens. These sheets are now in the Berlin Museum. Palaeographers ascribe them to the fourth century AD. Ten years later, among some papyrus rolls acquired from Egypt by the British Museum, the Librarian F. G. Kenyon recognized four sheets as containing a copy of almost the whole treatise. These sheets have writing on both sides. On the front are some accounts of receipts and expenses kept by a farm bailiff named Didymus for his master Epimachus, near the Egyptian town of Hermopolis, in the tenth and eleventh years of Vespasian, AD 78 and 79. On the back is the Aristotelian treatise; its beginning is wanting, and the first page of the book is blank, showing that it was copied from a damaged copy of the work; and the last roll is very fragmentary. Different parts are written in different hands, four in all; the script is said to date the copy at about AD 100. It was doubtless made for a private person (perhaps the writer of one of the four hands), and probably buried with its owner at his death.

EDITIONS

In 1891 Sir Frederick Kenyon published a facsimile of the papyrus, and a printed edition of the text with an introduction and notes. In 1893 a revised text with a full and valuable commentary was put out by Sandys. Kenyon prepared an edition for the Royal Academy of Berlin, published in 1903, in which he included the fragments of the fourth roll conjecturally arranged in a consecutive text; and his latest edition was published at Oxford in 1920. Of several published abroad, the latest is the Teubner text of 1928 by Oppermann, based on the previous editions of Blass and Thalheim.

DATES OF COMPOSITION

The latest event mentioned in the Athenian Constitution (54.7) is the archonship of Cephisophon, 329 BC. The book also mentions (46.1) triremes and quadriremes, but not quinquiremes; and the earliest date at which quinquiremes in the Athenian navy are recorded is 325 BC. The treatise can thus be dated between 328 and 325 BC. Moreover it speaks (62.16) of officials still being sent to Samos, and Samos ceased to be under the control of Athens in the autumn of 322 BC, the year of Aristotle's death.

[Heracleides Lembos in the second century BC. compiled a book called *Historia* which contained quotations from Aristotle's Constitutions. Excerpts made from this book, or from a later treatise by another author based upon it, have come down to us in a fragmentary form in a Vatican MS of the 8th century, now at Paris, under the title *From the Politics of Heracleides*. These were edited by Schneidewin in 1847 and by others later. For a complete study of these contributions to the reconstruction of *The Athenian Constitution* readers must consult the standard commentators on the latter; only those fragments which belong to the lost early part of the treatise are given here. Quotations of the same passages of Aristotle made by other writers have been collected by scholars, and are inserted in the text in brackets () where they fill gaps in Heracleides.]¹

The Epitome of Aristotle's *Athenian Constitution* by Heracleides

[Fr. 1] The Athenians originally had a royal government. It was when Ion came to dwell with them that they were first called Ionians. (For when he came to dwell in Attica, as Aristotle says, the Athenians came to be called Ionians, and Apollo was named their ancestral god. The Athenians honour Ancestral Apollo because their war-lord, Ion, was the son of Apollo and Creusa the daughter of Xuthus).²

[Fr. 2] Erechtheus was succeeded as king by Pandion,³ who divided up his realm among his sons (giving the citadel and its neighbourhood to Aegeus, the hill country to Lycus, the coast to Pallas and the district of Megara to Nisus).

¹ That is to say, text following the designation Fr. (Fragment) are from Heracleides except those in brackets which are pieced together from other sources. This editor has chosen not to include every provenance as most are intelligible only to specialists who might prefer the Loeb to this edition, the current being geared to a more general audience.

² This genealogy follows, but not accurately, Euripides', *Ion*, which itself seems a variant. According to Euripides, Creusa was the daughter of Erechthonius and, raped by Apollo, gave birth to Ion. She later married Xuthus. For the more traditional story of Ion see Pausanias vii.1.2-4 & Apollodorus i.7.3. In these versions, Ion was the son of Xuthus and Creusa, Creusa being the daughter of Erechtheus, then King of Athens and Xuthus the son of Hellen.

³ This Pandion, the second of that name to be King of Athens, was the son of Cecrops. See Pausanias i.5.3; 15.2 - 4: Apollodorus iii.15.4ff.

[Fr. 3] And these sections were continually quarrelling; but Theseus made a proclamation and brought them together on an equal and like footing. (He summoned all on equal terms, and it is said that the phrase 'Come hither, all ye folks' was the proclamation of Theseus made when he was instituting an assembly of the whole people).¹

[Fr. 4] (And that Theseus first leant towards the mob, as Aristotle says, and relinquished monarchical government, even Homer seems to testify, when he applies the term 'people' in the Catalogue of Ships to the Athenians only ²).

[Fr. 5] (As Aristotle narrates in his *Athenian Constitution*, where he says: 'And they were grouped in four tribal divisions in imitation of the seasons in the year, and each of the tribes was divided into three parts, in order that there might be twelve parts in all, like the months of the year, and they were called Thirds and Brotherhoods; and the arrangement of clans was in groups of thirty to the brotherhood, as the days to the month, and the clan consisted of thirty men.')

[Fr. 6] Theseus, having come to Scyros (probably in order to inspect it because of his kinship with Aegeus) met his end by being thrust down a cliff by Lycomedes, who was afraid that he might appropriate the island.³ But subsequently the Athenians after the Persian Wars brought back his bones. (The Athenians, after the Persian Wars, in conformity with an oracle took up his bones and buried them.)

[Fr. 7] Kings were no longer chosen from the house of Codrus,⁴ because they were thought to be luxurious and to have become soft. But one of the house of Codrus, Hippomenes, who wished to repel the slander, taking a man in adultery with his daughter Leimone, killed him by yoking him to his chariot with his daughter [? emend 'with his team '], and locked her up with a horse till she died.

¹ Plutarch, *Theseus* 25.

² The Catalogue of the Ships in *Iliad* ii.494 - 759 enumerates the ships of the Greeks and their captains. The section enumerating the Athenian ships is ii.546 - 80. The line referred to above is likely ii.547 where Homer uses the word *demos*, which in Classical Attic Greek more often means 'people', but in Homeric Greek simply means 'land.'

³ For the story of Theseus see, in addition to Plutarch's *Life of Theseus*, Apollodorus *Epitome* i.24.1. The connection between Aegeus and the island of Scyros is likely relative to a variant myth in which Aegeus is the son of Scyrius (Apollodorus iii.15), but this editor has found no testament that Scyros is named for Scyrius.

⁴ Codrus was the son of Melanthus and descendant of Nestor of Pylos. When the Heraclidae expelled the Neliadae from Pylos they emigrated to Athens and Melanthus usurped the house of Theseus and became king of Athens. See Pausanias ii.18.8 - 9.

[Fr. 8] The associates of Cylon, because of his tyranny, were killed by Megacles' people¹ when they had taken refuge at the altar of Athena. And those who had done this were then banished as being under a curse.²

The Manuscript Begins Here:

1

[1.1] (The Alcmaeonidae were tried, on the prosecution) of Myron, (by jurymen) solemnly sworn in, selected according to noble birth. The charge of sacrilege having been confirmed by the verdict, the bodies of the guilty men themselves were cast out of their tombs, and their family was sentenced to everlasting banishment. Thereupon Epimenides of Crete purified the city.

2

[2.1] Afterwards, strife arose between the nobility and the commons that lasted a long time.³ [2] For the Athenian constitution was in all respects oligarchical, and in fact the poor themselves and also their wives and children were actually in slavery to the rich; and they were called Clients and Sixth-part-tenants (for that was the rent they paid for the rich men's land which they farmed, and the whole of the country was in few hands), and if they ever failed to pay their rents, they themselves and their children were liable to arrest; and all borrowing was on the security of the debtors' persons down to the time of Solon: it was he who first became head of the people.⁴ [3] Thus the most grievous and bitter thing in the state of public affairs for the masses was their slavery; not but what they were discontented also about everything else, for they found themselves virtually without a share in anything.

¹ Rakham has "the party of Megacles" for οἱ περὶ Μεγακλέα but this is too suggestive.

² Probably in 632/1 BC, Cylon attempted to set himself as Tyrant of Athens. He was opposed by the people but principally by Megacles, a member of the Alcmaeonid family. See Herodotus v.71 et al.

³ Rakham has "it came about that a party quarrel took place..." but the Greek *stasiasai* does not imply the sort of formal organization that the English 'party' implies. Kenyon (1903) offers "there was contention for a long time..."

⁴ Our fullest account of the debt-bondage crisis and the career of Solon comes to us from Plutarch's *Life of Solon*.

3

[3.1] The form of the ancient constitution that existed before Dracon was as follows. Appointment to the supreme offices of state went by birth and wealth; and they were held at first for life, and afterwards for a term of ten years. [2] The greatest and oldest of the offices were the King, the Polemarch¹ and the Archon. Of these the office of King was the oldest, for it was ancestral. The second established was the office of Polemarch, which was added because some of the Kings proved cowardly in warfare (which was the reason why the Athenians had summoned Ion to their aid in an emergency²). [3] The last of these three offices established was that of the Archon, the institution of which is dated by a majority of authorities in the time of Medon,³ though some put it in that of Acastus, adducing in evidence the fact that the Nine Archons swear that they will perform their oaths even as in the time of Acastus,⁴ showing that in his time the house of Codrus retired from the Kingship in return for the privileges bestowed on the Archon. Whichever of the two accounts is true, it would make very little difference in the dates; but that this was the last of these offices to be instituted is also indicated by the fact that the Archon does not administer any of the ancestral rites, as do the King and the Polemarch, but merely the duties added later; on account of which also the Archonship only became great in recent times, when augmented by the added duties. [4] The Thesmothetai were elected many years later, when the elections to the offices were now yearly, to perform the function of publicly recording the ordinances and to preserve them for the trial of litigants; hence this alone of the supreme offices was never tenable for more than a year. [5] These are the intervals between the dates of the institution of the various supreme

¹ 'War-Lord', in the Rakhman translation. The current edition, agreeing with Kenyon (1903), will use transliterated Greek terms for such offices and titles.

In practical terms the Polemarch was the Commander in Chief, later the president of the board of ten generals.

² Ion, the son of Xuthus son of Hellen (Herodotus i.56: Thucydides i.3: Euripides *Ion*: Pausanias vii.1.2-4: Apollodorus i.7.3) Ion was the king of Achaea before coming to the assistance of the Athenians in their war for the possession of Eleusis. After his victory there he became king of Athens, or, in other traditions, moved to Athens and brought his clan with him. After that there is little distinction between the Athenians and Ionians. It was Ion who originally divided the Athenians into four tribes.

³ Medon was the son and successor of Codrus (Pausanias vii.2.1).

⁴ Medon's successor.

offices. And the nine Archons¹ were not all together, but the King had what is now called the Boucolium near the Prytaneum (as is indicated by the fact that even at the present day the union and marriage of the King's Wife with Dionysus takes place there), while the Archon had the Prytaneum, and the Polemarch the Epilyceum (which formerly used to be called the Polemarch's House, but because Epilycus, on becoming Polemarch, rebuilt and furnished it, it received the name of Epilyceum); and the Thesmothetai had the Thesmotheteium. But in Solon's time they all came together in the Thesmotheteium. They also had power to give final judgement in lawsuits, and not as now merely to hold a preliminary trial. Such then were the regulations relating to the supreme offices. [6] The Council of the Areopagus had the official function of guarding the laws but actually it administered the greatest number and the most important of the affairs of state, inflicting penalties and fines upon offenders against public order without appeal; for the elections of the Archons went by birth and wealth, and the members of the Areopagus were appointed from them, owing to which this alone of the offices has remained even to the present day tenable for life.² This then, was the outline of the first form of the constitution.

4. Dracon

[4.1] And after this, when a certain moderate length of time had passed, in the archonship of Aristaechnus, Dracon enacted his ordinances;³ and this system was on the following lines. [2] Citizenship had already been bestowed on those who provided themselves with hoplite arms; and these elected as the Nine Archons and the Treasurers, who were owners of an unencumbered estate worth not less than ten minae, and the other minor offices from those of the hoplites, and as Generals and Hipparchs,⁴ persons proving their possession of unencumbered estate worth not less

¹ The Nine Archon system was implemented in 683BC. The nine were the Archon *Basileus*, or King Archon, who administered the religious duties formerly the responsibility of the king; the *Polemarch*, or Commander in Chief; the *Eponymous* Archon, who looked after civic administration, and the *Thesmothetai*, six Archons responsible for the judiciary.

² The origin of the Areopagus Council is uncertain, but they met on the Hill of Ares, near the Acropolis and the membership consisted of former magistrates.

³ Probably in 622/1 BC. It is assumed by most that Dracon was one of the *Thesmothetai*, Aristaechnus being Eponymous Archon. See also Arist. *Politics* ii.9.9 where he says that the only thing peculiar about Dracon's laws was the severity.

⁴ Cavalry commanders.

than one hundred minae, and sons legitimately born in wedlock over ten years of age.¹ The new officials had to post bond for the outgoing Prytaneis², Strategoi and Hipparchs till the audit,³ accepting four guarantors from the same class as that to which the Strategoi and Hipparchs belonged. [3] And the Boulé⁴ was to be formed of four hundred and one members chosen by lot from the citizen body, and lots were to be cast both for this and for the other offices by the citizens over thirty years of age; and the same person was not to hold office twice until the whole number had been gone through, and then lots were to be cast among them again from the beginning. And if any Bouleutes, whenever there was a sitting of the Boulé, or Ecclesia, failed to attend the meeting, he paid a fine of three drachmae if he was of the Five-hundred-measure rank, two drachmae if a member of the Cavalry rank, and one if a member of the Hoplite rank.⁵ [4] The Council of Areopagus was guardian of the laws, and kept a watch on the magistrates to make them govern in accordance with the laws. A person unjustly treated might lay a complaint before the

¹ Rackham's translation of this passage makes little sense. We should understand that full citizenship was bestowed on those men who could present themselves armed as hoplites for the service of the State. This group, hereafter called the hoplite class, was eligible to elect the magistrates. A candidate for the lower magistracies, in order to qualify, had to prove a chattel free estate of ten minae or more; a candidate for the higher offices had to prove a chattel free estate of one hundred minae or more and legitimate sons over the age of ten.

Qualifying for citizenship and for office were not necessarily the same thing. Over a century later, Socrates, who was a member of the hoplite class, claimed that his estate was worth less than five minae (Xen. *Oec.* ii.3) A Mina, or Mna, was worth 100 drachmas. Through most of the fifth century soldiers and sailors were paid one drachma per day. To convert historical currency into an understandable analogy it is best to think in terms of a day's wages. Soldiers are always, and always have been, paid on the lower end of the scale, so, for Canada in 2013, we might suggest that \$80 per day - barely above the minimum wage - might be equivalent to one drachma. So the property qualification for the lower offices might have been equivalent to \$80,000, and for higher offices \$800,000.00. Put this way, the disparity is clear. Even lower offices could be held only by members of the upper middle-class, while higher offices were reserved for the wealthy.

² Members of the Boulé. See below, note 4.

³ The *Euthuna* was a trial held for every out-going official in which his conduct during his term of office was scrutinized. Essentially, every officer of the state was charged with corruption and incompetence and had to prove their innocence in court.

⁴ The Boulé was a sort of Senate, a council that deliberated on the business of the state.

⁵ These ranking names are merely descriptions of wealth. The *Pentacosiomedimnoi*, or five-hundred-measure men, were the wealthiest; the *Hippeis*, those able to afford a horse and serve in the cavalry, the upper-middle class; the *Zeugetai* (lit. 'teamster'), those able to afford a team of oxen, the middle class. The majority of the hoplites came from the *Zeugetai* and this group is most often referred to as the hoplite class.

Areopagus Council, stating the law in contravention of which he was treated unjustly. Loans were secured on the person, as has been said, and the land was divided among few owners.

5. Solon

[5.1] Such being the system in the constitution, and the many being enslaved to the few, the people rose against the nobles. [2] The factional strife became violent and the parties remaining arrayed in opposition to one another for a long time, they jointly chose Solon as arbitrator and Archon,¹ and entrusted the government to him, after he had composed the elegy that begins:²

I mark, and sorrow fills my breast to see,
Ionia's oldest land being done to death.

in which he does battle on behalf of each party against the other and acts as mediator, and after this exhorts them jointly to stop the quarrel that prevailed between them. [3] Solon was by birth and reputation of the first rank, but by wealth and position belonged to the middle class, as is admitted on the part of the other authorities, and as he himself testifies in these poems, exhorting the wealthy not to be covetous:

Refrain ye in your hearts those stubborn moods,
Plunged in a surfeit of abundant goods,
And moderate your pride! We'll not submit,
Nor even you yourselves will this befit.

And he always attaches the blame for the civil strife wholly to the rich; owing to which at the beginning of the elegy he says that he fears:

Both love of money and overweening pride- ,
implying that these were the causes of the enmity that prevailed.

6.

[6.1] Solon having become master of affairs made the people free both at the time and for the future by prohibiting loans secured on the person, and he laid down laws, and enacted cancellations of debts both private and public, the measures that are known as the 'Shaking-off of Burdens,' meaning that the people were freed from their debt-load.³ In these matters some people try to misrepresent him; [2] for it happened that when Solon was intending to enact the Shaking

¹ Solon was Archon in 594 BC.

² Solon wrote extensively, all in verse as was the fashion at the time, and many of his works survive although mostly in fragments. See West, Martin L. 1971. *Iambi et elegi Graeci ante Alexandrum*. Oxford.

³ The *Seisachtheia*.

off of Burdens, he informed some of the notables beforehand, and afterwards, as those of popular sympathies say, he was out-manuevered by his friends, but according to those who want to malign him he himself also took a share: For these persons borrowed money and bought up a quantity of land, and when not long afterwards the cancellation of debts took place they were rich men; and this is said to be the origin of the families subsequently reputed to be ancestrally wealthy. [3] Nevertheless, the account of those of popular sympathies is more credible; for considering that he was so moderate and public-spirited in the rest of his conduct that, when he had the opportunity to reduce one of the two parties to subjection and to be tyrant of the city, he incurred the enmity of both, and valued the good and the safety of the state more than his own aggrandizement, it is not probable that he besmirched himself in such worthless trifles. [4] And that he got this opportunity is testified by the disordered state of affairs, and also he himself alludes to it in many places in his poems, and everybody else agrees with him. We are bound therefore to consider this charge to be false.

7.

[7.1] And he established a constitution and made other laws, and they ceased to observe the ordinances of Dracon, except those relating to homicide. They wrote up the laws on the Boards¹ and set them in the Stoa² Basileus, and all swore to observe them; and the Nine Archons used to make affirmation on oath at the Stone that if they transgressed any one of the laws they would dedicate a gold statue of a man; owing to which they are even now still sworn in with this oath. [2] And he set the laws to stay unaltered for two hundred years. And he arranged the constitution in the following way: [3] He divided the people by assessment into four classes, as they had been divided before, Five-hundred-measure man, Horseman, Teamster and Labourer,³ and he distributed the other offices to be held from among the Five-hundred-measure men, Horsemen and Teamsters- the Nine Archons, the Treasurers, the Vendors of Contracts, the Eleven⁴ and the

¹ The laws were engraved on wood, or stone, three-sided billboards which were set on pivots, or axles. The importance here is that law was now public - anyone who could read had access to the letter of the law.

² The Greek word *stoa* refers rather generally to any rectangular building. The Stoa Basileus was the building in Athens where the Archon Basileus held court.

³ To the previous list: *Pentecosiomedimnoi*, *Hippias* and *Zeugetai*, we now add the *Thetes* - landless and poor.

⁴ The Eleven were supervisors of the prison, executions, and the public security force.

Paymasters, assigning each office to the several classes in proportion to the amount of their assessment; while those who were rated in the Labourer class he admitted to the membership of the Ecclesia and law-courts alone. [4] Any man had to be rated as a Five-hundred-measure man the produce from whose estate was five hundred dry and liquid measures jointly, and at the cavalry-rate those who made three hundred, or as some say, those who were able to keep a horse, and they adduce as a proof the name of the rating as being derived from the fact, and also the votive offerings of the ancients; for there stands dedicated in the Acropolis a statue of Diphilus, on which are inscribed these lines:

Anthemion, son of Diphilus, dedicated this statue to the gods
Having exchanged the Labourer rating for the Cavalry.

and a horse stands beside him, in evidence that 'cavalry ' meant the class able to keep a horse. Nevertheless it is more probable that the cavalry were distinguished by their amounts of produce as the Five-hundred-measure men were. And men had to be rated in the Teamster class who made two hundred measures, wet and dry together; while the rest were rated in the Labourer class, being admitted to no office: Hence even now when the presiding official asks a man who is about to draw lots for some office what rate he pays, no one whatever would say that he was rated as a Labourer.

8.

[8.1] For the offices of state he instituted election by lot from candidates selected by the tribes severally by a preliminary vote. For the Nine Archons each tribe made a preliminary selection of ten, and the election was made from among these by lot; hence there still survives with the tribes the system that each elects ten by lot and then they choose from among these by ballot.¹ And a proof that he made the offices elective by lot according to assessments is the law in regard to the Treasurers that remains in force even at the present day; for it orders the Treasurers to be elected by lot from the Five-hundred-measure men. [2] Solon, therefore, legislated thus about the Nine Archons; for in ancient times the Council on the Areopagus used to issue a summons and select independently the person suitable for each of the offices, and commission him to hold office for a year. [3] And there were four Tribes, as before, and four Tribal Kings. And from each Tribe

¹ The system seems to have been that each tribe elected, by vote, ten men to stand for selection to the archonship. The forty names (ten from each of four tribes) were then put into a jar and nine were drawn by lot to serve as archons. This is not so much leaving the magistracies to chance, but to the gods.

there had been assigned three Thirds and twelve naucraries¹ to each, and over the naucraries there was established the office of Naucrarioi, appointed for the levies and the expenditures that were made; because of which in the laws of Solon, which are no longer in force, the clauses frequently occur, "the naucrari is to levy" and "to spend out of the naucraroi fund." [4] And he made a Boulé of four hundred members, a hundred from each tribe, but appointed the Council of the Areopagus to the duty of guarding the laws, just as it had existed even before as overseer of the constitution, and it was this Council that kept watch over the greatest number and the most important of the affairs of state, in particular correcting offenders with sovereign powers both to fine and punish, and making returns of its expenditure to the Acropolis without adding a statement of the reason for the outlay, and trying persons that conspired to destroy the People,² Solon having laid down a law of impeachment in regard to them. [5] And as he saw that the state was often in a condition of factional strife, while some of the citizens through slackness were content to let things slide, he laid down a special law to deal with them, enacting that whoever when civil strife prevailed did not join forces with either party was to be disfranchised and not to be a member of the state.³

9.

[9.1] This then was the nature of his reforms in regard to the offices of state.⁴ And the three features in Solon's constitution most favourable to the people⁵ seem to be these: First and most important, the prohibition of loans secured upon the person, secondly the liberty allowed to anybody who wished to exact redress on behalf of injured persons, and third, what is said to have been the chief basis of the powers of the commons, the right of appeal to the jury court - for the

¹ At the time, Attica was divided into forty-eight administrative districts called *naucraries*. These allowed for the collection of taxes and, as the name suggests, the administration of the navy.

² Packham has "... put down the democracy" but this translation of καταλύσει τοῦ δήμου is untenable.

³ On the surface this law would seem to encourage civil discord, but the real effect is the opposite: Given two sides of a debate, if an overwhelming majority chose one side, the debate would be moot. This prevents the 'silent majority' syndrome which allows special interests to dominate the political sphere.

⁴ A problem presents itself: The description of Solon's constitution is indistinguishable from that which prevailed previously (see sections 1 - 4), at least as far as the property classes and the various councils and magistracies are concerned.

⁵ Again, Rakham has "... the three most democratic features..." but the Greek, τὰ δημοτικώτατα, does not suggest comparison to the Democratic constitution.

commons, having the power of the vote, becomes sovereign in the government.¹ [2] And also; since the laws are not drafted simply nor clearly, but like the law about inheritances and heiresses, it inevitably results that many disputes take place and that the jury-court is the umpire in all business both public and private. Therefore some people think that Solon purposely made his laws obscure, in order that the people might be sovereign over the verdict. But this is unlikely- probably it was due to his not being able to define the ideal in general terms; for it is not fair to study his intention in the light of what happens at the present day, but to judge it from the rest of his constitution.

10.

[10.1] Solon therefore seems to have laid down these enactments of a popular nature in his laws; while before his legislation his popular reform was his cancellation of debts, and afterwards his raising the standard of the measures and weights and of the coinage. [2] For it was in his time that the measures were made larger than those of Pheidon² and that the mina, which previously had a weight of seventy drachmae, was increased to the full hundred. The ancient coin-type was the two-drachma piece. Solon also instituted weights corresponding to the currency, the talent weighing sixty-three minae, and a fraction proportionate to the additional three minae was added to the stater and the other weights.

11.

[11.1] Solon had organized the constitution in the manner stated, people kept coming to him and worrying him about his laws, criticizing some points and asking questions about others; so as he did not wish either to alter these provisions or to stay and incur enmity, he went abroad on a journey to Egypt, for the purpose both of trading and of seeing the country, saying that he would not come back for ten years, as he did not think it fair for him to stay and explain his laws, but for everybody to carry out their provisions for himself. [2] At the same time it befell him that many of the notables had become at variance with him because of the cancellations of debts, and

¹ That is to say that when the jury-court is the court of appeal, and when the juries are made up of a cross-section of the citizenry, the ability to use the laws and the courts as a form of oppression is taken away from the aristocrats.

² Pheidon was king, and then Tyrant, of Argos in the late 8th and early 7th centuries BC. He introduced standardized weights, measures and coinage. See Strabo viii.3.33. Attempts to date his reign have ended only in controversy.

also that both the factions changed their attitude to him because the settlement had disappointed them. For the people had thought that he would institute universal communism of property,¹ whereas the notables had thought that he would either restore the system in the same form as it was before or with slight alteration; but Solon went against them both, and when he might have been tyrant if he had taken sides with whichever of the two factions he wished, he chose to incur the enmity of both by saving the country and introducing the legislation that was best.

[12.2] That this is how it happened is the unanimous account of everybody, and in particular Solon himself in his poetry recalls the matter in these words:

For to the people gave I grace enough,
Nor from their honour took, nor proffered more;
While those possessing power and graced with wealth,
These too I made to suffer nought unseemly;
I stood protecting both with a strong shield,
And suffered neither to prevail unjustly.

[2] And again, when declaring about how the multitude ought to be treated:

Thus would the people with the chiefs best follow,
With neither too much freedom nor compulsion;
Satiety breeds insolence when riches
Attend the men whose mind is not prepared.

[3] And again in a different place he says about those who wish to divide up the land:

They that came on plunder bent were filled with over-lavish hope,
Each and all imagining that they would find abundant wealth,
And that I, though smoothly glozing, would display a purpose rough.
Vain and boastful then their fancies; now their bile against me is stirred,
And with eyes askance they view me, and all deem me as a foe-
Wrongly: for the things I promised, those by heaven's aid I did,
And much else, no idle exploits; nothing did it please my mind
By tyrannical force to compass, nor that in our fatherland
Good and bad men should have equal portion in her fertile soil.

[4] And again about the cancellation of debts, and those who were in slavery before but were liberated by the Shaking-off of Burdens:

But what did I leave unachieved, of all
The ends for which I did unite the people?
Whereof before the judgement-seat of Time

¹ There is no need to read-in early Marxist ideology here: by communism the author means that the lands would be held in common, perhaps similar to the system that maintained at Sparta.

The mighty mother of the Olympian gods,
 Black Earth, would best bear witness, for 'twas I
 Removed her many boundary-posts implanted:
 Ere then she was a slave, but-now is free.
 And many sold away did I bring home
 To god-built Athens, this one sold unjustly,
 That other justly; other that had fled
 From dire constraint of need, uttering no more
 Their Attic tongue, so widely had they wandered,
 And others suffering base slavery

Even here, trembling before their masters' humours

I did set free. These deeds I made prevail,
 Adjusting might and right to fit together
 And did accomplish even as I had promised.
 And rules of law alike for base and noble,
 Fitting straight justice unto each man's case,

I drafted. Had another than myself
 Taken the goad, unwise and covetous,
 He'd not have held the people! Had I willed
 Now that pleased one of the opposing parties,
 And then whatever the other party bade them,
 The city had been bereft of many men.
 Wherefore I stood at guard on every side,
 A wolf at bay among a pack of hounds!

[5] And again in his taunting reply to the later querulous complaints of both the parties:

If openly I must reprove the people,
 Ne'er in the dreams of sleep could they have seen
 The things that they have now . . .
 While all the greater and the mightier men
 Might praise me and might deem me as a friend;

for had another, he says, won this office,

He had not checked the people nor refrained,
 Ere he had churned and robbed the milk of cream;
 But I as 'twere betwixt their armed hosts
 A frontier-post did stand.

13. After Solon

[13.1] Accordingly Solon made his journey abroad for these reasons. And when he had gone abroad, though the city was still disturbed, for four years they kept at peace; but in the fifth year after Solon's archonship because of factional strife they did not appoint an archon, and again

in the fifth year after that they enacted a suspension of the archonship for the same cause. [2] After this at the same interval of time Damasias was elected Archon, and held the post for two years and two months, until he was driven out of the office by force. Then because of the civil strife they decided to elect ten Archons, five from the nobles, three from the farmers and two from the artisans, and these held office for the year after Damasias. This shows that the Archon had very great power; for we find that they were always engaging in factional strife about this office. [3] And they continued in a state of general internal disorder, some having as their incentive and excuse the cancellation of debts (for it had resulted in their having become poor), others discontented with the constitution because a great change had taken place, and some because of their mutual rivalry.

[4] The factions were three: one was the Men of the Coast, whose leader was Megacles the son of Alcmaeon,¹ and they were thought chiefly to aim at the middle form of constitution;² another was the Men of the Plain, who desired the oligarchy,³ and their leader was Lycurgus; third was the Hill-men, who had appointed Peisistratus as leader, as he was thought to be an extreme advocate of the people. [5] And on the side of this faction were also arrayed, from the motive of poverty, those who had been deprived of the debts due to them, and, from the motive of fear, those who were not of pure descent; and this is proved by the fact that after the deposition of the tyrants the Athenians enacted a revision of the roll, because many people shared the citizenship who had no right to it. The different factions derived their names from the places where their farms were situated.

14. Peisistratus

[14.1] Peisistratus, being thought to be an extreme advocate of the people, and having won great fame in the war against Megara, inflicted a wound on himself with his own hand and then gave out that it had been done by the members of the opposite factions, and so persuaded the people to give him a bodyguard, the resolution being proposed by Aristophon. He was given the retainers

¹ This Megacles, son of Alcmaon, is the grandson of that Megacles who was held responsible for the killing of Cylon (see above Fr. 8 and n. 7). Our sources agree that Megacles and the entire Alcmaeonid family were banished from Athens over the Cylonian affair and their presence two generations later is not explained.

² In other words, they accepted the prerogative of the nobles and would allow an aristocratic council to remain at the apex of governance, but wanted more determinate authority for the Boulé.

³ The aristocrats who wanted absolute power in the affairs of state to remain with a small aristocratic council.

called Club-bearers, and with their aid he rose against the people and seized the Acropolis, in the thirty-second year after the enactment of the laws, in the archonship of Comeas.¹ [2] It is said that when Peisistratus asked for the guard Solon opposed the request, and said that he was wiser than some men and braver than others -he was wiser than those who did not know that Peisistratus was aiming at tyranny, and braver than those who knew it but held their tongues. But as he failed to carry them with him by saying this, he brought his armour out in front of his door and said that for his part he had come to his country's aid as far as he could (for he was now a very old man), and that he called on the others also to do the same.

[3] Solon's exhortations on this occasion had no effect; and Peisistratus having seized the government proceeded to carry on the public business a manner more constitutional than tyrannical. But before his government had taken root the partisans of Megacles and Lycurgus made common cause and expelled him, in the sixth year after his first establishment, in the archonship of Hegesias.² [4] In the twelfth year after this Megacles, being harried by party faction, made overtures again to Peisistratus, and on terms of receiving his daughter in marriage brought him back, in an old-fashioned and extremely simple manner. Having first spread a rumour that Athena was bringing Peisistratus back, he found a tall and beautiful woman, according to Herodotus³ a member of the Paeonian deme, but according to some accounts a Thracian flower-girl from Collytus named Phye, dressed her up to look like the goddess, and brought her to the city with him, and Peisistratus drove in a chariot with the woman standing at his side, while the people in the city marvelled and received them with acts of reverence.

15.

[15.1] In this way his first return took place. Afterwards, as he was expelled a second time in about the seventh year after his return - for he did not maintain his hold for long, but came to be afraid of both the factions owing to his unwillingness to live with Megacles' daughter as his wife, and secretly withdrew - [2] and first he collected a settlement at a place near the Gulf of Thermae called Rhaecelus, but from there he went on to the neighbourhood of Pangaeus, from where he got money and hired soldiers, and in the eleventh year went again to Eretria, and now for the first time

¹ 560 BC.

² In 554 BC. Rakham, in the Loeb edition, suggests 556 for the date of the return, but the "sixth year" after 560 is 554.

³ Herodotus i.60.

set about an attempt to recover his power by force, being supported in this by a number of people, especially the Thebans and Lygdamis of Naxos, and also the Cavalry class who controlled the government of Eretria. [3] Winning the battle of Pallene, a he seized the government and disarmed the people; and now he held the tyranny firmly, and he took Naxos and appointed Lygdamis ruler.

[4] The way in which he disarmed the people was this: He held an armed muster at the Temple of Theseus, and began to hold an Assembly, but he lowered his voice a little, and when they said they could not hear him, he told them to come up to the forecourt of the Acropolis, in order that his voice might carry better; and while he used up time in making a speech, the men told off for this purpose gathered up the arms, locked them up in the neighbouring buildings of the Temple of Theseus, and came and informed Peisistratus. [5] He, when he had finished the rest of his speech, told his audience not to be surprised at what had happened about their arms, and not to be dismayed, but to go away and occupy themselves with their private affairs, while he would attend to all public business.

16

[16.1] This was the way, therefore, in which the tyranny of Peisistratus was originally set up, and this is a list of the changes that it underwent. [2] Peisistratus's administration of the state was, as has been said, a moderate, and more constitutional than tyrannical; he was kindly and mild in everything, and in particular he was merciful to offenders, and moreover he advanced loans of money to the poor for their industries, so that they might support themselves by farming. [3] In doing this he had two objects, to prevent their stopping in the city and make them stay scattered about the country, and to cause them to have a moderate competence and be engaged in their private affairs, so as not to desire nor to have time to attend to public business. [4] And also the land's being thoroughly cultivated resulted in increasing his revenues; for he levied a tithe from the produce. [5] And for this reason he organized the Jurors of the Demes,¹ and often went to the country on circuit in person, inspecting and settling disputes, in order that men might not neglect their agriculture by coming into the city. [6] For it was when Peisistratus was making an expedition of this kind that the affair of the man on Hymettus cultivating the farm afterwards called Tax-free Farm is said to have occurred. He saw a man at farm-work, digging mere rocks, and because of

¹ The term τοὺς κατὰ δήμους δικαστάς seems to refer to a circuit court. It is not correct to translate this as 'magistrates' or 'judges' but rather as 'jurors.' See 26.3 & 53.1 below.

his surprise ordered his servant to ask what crop the farm grew; and the man said, "All the aches and pains that there are, and of these aches and pains Peisistratus has to get the tithe." The man did not know who it was when he answered, but Peisistratus was pleased by his free speech and by his industry, and made him free from all taxes. [7] And in all other matters too he gave the multitude no trouble during his rule, but always worked for peace and safeguarded tranquillity; so that men were often to be heard saying that the tyranny of Peisistratus was the Golden Age of Cronus; for it came about later when his sons had succeeded him that the government became much harsher. [8] And the greatest of all the things said of him was that he was popular and kindly in temper. For he was willing to administer everything according to the laws in all matters, never giving himself any advantage; and once in particular when he was summoned to the Areopagus to be tried on a charge of murder, he appeared in person to make his defence, and the issuer of the summons was frightened and left. [9] Owing to this he remained in his office for a long period, and every time that he was thrown out of it he easily got it back again. For both the notables and the men of the people were most of them willing for him to govern, since he won over the former by his hospitality and the latter by his assistance in their private affairs, and was good-natured to both. [16.10] And also the laws of Athens concerning tyrants were mild at those periods, among the rest particularly the one that referred to the establishment of tyranny. For they had the following law: 'These are the ordinances and ancestral principles of Athens: if any persons rise in insurrection in order to govern tyrannically, or if any person assists in establishing the tyranny, he himself and his family shall be disfranchised.'

17.

[17.1] Peisistratus, therefore, grew old in office, and died of disease in the archonship of Philoneus, having lived thirty-three years since he first established himself as tyrant, but the time that he remained in office was nineteen years, as he was in exile for the remainder.¹ [2] Therefore the story that Peisistratus was a lover of Solon and that he commanded in the war against Megara

¹ "Nineteen years" is an error, it should read seventeen. The thirty-three year period covers 560 to 527: His first tenure was six years from 560 to 554; his first exile was from 554 to 548. His second tenure was seven years from 548 to 541. He returned in 530 and rule three more years until his death in 528/7 - a total of sixteen to seventeen years. See Aristotle *Politics* 1351b where seventeen years is given for the total.

for the recovery of Salamis is clearly nonsense, for it is made impossible by their ages, if one reckons up the life of each and the archonship in which he died.

[3] When Peisistratus was dead, his sons held the government, carrying on affairs in the same way. He had two sons by his wedded wife, Hippias and Hipparchus, and two by his Argive consort, Iophon and Hegesistratus surnamed Thettalus. [4] For Peisistratus married a consort from Argos, Timonassa, the daughter of a man of Argos named Gorgilus, who had previously been the wife of Archinus, a man of Ambracia of the Cypselid family. This was the cause of Peisistratus' friendship with Argos, and a thousand Argives brought by Hegesistratus fought for him in the battle of Pallene. Some people date his marriage with the Argive lady during his first banishment, others in a period of office.

18 The Tyranicides

[18.1] Affairs were now under the authority of Hipparchus and Hippias, owing to their station and their ages, but the government was controlled by Hippias, who was the elder and was statesmanlike and wise by nature; whereas Hipparchus was fond of amusement and love-making, and had literary tastes: it was he who brought to Athens poets such as Anacreon and Simonides, and the others. [2] Thettalus was much younger, and bold and insolent in his mode of life, which proved to be the source of all their misfortunes. For he fell in love with Harmodius, and when his advances were continually unsuccessful he could not restrain his anger, but displayed it bitterly in various ways, and finally when Harmodius' sister was going to be a Basket-carrier in the procession at the Panathenaic Festival he prevented her by uttering some insult against Harmodius as being effeminate; and the consequent wrath of Harmodius led him and Aristogeiton to enter on their plot with a number of accomplices.¹

[3] At the Panathenaic Festival on the Acropolis they were already keeping a watch on Hippias (who happened to be receiving the procession, while Hipparchus was directing its start), when they saw one of their partners in the plot conversing in a friendly way with Hippias. They thought that he was giving information, and wishing to do something before their arrest they went down and took the initiative without waiting for their confederates, killing Hipparchus as he was arranging the procession by the Leocoreum. [4] This played havoc with the whole plot. Of the two

¹ The Panathenaic festival was held every year in Athens, but the Great Panathenaea was held every four years in the third Olympic year. This Great Panathenaea was in the summer of 514 BC, year three of the 66th Olympiad.

of them Harmodius was at once dispatched by the spearmen, and Aristogeiton died later, having been taken into custody and tortured for a long time. Under the strain of the tortures he gave the names of a number of men that belonged by birth to families of distinction, and were friends of the tyrants, as confederates. For they were not able immediately to find any trace of the plot, but the current story that Hippias made the people in the procession fall out away from their arms and searched for those that retained their daggers is not true, for in those days they did not walk in the procession armed, but this custom was instituted later by the democracy. [5] According to the account of people of popular sympathies, Aristogeiton accused the tyrants' friends for the purpose of making his captors commit an impiety and weaken themselves at the same time by making away with men who were innocent and their own friends, but others say that his accusations were not fictitious but that he disclosed his actual accomplices. [6] Finally, as do what he would he was unable to die, he offered to give information against many more, and induced Hippias to give him his right hand as a pledge of good faith, and when he grasped it he taunted him with giving his hand to his brother's murderer, and so enraged Hippias that in his anger he could not control himself but drew his dagger and made away with him.

19. Expulsion of the Tyrants

[19.1] After this it began to come about that the tyranny was much harsher; for Hippias's numerous executions and sentences of exile in revenge for his brother led to his being suspicious of everybody and embittered. [2] About four years after Hipparchus' death the state of affairs in the city was so bad that he set about fortifying Munychia¹ with the intention of moving his establishment there. While engaged in this he was driven out by the king of Sparta, Cleomenes, as oracles were constantly being given to the Spartans to put down the tyranny, for the following reason. [3] The exiles headed by the Alcmeonidae were not able to effect their return by their own unaided efforts, but were always meeting reverses; for besides the other plans that were complete failures, they built the fort of Leipsydriion in the country, on the slopes of Parnes, where some of their friends in the city came out and joined them, but they were besieged and dislodged by the tyrants, owing to which afterwards they used to refer to this disaster in singing their catches:

Faithless Dry Fountain! Lackaday,
What good men's lives you threw away!

¹ A hill to the south of the main city overlooking both the Phalerum and Peiraeus harbours.

True patriots and fighters game,
They showed the stock from which they came!

[4] So as they were failing in everything else, they contracted to build the temple at Delphi,¹ and so acquired a supply of money for the assistance of the Spartans. And the Pythian priestess constantly uttered a command to the Spartans, when they consulted the oracle, to liberate Athens, until she brought the Spartiates to the point, although the Peisistratidae were their guest-friends;² and an equally great amount of incitement was contributed to the Spartans by the friendship that subsisted between the Argives and the Peisistratidae. [5] As a first step, therefore, they dispatched Anchimolus with a force by sea; but he was defeated and lost his life, because the Thessalian Cineas came to the defence with a thousand cavalry. Enraged at this occurrence, they dispatched their king, Cleomenes by land with a larger army; he won a victory over the Thessalian cavalry who tried to prevent his reaching Attica, and so shut up Hippias in the fortress called the Pelargicum³ and began to lay siege to it with the aid of the Athenians.

[6] While he was sitting down against it, it occurred that the sons of the Peisistratidae were caught when trying secretly to get away; and these being taken they came to terms on the condition of the boys' safety, and conveyed away their belongings in five days, surrendering the Acropolis to the Athenians; this was in the archonship of Harpactides, and Peisistratus's sons had retained the tyranny for about seventeen years after their father's death, making when added to the period of their father's power a total of forty-nine years.⁴

20. Cleisthenes

[20.1] When the tyranny had been put down, there was a period of factional strife between Isagoras son of Teisander, who was a friend of the tyrants, and Cleisthenes, who belonged to the

¹ The temple of Apollo at Delphi burnt in 548. The Alcmaonidae won the contract to rebuild it. Rakham's note on this passage, suggesting that the Alcmaonidae made a profit on the job is an error. See Herodotus v.62 where the story is told with greater detail. It would seem that the temple was built far beyond the specifications and that this was seen as a gift to Delphi. In return for the gift, the priestess fooled the Spartans.

² Rakham has "although the Peisistratidae were strangers to them" which is a horrible misunderstanding of the Greek. Although *xenos* means 'stranger', the *xenia* relationship referred to here is one of institutionalised friendship between foreigners.

³ A fortification on the west end of the Acropolis, destroyed in 480.

⁴ The several references to time in the above sections all agree on the date of 510 BC for the expulsion of Hippias, although see Aristotle (*Politics* 1315b) where he says that Hippias ruled for 18 years.

family of the Alcmaeonidae. Cleisthenes, having got the worst of it in the Clubs,¹ enlisted the people on his side, offering to hand over the government to the multitude. [2] Isagoras began to lose power, so he again called in the aid of Cleomenes, who was a great friend of his, and jointly persuaded him to drive out the curse, because the Alcmaeonidae were reputed, to be a family that was under a curse.² [3] Cleisthenes secretly withdrew, and Cleomenes, with a few troops proceeded to expel as accursed seven hundred Athenian households;³ and having accomplished this he tried to put down the Boulé and set up Isagoras and three hundred of his friends with him in sovereign power over the state. But the Boulé resisted, and the multitude banded together, so the forces of Cleomenes and Isagoras took refuge in the Acropolis, and the people invested it and laid siege to it for two days. On the third day they let Cleomenes and his comrades go away under a truce, and sent for Cleisthenes and the other exiles to come back.

[4] The people having taken control of affairs, Cleisthenes was their leader and was head of the People. The Alcmaeonidae were, arguably⁴, most responsible for the expulsion of the tyrants, and they accomplished most of it through factional strife. [5] And even before the Alcmaeonids, Cedon⁵ had attacked the tyrants, owing to which people also sang in his honour in their catches:

Now fill to Cedon, boy! let's drink him too,
If duty bids us toast good men and true.

[21.1] These were the causes, therefore, that led the people to trust in Cleisthenes. And when this time he had become chief of the multitude, in the fourth year after the deposition of the tyrants, in the archonship of Isagoras,⁶ [2] he first divided the whole body into ten tribes instead of the existing four, wishing to mix them up, in order that more might take part in the government from which arose the saying: 'Don't draw distinctions between tribes,' addressed to those who want

¹ The *Hetaireiai* were secretive clubs for aristocratic men. Little is known about them, but they are often referred to in the context of the Oligarchic or Aristocratic political factions.

² See Fragment 8 above: this is the Cylonian Pollution, for with the family is never forgiven.

³ We cannot assume that all of these families were Alcmaeonid kin, but the expulsion may have included their associates as well. See Herodotus v.70.

⁴ It is difficult to know the purpose of this phrase - *αἰτιώτατοι γὰρ σχεδὸν*. The author may be deferring to political correctness which, at the time, held that Harmodius and Aristogeiton were the 'Tyrannicides' and deserved all of the credit for the expulsion of the tyrants. See Thucydides i.19 & vi. 55f.

⁵ Otherwise unattested.

⁶ 506/5 BC.

to inquire into people's clans.¹ [3] Next he made the Boulé to consist of five hundred members instead of four hundred, fifty from each Tribe, whereas under the old system there had been a hundred. This was the reason why he did not arrange them in twelve tribes, in order that he might not have to use the existing division of the Thirds (for the four Tribes contained twelve Thirds), with the result that the multitude would not have been mixed up. [4] He also portioned out the land among the demes into thirty parts, ten belonging to the suburbs, ten to the coast, and ten to the inland district; and he gave these parts the name of Thirds, and assigned them among the Tribes by lot, three to each, in order that each Tribe might have a share in all the districts. And he made all the inhabitants in each of the demes fellow-demesmen of one another, in order that they might not call attention to the newly enfranchised citizens by addressing people by their fathers' names, but designate people officially by their demes; owing to which Athenians in private life also use the names of their demes as surnames. [5] And he also appointed Demarchs, having the same duties as the former Naucrarioi, for he put the demes in the place of the Naucraries. He named some of the demes from their localities, but others from their founders, for the demes were no longer all corresponding to the places. [6] The clans and brotherhoods and priesthoods belonging to the various demes he allowed to remain on the ancestral plan. As eponymous deities of the Tribes he instituted ten tutelary heroes selected by an oracle of the Pythian priestess from a previously chosen list of a hundred.

22 - Persian War Period

[22.1] These reforms made the constitution much more democratic than that of Solon;² for it had come about that the tyranny had obliterated the laws of Solon by disuse, and Cleisthenes, aiming at the multitude, had instituted other new ones, including the enactment of the law about ostracism. [2] First of all, in the fifth year after these enactments, in the archonship of Hermocreon, they instituted the oath of induction for the Boulé that is still in use. Next they began to elect the Generals by tribes, one from each tribe, while the whole army was under the command of the

¹ That is to say that the four original Tribes were clan-based, while the new system broke up the clan associations.

² Odd statements like this are the best indication that Aristotle himself was not the author. Since the constitution of Solon was not democratic, it is difficult to suggest that the constitution of Cleisthenes was 'more' democratic. In fact, the constitution of Cleisthenes was the first democratic constitution.

Polemarch. [3] Eleven years afterwards came their victory in the battle of Marathon;¹ and in the archonship of Phaenippus, two years after the victory, the people being now in high courage, they put in force for the first time the law about ostracism, which had been enacted owing to the suspicion felt against the men in the positions of power because Peisistratus when leader of the people and general set himself up as tyrant. [4] The first person banished by ostracism was one of his relatives, Hipparchus son of Charmus of the deme of Collytus, the desire to banish whom had been Cleisthenes' principal motive in making the law. For the Athenians permitted all friends of the tyrants that had not taken part with them in their offences during the disorders to dwell in the city, in this the customary mildness of the people was displayed; and Hipparchus was the leader and chief of these persons.[5] But directly afterwards, in the next year, in the archonship of Telesinus, they elected the nine Archons by lot, tribe by tribe, from a preliminary list of five hundred chosen by the demesmen: this was the date of the first election on these lines, after the tyranny, the previous Archons having all been elected by vote. And Megacles son of Hippocrates of the deme Alopece was ostracized.²

[6] For three years they went on ostracizing the friends of the tyrants, at whom the legislation had been aimed, but afterwards in the fourth year it was also used to remove any other person who seemed to be too great; the first person unconnected with the tyranny to be ostracized was Xanthippus son of Ariphron. [7] Two years later, in the archonship of Nicomedes, in consequence of the discovery of the mines at Maronea the working of which had given the state a profit of a hundred talents, the advice was given by some persons that the money should be distributed among the people; but Themistocles prevented this, not saying what use he would make of the money, but recommending that it should be lent to the hundred richest Athenians, each receiving a talent, so that if they should spend it in a satisfactory manner, the state would have the advantage, but if they did not, the state should call in the money from the borrowers. On these terms the money was put at his disposal and he used it to get a fleet of a hundred triremes built, each of the hundred borrowers having one ship built, and with these they fought the naval battle at Salamis against the barbarians. And it was during this period that Aristides son of Lysimachus was

¹ 490 BC.

² Megacles was the nephew of Cleisthenes, and here begins one of the greatest mysteries in Greek history: We have no sources that explain why the people had turned against the Alcmaonidae again, but Cleisthenes himself will all but disappear from the historical record after his reforms and credit for the formation of democracy is given to Solon.

ostracized. [8] Three years later in the archonship of Hypsechides they allowed all the persons ostracized to return, because of the expedition of Xerxes, and they fixed a boundary thenceforward for persons ostracized, prohibiting them from living within a line drawn from Geraestus to Scyllacum¹ under penalty of absolute loss of citizenship.

[23.1] At this date, therefore, the state had advanced to this point, growing by slow stages with the growth of the democracy; but after the Persian Wars the Council of the Areopagus became powerful again, and carried on the administration, having gained the leadership by no definite resolution but owing to its having been the cause of the naval battle of Salamis. For the generals had been reduced to utter despair by the situation and had made a proclamation that every man should see to his own safety; but the Areopagus Council provided a fund and distributed eight drachmas a head and got them to man the ships. [2] For this reason, therefore, the generals gave place to the Areopagus in esteem.² And Athens was well governed in these periods; for during this time it occurred that the people practised military duties and won high esteem among the Greeks and gained the supremacy of the sea against the will of the Lacedaemonians. [3] The heads of the People in these periods were Aristides son of Lysimachus and Themistocles son of Neocles, the latter practising to be skilful in military pursuits, and the former in politics and to excel his contemporaries in justice; hence the Athenians employed the one as general and the other as counsellor.³ [4] So the rebuilding of the walls was directed by both these statesmen jointly,⁴ although they were at variance with one another; but the secession of the Ionian states from the Lacedaemonian alliance was promoted by Aristides, who seized the opportunity when the Lacedaemonians were discredited because of Pausanias. [5] Hence it was Aristides who assessed the tributes of the allied states on the first occasion, two years after the naval battle of Salamis, in

¹ Geraestus is the southern point of the Island of Euboea, Scyllacum is the south-eastern point of the Argolid.

² Herodotus (vii. 143 ff) gives a different account according to which Themistocles was very much in charge. It was his idea to abandon Athens for Salamis and his idea to fight in the straights there.

³ Another confusing statement. Aristides and Themistocles had both served as generals at Marathon in 490 and while Themistocles was Admiral of the Athenian fleet in 480, Aristides became General of the land forces in 479. Both were also prominent in political affairs, Aristides as leader of the Aristocratic faction and Themistocles as leader of the Democrats. See Plutarch, *Life of Aristides* and *Life of Themistocles*.

⁴⁴ For a better account see Thucydides i.91. Themistocles headed a delegation to Sparta to discuss the reconstruction of the walls - to which the Spartans were opposed - and his delaying tactics there gave the Athenians time to raise the walls to a sufficient height.

the archonship of Timosthenes, and who administered the oaths to the Ionians when they swore to have the same enemies and friends, ratifying their oaths by letting the lumps of iron sink to the bottom out at sea.¹

24 - The Delian League

[24.1] Afterwards, now that the state was emboldened and much money had been collected, he began to advise them to aim at the leadership, and to come down from their farms and live in the city, telling them that there would be livelihood for all, some serving in the army and others as frontier-guards and others conducting the business of the community, and then by this method they would keep the leadership. [2] Having taken this advice and won the empire, they treated the allies too masterfully, except Chios, Lesbos and Samos, which they kept as outposts of empire, and allowed to have their own governments and to rule the subjects that they had at the time.

[3] They also established means for the multitude to earn a living, as Aristides had proposed, for the combined proceeds of the tributes and the taxes and the allies served to employ more than twenty thousand men.² For there were six thousand jurymen, one thousand six hundred archers and also one thousand two hundred cavalry, five hundred members of the Boulé, five hundred guardians of the docks, and also fifty watchmen in the city, as many as seven hundred officials at home and as many as seven hundred abroad; and in addition to these, when later they settled into the war, two thousand five hundred hoplites, twenty guard-ships and other ships conveying the guards to the number of two hundred elected by lot; and furthermore the Prytaneum orphans, and wardens of prisoners - for all of these had their maintenance from public funds.

25 - Ephialtes

[25.1] By these means the people were provided with their livelihood. The constitution remained under the leadership of the Areopagites for about seventeen years after the Persian War, although it was being gradually modified. But as the population increased, Ephialtes son of Sophonides, having become head of the people, and having the reputation of being incorruptible and just in regard to the constitution, attacked the Areopagus Council. [2] First, he made away with many of the Areopagites by bringing legal proceedings against them about their acts of

¹ The members of the Delian League swore to remain allies until the iron floated to the surface.

² That is, these men were paid employees of the Delian League. The account given here is an oversimplification of the years between 478 and 4. See Thucydides i.89 - 118, the *Pentecontaetia*.

administration; then in the archonship of Conon¹ he stripped the Council of all its added powers which made it the safeguard of the constitution, and he assigned some of them to the Five Hundred and others to the People and to the jury-courts. [3] For these acts of Ephialtes, Themistocles was partly responsible; he was a member of the Areopagus, but was destined to be put on trial for treasonable dealings with Persia.² Themistocles desiring the Areopagus Council to be destroyed, used to tell Ephialtes that the Council was going to arrest him, while he told the Areopagites that he would give information about certain persons who were conspiring to destroy the constitution. And he used to take selected members of the Council to the place where Ephialtes resided to show them the people collecting there, and conversed with them seriously.

[4] Ephialtes was dismayed when he saw this, and took his seat at the altar in only his shirt. Everybody was amazed at what had happened, and afterwards when the Boulé assembled, Ephialtes and Themistocles kept on denouncing the Areopagites, and again similarly at the meetings of the people, until they deprived them of their power. And also Ephialtes was actually made away with not long after, being craftily murdered by Aristodicus of Tanagra.

26

[26.1] In this way the Council of the Areopagus was deprived of the superintendence of affairs. After this there came about an increased relaxation of the constitution, due to the eagerness of those who were the leaders of the People. For it so happened that during these periods the better classes³ had no leader at all, but the chief person among them, Cimon son of Miltiades, was a rather young man who had only lately entered public life;⁴ and in addition, that the multitude had suffered

¹ 462 BC.

² Themistocles was charged with attempting to ingratiate himself to Xerxes and was eventually indicted as a co-conspirator with Pausanias of Sparta (Herodotus viii. 56ff; Thucydides i.74; 89.3-91.7; 135-38; Diodorus xi.15.3- 17.4; Justin ii.13- 15; Plutarch *Themistocles*; *Moralia* 328e).

³ The word choice here *-epieikesterous*, ἐπιεικεστέρους - is interesting. The term means simply 'the capable' and has connotations of both class and education. Many terms are used by various sources to refer to the aristocratic elite of Athens and we can, in all cases, assume that 'those who favour an oligarchic regime' is implied.

⁴ While this may be true, much of what follows is exaggeration, or at least a misleading generalization. Miltiades had been leader of the oligarchic faction and was succeeded by Aristides who, in turn was succeeded by Cimon. Cimon had a distinguished military career for a man of his age (Diod. x.30.2). He served under Aristides in 478 and, probably in 477, succeeded as commander of the allied Greek forces in the Aegean theatre. His later career is stellar. See Plutarch *Life of Cimon*: Thucydides i. 96 - 8; 100 - 102; Justin ii.15-16; 18-20. Cimon was, unsuccessfully, the chief political opponent of Pericles.

seriously in war, for in those days the expeditionary force was raised from a muster-roll, and was commanded by generals with no experience of war but promoted on account of their family reputations,¹ so that it was always happening that the troops on an expedition suffered as many as two or three thousand casualties, making a drain on the numbers of the capable members both of the people and of the wealthy.²

[2] Thus in general all the administration was conducted without the same attention to the laws as had been given before, although no innovation was made in the election of the nine Archons, except that five years after the death of Ephialtes they decided to extend to the Zeugitae³ eligibility to the preliminary roll from which the nine Archons were to be selected by lot; and the first of the Zeugitae to hold the archonship was Mnesitheides. All the Archons hitherto had been from the Hippeis and Pentacosiomedimnoi while the Zeugitae held the ordinary offices, unless some provision of the laws was ignored.

[3] Four years afterwards, in the archonship of Lysicrates, the thirty jurors called the Jurors of the Demes were instituted again;⁴ and two years after Lysicrates, in the year of Antidotus, owing to the large number of the citizens an enactment was passed on the proposal of Pericles confining citizenship to persons of citizen birth on both sides.⁵

27 - Pericles - The Peloponnesian War

[27.1] After this, Pericles became demagogue:⁶ Having first distinguished himself when while still a young man, he prosecuted the euthyna of Cimon, who was a general, and it came about that the constitution became still more democratic. For he took away some of the functions of the

¹ See note 4 previous page: ... and here is the punch-line, so to speak: the argument is that those who claim to be 'the capable' had not proven themselves capable at all.

² The play on words continues with τοὺς ἐπιεικεῖς καὶ τοῦ δήμου καὶ τῶν εὐπόρων - there are 'capable' people amongst the lower classes and the upper classes, and both suffer from the pretense of capability practiced by the aristocrats.

³ See note 20, above.

⁴ See above 16.5 and below 53.1.

⁵ Pericles' Citizenship Law was passed in 451. Under this law a newly enrolled citizen had to prove that both his father and his mother's father were citizens. The enrollment occurred when a male turned eighteen and, having proven eligibility, was added to the list of citizens in his father's deme.

⁶ Rakhams translation, "After this when Pericles advanced to the leadership of the people" is unsupportable. The implication is that he advanced to primacy after 451 but Pericles had been the leader of the democrats since the death of Ephialtes in 461. μετὰ δὲ ταῦτα πρὸς τὸ δημαγωγεῖν ἐλθόντος, especially because of the use of *demagogein*, suggests a change, at that time (451) towards demagoguery. But all of this might refer back to 461.

Areopagus, and he urged the state very strongly in the direction of naval power, which resulted in emboldening the multitude, who brought all the government more into their own hands.

[2] Forty-eight years after the naval battle of Salamis, in the archonship of Pythodorus, the war against the Peloponnesians broke out,¹ during which the people being locked up in the city, and becoming accustomed to earning pay on their military campaigns, came partly of their own will and partly against their will to the decision to administer the government themselves. Also Pericles first made service in the jury-courts a paid office, as a popular counter-measure against Cimon's wealth. [3] For as Cimon had an estate large enough for a tyrant, in the first place he discharged the general public services in a brilliant manner, and moreover he supplied maintenance to a number of the members of his deme; for anyone of the Laciadae who liked could come to his house every day and have a moderate supply, and also all his farms were unfenced, to enable anyone who liked to avail himself of the harvest. [4] So as Pericles' means were insufficient for this lavishness, he took the advice of Damonides of Oea (who was believed to suggest to Pericles most of his measures, owing to which they afterwards ostracized him), since he was getting the worst of it with his private resources, to give the multitude what was their own, and he instituted payment for the jury-courts; the result of which according to some critics was their deterioration, because ordinary² persons always took more care than the respectable to cast lots for the duty.

[5] Also it was after this that the organized bribery of juries began, Anytus having first shown the way to it after his command at Pylos; for when he was brought to trial by certain persons for having lost Pylos he bribed the court and got off.³

28

[28.1] So long, then, as Pericles held the head-ship of the People, the affairs of the state went better, but when Pericles was dead they became much worse.⁴ For the People now for the first time adopted a head who was not in good repute with the respectable classes, whereas in

¹ In the spring of 431 BC. Pythodorus was Archon in 432/1. See Thucydides ii.2.

² The term here is *ton tuchonton* (τῶν τυχόντων) literally meaning 'those who happen to be around' but often refers to 'the average man' and the 'lower class.' Most famously, the term is used by Thucydides in his methodological statement at i.22.2 (see also Xenophon *Mem.* iii.9.10).

³ Anytus, son of Anthemion. He was sent, in 409 to relieve Athenian forces at Pylos and, failing to accomplish his mission, was brought to trial. The bribery of the jury is mentioned by Diodorus (xiii.64.6) and Plutarch (*Coriolanus* 14.4). This is the same Anytus who led the prosecution of Socrates in 399.

⁴ Pericles died of the plague in September of 429 BC.

former periods those always continued to lead the people. [2] For Solon was the first and original head of the People, and the second was Peisistratus, who was one of the men of nobility and note. After the tyranny had been put down, Cleisthenes, a member of the family of the Alcmaeonidae, was head of the People, and he had no opponent, since the party of Isagoras was banished; but after this Xanthippus held the headship of the People, and Miltiades of the notables; and then Themistocles and Aristeides; and after them Ephialtes held the headship of the People, and Cimon son of Miltiades of the wealthy; and then Pericles of the People and Thucydides of the others, he being a relation of Cimon. [3] When Pericles died, Nicias, who died in Sicily, held the headship of the men of distinction, and the head of the People was Cleon son of Cleaenetus, who is thought to have done the most to corrupt the people by his impetuous outbursts, and was the first person to use bawling and abuse on the platform, and to gird up his cloak before making a public speech, all other persons speaking in orderly fashion. Then after these Theramenes son of Hagnon was chief of the others and Cleophon the lyre-maker of the People, who first introduced the two-obol dole he went on distributing this for a time, but afterwards Callicrates of the Paeonian deme abolished it, being the first person to promise to add to the two obols another obol.¹ Both of these two leaders were afterwards condemned to death; for even though the multitude may be utterly deceived, subsequently it usually hates those who have led it to do anything improper.

[4] From Cleon onward the leadership of the People was handed on in an unbroken line by the men most willing to play a bold part and to gratify the many with an eye to immediate popularity. [5] And it is thought that the best of the politicians at Athens after those of early times were Nicias, Thucydides and Theramenes. As to Nicias and Thucydides, almost everybody agrees that they were not only honourable gentlemen but also statesmanlike and patriotic servants of the whole state, but about Theramenes, owing to the confused nature of the constitutional changes that took place in his time, the verdict is a matter of dispute. However, the view of writers not making mere incidental references is that he was not a destroyer of all governments, as critics charge him with being, but guided them all forward into a fully law-abiding course, since he was capable of serving the state under all of them, which is the duty of a good citizen, but did not give in to them when they acted illegally, but faced their enmity.

¹ The two-obol allowance is called the *Theoric Fund* and often referred to simply as the *Theorica*.

29 Revolution of the Four Hundred

[29.1] In the period of the war therefore, so long as fortunes were evenly balanced, they continued to preserve the democracy. But when, after the occurrence of the disaster in Sicily the Lacedaemonian side became very strong owing to the alliance with the king of Persia, they were compelled to overthrow the democracy and set up the government of the Four Hundred, Melobius making the speech on behalf of the resolution, but Pythodorus of the deme Anaphlystus having drafted the motion, and the acquiescence of the mass of the citizens being chiefly due to the belief that the king would help them more in the war if they limited their constitution.¹

[2] The resolution of Pythodorus was as follows: That in addition to the ten Preliminary Councillors already existing² the people choose twenty others from those over forty years of age, and that these, after taking a solemn oath to draft whatever measures they think best for the state, shall draft measures for the public safety; [3] and that it be open to any other person also that wishes, to frame proposals, in order that they may choose the one that is best out of them all. Cleitophon moved an amendment to the resolution of Pythodorus, that the commissioners elected should also investigate the ancestral laws laid down by Cleisthenes when he was establishing the democracy, in order that they might decide on the best course to advise after hearing these laws also, on the ground that the constitution of Cleisthenes was not democratic but similar to that of Solon.

[4] The commissioners when elected first proposed that it should be compulsory for the Prytaneis to put to the vote all proposals made for the public safety, and then repealed the procedures of impeachment for illegal proposals, information and summons, in order that those Athenian citizens who wished might give advice about the matters before them; and enacted that, if anybody attempted to punish or summon or bring them into court for so doing, he be liable to information and summary arrest before the Generals, and that the Generals should hand him over to the Eleven to be punished with death.

[5] After this they framed the constitution in the following way: that it should not be permissible to spend the revenues on any other object than the war; that all the officers of state

¹ On the Revolution of the Four Hundred see Thucydides viii. 47ff. The overthrow of the Democracy occurred in April or May of 411 BC and the Democracy was restored by September of the same year.

² Similar, perhaps, to the Board of Ten set up in the autumn of 413, after, and in response to, the disastrous Sicilian Expedition (Thuc. viii.1; 67).

should be unpaid for the duration of the war, excepting those who held the posts of the Nine Archons and the Presidents, and these should draw three obols per man per day; and that all the rest of the functions of government should be entrusted to those Athenians who in person and property were most capable of serving the state, not less than five thousand, for the duration of the war; and that the powers of this body should include competence to contract treaties with whatever people they wished; and that they should elect ten men over forty years of age from each tribe, who should enroll the Five Thousand after taking oath over unblemished victims.

30

[30.1] So the Commissioners drafted these proposals; and these being ratified, the Five Thousand elected a hundred of their members as a committee to draw up the constitution.¹ This committee drew up and published the following resolutions:

[2] The Boulé is to consist of members over thirty years of age holding office for a year and drawing no pay; these members are to include the Generals, the Nine Archons, the Commissioner of Religion,² the Company commanders, Officers of the Horse, Officers of Tribes and officers in command of the Guards, the Treasurers of the Sacred Funds of the Goddess and the ten Treasurers of the other gods, the Greek Treasurers, and twenty Treasurers of all the secular funds as well, who shall manage them, and Sacrificial Officers and Superintendents, ten of each. And the Boulé is to elect all of these from a larger preliminary list of candidates proposed by it from its members at the time, but all other offices to be elected by lot and not from the Boulé; and the Greek Treasurers that are to manage the funds are not to be members of the Boulé.³

[3] And four Councils are to be formed for the future from persons of the stated age, and a division of these selected by lot to officiate, but the others also to be included in

¹ An unlikely event: According to Thucydides (viii. 66.1; 72; 89 and especially 92) the list of the Five Thousand was never drawn up and it seems possible that the whole thing was a fiction. See 32.3 below.

² Rakham's "Sacred Remembrancer" is a more literal translation of τὸν ἱερομνήμονα, (*ton hieromnemona*) but for stylistic reasons this editor prefers 'Commissioner of Religion' as offered by Vince (1926. *Demosthenes*. Loeb).

³ The apparent contradiction here is explained by Rakham as a textual corruption. No other explanation presents itself.

each such selection. And the Hundred Men to divide themselves and the others into four divisions as nearly equal as possible, and to cast lots among them, and those on whom the lot falls to form the Boulé for a year. [4] And the Boulé to frame such resolutions as may seem to them likely to be best to secure the safe preservation of the funds and their expenditure upon necessary objects, and about the other affairs to the best of their ability; and in case of their desiring to consider some matter with added numbers, each member to summon as a co-opted member anybody of the same age as himself that he may wish. To hold the sittings of the Boulé every five days, unless more sittings are required. [5] The Boulé to elect the Nine Archons by lot. The tellers to be five persons elected by lot from the Council, and one of these to be chosen by lot to serve daily as putter of the question. And the five tellers elected to cast lots among those who desire an audience of the Boulé, first about matters of religion, second for heralds, third for embassies, fourth about other business; but whenever questions relating to war need consideration they are to introduce the generals without casting lots and take their business. [6] A member of the Boulé not coming to the Council chamber at the time previously announced to be liable to a fine of a drachma for each day, unless he obtain leave of absence from the Boulé.¹

31

[31.1] This constitution, therefore, they drew up for the future, but the following to be in force in the present crisis:

The Boulé to consist of four hundred members according to the ancestral regulations, forty from each tribe taken from a preliminary list of any persons over thirty years of age that the members of the tribe may elect. These to appoint the officials, and to draft a proposal about the form of oath to be taken, and to take action about the laws and the audits and other matters as they may think good. [2] And to follow any laws that may be enacted about the affairs of state, and not to have powers to alter them nor to enact others. The election of the generals for the time being to be made from among all the Five Thousand, and the Boulé as soon as

¹ The constitutional details recorded here are, of course, moot. Why the author chose to divulge such detail about a constitution that was never fully implemented is a mystery.

it is appointed to hold a review under arms and elect ten men to the post, and a secretary for them, and those elected to hold office for the ensuing year with autocratic powers, and to consult with the Boulé about any matter if they require. [3] And also to elect one Master of the Horse and ten Tribe-commanders; and for the future the Boulé to conduct the election of these according to the procedure enacted. And none of the other officials except the Boulé and the generals, nor anybody else, to be allowed to hold the same office more than once. And for the future, in order that the Four Hundred may be divided into the four lists, when each division takes its turn to form the Boulé with the rest, let the Hundred Men divide them into sections.¹

32

[32.1] This then was the constitution drawn up by the Hundred elected by the Five Thousand. These proposals were carried by the multitude, being put to the vote by Aristomachus, and the Boulé was dissolved on the 14th day of the month of Thargelion,² before it had completed its term of office; while the Four Hundred came into office on the 21st of Thargelion;³ and the Boulé elected by lot was due to enter office on the 14th. of Scirophorion.⁴ [2] In this way therefore the oligarchy was set up, in the archonship of Callias, about a hundred years after the expulsion of the tyrants, the chief movers having been Peisander, Antiphon and Theramenes, men of good birth and of distinguished reputation for wisdom and judgement. [3] But when this constitution had been set up, the Five Thousand were only nominally chosen, but the Four Hundred with the aid of the Ten with autocratic powers⁵ entered the Council-chamber and governed the state. They also sent envoys to the Lacedaemonians and proposed to conclude peace on terms of *uti possidetis*;⁶ but the Lacedaemonians would not consent unless Athens would also relinquish the empire of the sea, so that they finally abandoned the project.

¹ Again, too much detail for so brief a government.

² May 31st, 411 BC.

³ June 7th.

⁴ June 30th. Just before the end of the Archon year.

⁵ The Ten Generals

⁶ This Latin phrase, meaning 'as you hold', is used in current international law to describe a peace in which each side retains what territories it occupies at the time.

33

[33.1] The constitution of the Four Hundred lasted perhaps four months, for two of which Mnesilochus was archon, in the year of the archonship of Theopompus, who received the office for the remaining ten months.¹ But when they had been worsted in the naval battle off Eretria and the whole of Euboea except Oreum had revolted, they were more distressed at the misfortune than by any previous disaster (for they were actually getting more support from Euboea than from Attica), and they dissolved the Four Hundred and handed over affairs to the five thousand that were registered in the hoplite class, having passed by vote a resolution that no office should receive pay. [2] The persons chiefly responsible for the dissolution were Aristocrates and Theramenes, who disapproved of the proceedings of the Four Hundred; for they did everything on their own responsibility and referred nothing to the Five Thousand. But Athens seems to have been well governed during this critical period, although a war was going on and the government was confined to the hoplite class.²

34 Arginusae and Aegospotami

[34.1] So the people speedily took the government out of these men's hands; and in the sixth³ year after the dissolution of the Four Hundred, in the archonship of Callias of the deme of Angele, after the occurrence of the naval battle at Arginusae, it came about first that the ten generals to whom victory in the naval battle was due were all condemned by a single vote, some of them not even having been in the engagement at all and the others having escaped on board a ship not their own, the people being completely deceived through the persons who provoked their anger; and then, when the Lacedaemonians were willing to evacuate Decelea on terms of both parties retaining what they held, and to make peace, though some persons were eager to accept, yet the

¹ Callias' term as Archon would have expired on 12 July, 411 (the date of the first New Moon after the summer solstice). The Four Hundred must have installed Mnesilochus as Archon and we can deduce from this text that the Four Hundred were overthrown in September of that year and a new Archon, Theopompus, chosen.

² See Thucydides viii.95 - 7, from which this passage seems to be wholly derivative.

³ The Battle of Arginusae and the Archonship of Callias date to 406/5 BC. The date is confirmed by Xenophon (*Hellenica* i.6) who says that there was an evening eclipse of the Moon that year. A total lunar eclipse, visible from Greece, occurred on 15 April 406 BC. This poses a problem, however: Callias would have taken office on 28 July 406, three months after the eclipse. The eclipse of 15 April 406 BC occurred in the archonship of Antigenes. There was a second eclipse that year, on 10 October, but it would not have been a total eclipse as seen from Athens.

mass of the people refused to consent, being completely deceived by Cleophon, who prevented the conclusion of peace by coming into the assembly, drunk and wearing a corslet, and protesting that he would not allow it unless the Lacedaemonians surrendered all the cities.

[2] But though on this occasion they had managed their affairs ill, they realized their mistake not long afterwards. For in the next year, when Alexius was Archon, they met with the disaster in the naval battle of Aegospotami which resulted in the city's falling into the hands of Lysander, who set up the Thirty in the following way. [3] The peace having been concluded on terms of their carrying on the government according to the ancestral constitution, the popular faction endeavoured to preserve the democracy, but the notables who belonged to the Clubs¹ and those exiles who had returned after the peace were eager for oligarchy, while those notables who were not members of any Club but who otherwise were inferior in reputation to none of the citizens were aiming at the ancestral constitution; members of this faction were Archinus, Anytus, Cleitophon and Phormisius, while its chief leader was Theramenes. And when Lysander sided with the oligarchical faction, the people were cowed and were forced to vote for the oligarchy. The motion was proposed by Dracontides of Aphidna.

35 The Thirty

[35.1] So in this manner the Thirty were established, in the archonship of Pythodorus.² Having become masters of the state they neglected most of the measures that had been resolved on in regard to the constitution, but appointed five hundred Councillors and the other offices from among persons previously selected from the Thousand,³ and also chose for themselves ten governors of Peiraeus, eleven guardians of the prison, and three hundred retainers carrying whips, and so kept the state in their own hands. [2] At first, then, they were moderate towards the citizens and pretended to be administering the ancestral form of the constitution, and they removed from the Areopagus the laws of Ephialtes and Archestratus about the Areopagites, and also such of the ordinances of Solon as were of doubtful purport, and abolished the sovereignty vested in the jurymen, claiming to be rectifying the constitution and removing its uncertainties: For example, in regard to the bestowal of one's property on whomsoever one wishes, making the single act of donation valid absolutely, while they removed the tiresome qualifications "save when in

¹ The *Hetaireiai*.

² July 6th 404 to July 23rd 403 BC.

³ Rakham suggests an error in the text here.

consequence of insanity or of old age, or under the influence of a woman," in order that there might be no opening for sychophants; and similarly they did this in the other matters as well.

[3] At the outset, therefore, they were engaged in these matters, and in removing the sychophants and the persons who consorted undesirably with the people to curry favour and were evil-doers and scoundrels; and the state was delighted at these measures, thinking that they were acting with the best intentions. [4] But when they got a firmer hold on the state, they kept their hands off none of the citizens, but put to death those of outstanding wealth or birth or reputation, intending to put that source of danger out of the way, and also desiring to plunder their estates; and by the end of a brief interval of time they had made away with not less than fifteen hundred.

36

[36.1] While the state was thus being undermined, Theramenes, resenting what was taking place, kept exhorting them to cease from their wantonness and to admit the best classes to a share in affairs. At first they opposed him, but since these proposals became disseminated among the multitude, and the general public were well disposed towards Theramenes, they grew afraid that he might become head of the People and put down the oligarchy, and so they enrolled three thousand of the citizens with the intention of giving them a share in the government. [2] But Theramenes again criticized this procedure also, first on the ground that although willing to share the government with the respectable they were only giving a share to three thousand, as though moral worth were limited to that number, and next because they were doing two absolutely incompatible things, making their rule one of force and at the same time weaker than those they ruled. But they despised these remonstrances, and for a long time went on postponing the roll of the Three Thousand and keeping to themselves those on whom they had decided, and even on occasions when they thought fit to publish it they made a practice of erasing some of the names enrolled and writing in others instead from among those outside the roll.

37

[37.1] Winter had already set in,¹ when Thrasybulus with the exiles² occupied Phyle,³ and things went badly with the Thirty on the expedition that they led out against them; so they decided to disarm the others and to destroy Theramenes in the following way. They introduced two laws into the Council, with orders to pass them; one was to give the Thirty absolute powers to execute any citizens not members of the roll of Three Thousand, and the other prohibited admission to citizenship under the present constitution for all who had actually taken part in the demolition of the fort on Eetionea,⁴ or in any act of opposition to the Four Hundred who had instituted the former oligarchy; in both of these proceedings Theramenes had in fact participated, so that the result was that when the laws had been ratified he became outside the constitution and the Thirty had authority to put him to death.

[2] Theramenes having been put out of the way, they disarmed everybody except the Three Thousand, and in the rest of their proceedings went much further in the direction of cruelty and rascality. And they sent ambassadors to Sparta to denounce Theramenes and call upon the Spartans to assist them; and when the Spartans heard this message they dispatched Callibius as governor and about seven hundred troops, who came and garrisoned the Acropolis.

38

[38.1] After this the refugees in Phyle took Munichia,⁵ and defeated in action the force that came with the Thirty to the defence; and the force from the city, on their return after this dangerous expedition, held a meeting in the market-place the day after, deposed the Thirty, and elected ten of the citizens as plenipotentiaries to bring the war to a conclusion. These, however, having obtained this office did not proceed to do the things for the purpose of which they had been elected,

¹ The winter of 404/3 BC. See Xenophon (*Hellenica* ii.5.3) who says that a snow storm impeded early efforts by the Thirty to dislodge the exiles from Phyle.

² Thasybulus, along with many other wealthy Athenians whom the Thirty were targeting, had fled the city when the proscriptions began.

³ A Deme 24 km to the N.W. of Athens on the southern slopes of the Cithaeron Mountains.

⁴ A mole that commands the entrance to the Peiraeus harbour on the North. The Four Hundred had begun construction of a fort there but a group led by Theramenes destroyed the fort before it could be completed (Thuc. viii.90-92). The battle over the fort, and other critical details, were omitted by the author in the pertinent sections (above 29 - 33) and reference to them here only highlights the carelessness of composition.

⁵ An elevated region in the Piraeus.

but sent to Sparta to procure help and to borrow funds. [2] But this was resented by those within the constitution, and the Ten, in their fear of being deposed from office and their desire to terrify the others (which they succeeded in doing), arrested one of the most leading citizens, Demaretus, and put him to death, and kept a firm hold upon affairs, while Callibius and the Peloponnesians at Athens actively supported them, and so did some members of the Cavalry class as well; for some of the Cavalry were the most eager of all the citizens that the men at Phyle should not return. [3] But the faction holding Peiraeus and Munichia, now that the whole of the people had come over to their side, began to get the upper hand in the war, and so finally they deposed the ten who had been elected first, and chose ten others whom they thought to be the best men, and while these were in power there took place the reconciliation and the return of the people, with the active and eager support of the Ten. The most prominent among them were Rhinon of the Paeonian deme and Phayllus of the Acherdusian; for these men had repeatedly gone on missions to the men at Peiraeus before Pausanias's arrival, and after his arrival they zealously supported the return.¹

[4] For it was Pausanias the king of the Lacedaemonians who brought the peace and reconciliation to fulfilment, with the aid of the ten mediators who later arrived from Sparta, and whose coming was due to the efforts of the king himself. Rhinon and his companions were commended for their goodwill towards the people, and having been appointed to superintend these negotiations under an oligarchy they gave in their accounts under a democracy, and no one made any charge against them whatever, whether of those who had remained in the city or of those who had returned from Peiraeus; indeed, on the contrary Rhinon was immediately elected general because of his conduct in this office.

39

[39.1] The reconciliation took place in the archonship of Eucleides on the following terms: That those of the Athenians who have remained in the city that desire to emigrate do have Eleusis, retaining their full rights, and having sovereignty and self-government, and enjoying their own revenues. [2] And that the temple be the common property of both sections, and be under the superintendence of the Heralds and the Eumolpidae²

¹ This Pausanias (r. 409 - 394 BC) is the son of Pleistoanax and grandson of that Pausanias who led the Greeks to victory in the Persian Wars and was later convicted of corruption.

² The Eumolpidae and the Ceryces were the two ancient priestly families of Athens. The Eumolpidae oversaw the cult of Demeter at Eleusis.

according to the ancestral practice. But that it be not lawful for those at Eleusis to go into the city, nor for those in the city to go to Eleusis, except in either case at a celebration of the Mysteries. And that they contribute from their revenues like the other Athenians to the fund for the common defence. [3] And that any of those who go away that take a house at Eleusis be helped to obtain the consent of the owner; and if they cannot come to terms with one another, each party to choose three valuers, and to accept whatever price these valuers assess. And that of the people of Eleusis those whom the settlers may be willing to allow do dwell in the place with them. [4] And that the registration of those that wish to migrate be, for those who are in the country, within ten days of the date of their swearing the oaths of peace, and their migration within twenty days, and for those abroad similarly from the date when they return. [5] And that it be not permitted for anyone residing at Eleusis to hold any of the offices in the city until he removes himself from the roll in order to reside again in the city. And that trials for homicide be in accordance with the ancestral ordinances, if a man has killed or wounded another with his own hand. [6] And that there be a universal amnesty for past events, covering everybody except the Thirty, the Ten, the Eleven, and those that have been governors of Peiraeus, and that these also be covered by the amnesty if they render account. And that those who had been governors in Peiraeus render account before the courts held in Peiraeus, but those in the city before a court of persons that can produce ratable property;¹ or that those who will not render account on these terms do migrate. And that each party separately repay their loans contracted for the war.

40

[40.1] The reconciliation having been made on these terms, all those who had fought on the side of the Thirty were alarmed, and many intended to migrate, but put off their registration to the latest days, as everybody usually does; so Archinus perceiving their numbers and wishing to retain them, cancelled the remainder of the days allowed for registration, so that many should be jointly compelled to stay against their will until they recovered courage. [2] This seems to have been a statesmanlike act of Archinus; as was also later his indicting as unconstitutional the decree

¹ Ratable for the purposes of taxation.

of Thrasybulus admitting to citizenship all those who had come back together from Peiraeus, some of whom were clearly slaves; and his third act of statesmanship was that when somebody began to stir up grudges against the returned citizens, he arraigned him before the Council and persuaded it to execute him without trial, saying that this was the moment for them to show if they wished to save the democracy and keep their oaths; for by letting this man off they would incite the others too, but if they put him out of the way they would make him an example to everybody. And this is what actually occurred; for never, since he was put to death, has anybody broken the amnesty, but the Athenians appear both in private and public to have behaved towards the past disasters in the most completely honourable and statesmanlike manner of any people in history; [3] for they not only blotted out recriminations with regard to the past, but also publicly restored to the Spartans the funds that the Thirty had taken for the war, although the treaty ordered that the parties in the city and in Peiraeus were each to make restitution separately. The Athenians thought that they must take this as a first step to concord, whereas in the other states those who have set up democracy not only do not pay any more out of their own property but even make a redistribution of the land. [4] They also made a reconciliation with those that had settled at Eleusis two years after the migration, in the archonship of Xenaenetus.¹

41

[41.1] These events then came about in the following periods; but at the date mentioned the people having become sovereign over affairs established the now existing constitution, in the archonship of Pythodorus, when the People's having accomplished its return by its own efforts made it appear just for it to assume the government. [2] In the list of reforms this was the eleventh in number. There first occurred the organization of the original constitution after the settlement at Athens of Ion and his companions, for it was then that the people were first divided into the four Tribes and appointed the Tribal Kings.² The second constitution, and the first subsequent one that involved a constitutional point, was the reform that took place in the time of Theseus, which was a slight divergence from the royal constitution.³ After that one came the reform in the time of Dracon, in which a code of laws was first published. Third was the one that followed the civil disturbance in the time of Solon, from which democracy took its beginning. Fourth was the tyranny

¹ 401/400 BC.

² See above, p.6, n.2.

³ See above Fragments 3 - 7 and notes.

in the time of Peisistratus. Fifth the constitution of Cleisthenes, following the deposition of the tyrants, which was more democratic than the constitution of Solon. Sixth the reform after the Persian War, under the superintendence of the Council of Areopagus. Seventh followed the reform outlined by Aristides but completed by Ephialtes when he put down the Areopagite Council, during which it came about because of the demagogues that the state made many mistakes, because of the empire of the sea. Eighth was the establishment of the Four Hundred, and after that, ninth, democracy again. Tenth was the tyranny of the Thirty and that of the Ten. Eleventh was the constitution established after the return from Phyle and from Peiraeus, from which date the constitution has continued down to its present form, constantly taking on additions to the power of the multitude. For the people has made itself master of everything, and administers everything by decrees and by juries in which the people is the ruling power, for even the cases tried by the Boule have come to the people. And they seem to act rightly in doing this, for a few are more easily corrupted by gain and by influence than the many.¹

[3] The proposal to introduce payment for attendance at the Ecclesia was on the first occasion rejected; but as people were not attending the Ecclesia but the presidents kept contriving a number of devices to get the multitude to attend for the passing of the resolution by show of hands, first Agyrrhius introduced a fee of an obol, and after him Heracleides of Clazomenae, nicknamed King, two obols, and Agyrrhius again three obols.

42 Citizenship

[42.1] The present form of the constitution is as follows. Citizenship belongs to persons of citizen parentage on both sides, and they are registered on the rolls of their demes at the age of eighteen. At the time of their registration the members of the deme make decision about them by vote on oath, first whether they are shown to have reached the lawful age, and if they are held not to be of age they go back again to the boys, and secondly whether the candidate is a freeman and of legitimate birth;² after this, if the vote as to free status goes against him, he appeals to the jury-court, and the demesmen elect five men from among themselves to plead against him, and if it is

¹ This very simple statement is much more problematic than it might seem and the question forms the core of the constitutional debates of the time. See, for example, Herodotus v.97.2 where the assertion is first made that it is easier to deceive the many than it is to deceive one.

² On the issue of legitimacy see Ogden, Daniel. 1996. *Greek Bastardy In the Classical and Hellenistic Periods*. Oxford Classical Monographs.

decided that he has no claim to be registered, the state sells him, but if he wins, it is compulsory for the demesmen to register him. [2] After this the Boulé revises the list of persons that have been registered, and if anyone is found to be under eighteen years of age, it fines the demesmen that registered him. And when the Ephebes have been passed by this revision, their fathers hold meetings by tribes and after taking oath elect three members of the tribe of more than forty years of age, whom they think to be the best and most suitable to supervise the Ephebes, and from them the people elects by show of hands one of each tribe as disciplinary officer, and elects from the other citizens a marshal over them all. [3] These take the Ephebes in a body, and after first making a circuit of the temples then go to Peiraeus, and some of them garrison Munichia, others Acte. And the people also elects two athletic trainers and instructors for them, to teach them their drill as heavy-armed soldiers, and the use of the bow, the javelin and the sling. It also grants the disciplinary officers one drachma a head for rations, and the cadets four obols a head; and each disciplinary officer takes the pay of those of his own tribe and buys provisions for all in common (for they mess together by tribes), and looks after everything else. [4] They go on with this mode of life for the first year; in the following year an assembly is held in the theatre, and the cadets give a display of drill before the people, and receive a shield and spear from the state; and they then serve on patrols in the country and are quartered at the guard-posts. [5] Their service on patrol goes on for two years; the uniform is a cloak; they are exempt from all taxes and they are not allowed to be sued nor to sue at law, in order that they may have no pretext for absenting themselves, except in cases concerning estate, marriage of an heiress, and any priesthood that one of them may have inherited. When the two years are up, they now are members of the general body of citizens.

43. The Functions of the Boulé

[43.1] Such, then, are the regulations about the registration of the citizens and about the Ephebes. All the officials concerned with the regular administration are appointed by lot, except a Treasurer of Military Funds, the Controllers of the Spectacle Fund, and the Superintendent of Wells: these officers are elected by show of hands, and their term of office runs from one Panathenaic Festival to the next. All military officers also are elected by show of hands. [2] The Boulé is elected by lot, and has five hundred members, fifty from each tribe. The Prytaneia is filled

by each tribe in turn,¹ in an order settled by lot, each of the first four selected holding the office for thirty-six days and each of the latter six for thirty-five days; for their year is divided into lunar months. [3] Those of them serving as Prytaneis first dine together in the Prytaneum, receiving a sum of money from the state, and then convene meetings of the Boulé and the People, the Boulé indeed meeting on every day excepting holidays, but the People four times in each Prytaneia.² And the Prytaneis put up written notice of the business to be dealt with by the Boulé, and of each day's agenda, and of the place of meeting. [4] They also put up written notice of the meetings of the Ecclesia: one sovereign meeting,³ at which the business is to vote the confirmation of the magistrates in office if they are thought to govern well, and to deal with matters of food supply and the defence of the country; and on this day information has to be laid by those who wish, and the inventories of estates being confiscated read, and the lists of suits about inheritance and heiresses, so that all may have cognizance of any vacancy in an estate that occurs. [5] In the sixth Prytaneia in addition to the business specified they take a vote on the desirability of holding an ostracism, and on preliminary informations against persons charged as sycophants, citizens and resident aliens, up to the number of not more than three of either class and charges of failure to perform a service promised to the People. [6] Another meeting is given to petitions, at which anyone who wishes, after placing a suppliant-branch, may speak to the People about any matter he may wish whether public or private. The two other meeting deal with all other business, at which the laws enact that three cases of sacred matters to be dealt with, three audiences for heralds and embassies, and three cases of secular matters. And sometimes they do business without a preliminary vote being taken. Also the Prytaneis give a first audience to heralds and to ambassadors, and to the Prytaneis dispatches are delivered by their bearers.

44.

[44.1] The Presidents have a single Epistates elected by lot; he holds office for a day and a night, and may not hold office longer, nor serve a second time. He is keeper of the keys of the

¹ That is to say that a sort of presidential committee, or *Prytaneia*, consists of all fifty members of a given tribe and each tribe constitutes that committee for roughly on tenth of the year. The Prytaneia is presided over by the *Epistates*, or chairman of the presiding committee.

² One might expect the word '*Ecclesia*' here instead of "People," but in both instances in this line the author uses τὸν δῆμον (*the Demos*).

³ The Greek here is *kuria* (κυρία), 'power' or 'authority.' The word was adopted into Latin as *curia* and later became the name of the supreme council of the Catholic Church.

temples in which the money and documents of the state are lodged, and of the state seal, and he is required to stay in the Tholos, and so is whichever Third of the Prytanies he orders. [2] And whenever the Prytaneis call a meeting of the Boulé or of the People the Epistates selects by lot nine Proedri, one from each tribe except the presiding, and again from these a single Epistates, and he hands over the list agenda to them, [3] and after receiving it they superintend the procedure, bring forward business to be dealt with, act as tellers, direct all the other business and have power to dismiss the meeting. A man cannot be Epistates more than once a year, but he can be proedros once in each Prytaneia. [4] They also conduct election of Generals and Cavalry Commanders and the other military officers in the Ecclesia, in whatever manner seems good to the People; and these elections are held by the first Prytaneia, after the sixth Prytaneia, in whose term of office favourable weather-omens may occur.¹ These matters also require a preliminary resolution of the Boulé.

45.

[45.1] The Boulé formerly had sovereign power to pass sentences of fine, imprisonment and death. But once it had brought Lysimachus to the public executioner when, as he already sat awaiting death, Eumelides of the deme Alopece rescued him, saying that no citizen ought to die without sentence by a jury; and when a trial was held in a jury-court Lysimachus was acquitted, and he got the nickname of 'the man from the drum' and the People deprived the Boulé of the power to sentence to death and imprisonment and to impose fines, and made a law that all verdicts of guilty and penalties passed by the Boulé must be brought before the jury-court by the Thesmothetai, and that any vote of the jurymen should be sovereign. [2] Trials of officials are held in most cases by the Boulé, particularly those of the officials who handle funds; but the verdict of the Boulé is no longer sovereign, but subject to appeal to the jury-court. Private persons also have the right to lay information of illegal procedure against any official they may wish; but in these cases also there is an appeal to the People if the Boulé passes a verdict of guilty. [3] The Boulé also checks the qualifications of those who are to sit in the Boulé in the following year, and of the nine Archons. And formerly it had sovereign power to reject them as disqualified, but now they have an appeal to the jury-court. [4] In these matters therefore the Boulé is not sovereign, but it prepares resolutions for the People, and the People cannot pass any measures that have not been prepared

¹ That is to say, the seventh Prytaneia if the weather is good. A thunder storm may be a bad omen, but more importantly it bodes ill for attendance at an open-air meeting of the *Ecclesia*.

buy the Boulé and published in writing in advance by the Prytaneis; for the proposer who carries such a measure is ipso facto liable to penalty by indictment for illegal procedure.

46.

[46.1] The Boulé also inspects triremes after construction, and their rigging, and the naval sheds, and has new triremes or quadriremes, whichever the People votes for, built and rigged, and naval sheds built; but naval architects are elected by the People. If the outgoing Boulé does not hand over these works completed to the incoming Boulé, the members cannot draw their honorarium, which is payable when the next Boulé is in office. For the building of triremes it elects ten of its own members as Naval Commissioners. [2] It also inspects all public buildings, and if it finds any commissioner in default it reports him to the People, and if it gets a verdict of guilty hands him over to a jury-court.

47

[47.1] The Boulé also shares in the administration of the other offices in most affairs. First there are the ten Treasurers of Athena, elected one from each tribe by lot, from the Pentacosimedimnoi, according to the law of Solon (which is still in force), and the one on whom the lot falls holds office even though he is quite a poor man.¹ They take over the custody of the statues of Athena and the Victories and the other monuments and the funds in the presence of the Council.

[2] Then there are the ten Vendors, elected by lot one from a tribe. They farm out all public contracts and sell the mines and the taxes, with the co-operation of the Treasurer of Military Funds and those elected to superintend the Spectacle Fund, in the presence of the Boulé, and ratify the purchase for the person for whom the Boulé votes, and the mines sold and the workings that have been sold for three years and the concessions sold for . . .² years.³ And the estates of persons

¹ The implication here is important from a socio-economic standpoint: Apparently, the class divisions under Solon created a list that was not revised and there were families registered as Pentacosimidimnoi who were no longer wealthy.

² The number has been errased from the manuscript.

³ In the absence of the kinds of beaurocratic staff modern governments maintain, the habit was to contract-out the business of the State. So, for example, if the State wanted to raise taxes, various contractors would bid for the job and the winner - the highest bidder - would pay the State the lump sum and then be licensed by the State to collect that sum from the people. Anything the contractor collected above and beyond the sum paid to the State was their profit.

banished by the Areopagus and of the others they sell at a meeting of the Boulé, but the sale is ratified by the Nine Archons. And they draw up and furnish to the Boulé a list written on whitened tablets of the taxes sold for a year, showing the purchaser and the price that he is paying. [3] And they draw up ten separate lists of those who have to pay in each Prytaneia, and separate lists of those who have to pay three times in the year, making a list for each date of payment, and a separate list of those who have to pay in the ninth Prytaneia. They also draw up a list of the farms and houses written off and sold in the jury-court; for these sales are also conducted by these officials. Payment must be made for purchases of houses within five years, and for farms within ten; and they make these payments in the ninth Prytaneia. [4] Also the Archon Basileus introduces the letting of domains, having made a list of them on whitened tablets. These also are let for ten years, and the rent is paid in the ninth Prytaneia; hence in that Prytaneia a very large revenue comes in. [5] The tablets written up with the list of payments are brought before the Boulé, but are in the keeping of the official clerk; and whenever a payment of money is made, he takes down from the pillars and hands over to the receivers just these tablets showing the persons whose money is to be paid on that day and wiped off the record, but the other tablets are stored away separately in order that they may not be wiped off before payment is made.

48

[48.1] There are ten Receivers elected by lot, one from each tribe; these take over the tablets and wipe off the sums paid in the presence of the Boulé in the Boulouterion, and give the tablets back again to the official clerk; and anybody that has defaulted in a payment is entered on them, and has to pay double the amount of his arrears or go to prison; and the legal authority to impose this fine and imprisonment is the Boulé. [2] On the first day, therefore, they receive the payments and apportion them among the magistrates, and on the second day they introduce the apportionment, written on a wooden tablet, and recount it in the Boulouterion, and bring forward in the Boulé any case in which somebody knows of anyone, either an official or a private person, having committed a wrong in relation to the apportionment, and put resolutions to the vote in case anyone is found to have committed any wrong.

[3] The Boulé also elect by lot ten of their own body as Accountants, to keep the accounts of the officials for each Prytaneia. [4] Also they elect by lot Auditors, one for each tribe, and two Assessors for each Auditor, who are required to sit at the tribal meetings according to the hero after whom each tribe is named, and if anyone wishes to prefer a charge, of either a private or a

public nature, against any magistrate who has rendered his accounts before the jurycourt, within three days from the day on which he rendered his accounts, he writes on a tablet his own name and that of the defendant, and the offence of which he accuses him, adding whatever fine he thinks suitable, and gives it to the Auditor; [5] and the Auditor takes it and reads it, and if he considers the charge proved, he hands it over, if a private case, to those jurymen in the demes who introduced this tribe, and if a public suit, he marks it to the Thesmothetai. And the Thesmothetai, if they receive it, introduce this audit again before the jury-court, and the verdict of the jurymen holds good.

49

[49.1] The Boulé also inspects the horses of the cavalry, and if anybody having a good horse keeps it in bad condition, it fines him the cost of the feed, and horses that cannot keep up with the squadron or will not stay in line but jib it brands on the jaw with the sign of a wheel, and a horse so treated has failed to pass the inspection. It also inspects the mounted skirmishers, to see which it considers fit for skirmishing duty, and any that it votes to reject are thereby deposed from that rank. It also inspects the foot-soldiers that fight in the ranks of the cavalry, and anyone it votes against is thereby stopped from drawing his pay. [2] The Cavalry roll is made by the ten Roll-keepers elected by the People; and they pass on the names of all whom they enroll to the Cavalry Commanders and Tribe Commanders, and these take over the roll and bring it into the Council, and opening the tablet on which the names of the Cavalry have been inscribed, they delete those among the persons previously entered who claim on oath exemption from cavalry service on the ground of bodily incapacity, and summon those enrolled, and grant discharge to anyone who claims exemption on oath on the ground of bodily incapacity for cavalry service or lack of means, and as to those who do not claim exemption the Boulé decide by vote whether they are fit for cavalry service or not; and if they vote for them as fit they enter them on the tablet, but if not, these also they dismiss.

[3] At one time the Boulé used also to judge the patterns for the Peplos,¹ but now this is done by the jury-court selected by lot, because the Boulé was thought to show favouritism in its decision. And the Boulé has joint supervision with the Steward of the Army Funds over the construction of the Victories and over the prizes for the Panathenaic Games. [4] The Boulé also

¹ A robe woven for Athena and carried in the Panathenaic Procession

inspects the Incapables; for there is a law enacting that persons possessing less than three minae and incapacitated by bodily infirmity from doing any work are to be inspected by the Boulé, which is to give them a grant for food at the public expense at the rate of two obols a day each. And there is a Treasurer for these persons, elected by lot. The Boulé also shares in the administration of virtually the greatest number of the duties of the other offices.

50

[50.1] These then are the matters administered by the Boulé. Also ten men are elected by lot as Restorers of Temples, who draw thirty minae from the Receivers and repair the temples that most require it; and ten City Controllers, [2] five of whom hold office in Peiraeus and five in the city; it is they who supervise the flute-girls and harp-girls and lyre-girls to prevent their receiving fees of more than two drachmas, and if several persons want to take the same girl these officials cast lots between them and hire her out to the winner. And they keep watch to prevent any scavenger from depositing dung within ten stadia of the wall; and they prevent the construction of buildings encroaching on and balconies overhanging the roads, of overhead conduits with an overflow into the road, and of windows opening outward on to the road; and they remove for burial the bodies of persons who die on the roads, having public slaves for this service.

51. Market and Price Controls

[51.1] Also Market-controllers are elected by lot, five for Peiraeus and five for the City. To these the laws assign the superintendence of all merchandise, to prevent the sale of adulterated and spurious articles. [2] Also ten Controllers of Measures are appointed by lot, five for the city and five for Peiraeus, who super intend all measures and weights, in order that sellers may use just ones. [3] Also there used to be ten Corn-wardens elected by lot, five for Peiraeus and five for the City, but now there are twenty for the City and fifteen for Peiraeus. Their duties are first to see that unground corn in the market is on sale at a fair price, and next that millers sell barley-meal at a price corresponding with that of barley, and baker-women loaves at a price corresponding with that of wheat, and weighing the amount fixed by the officials - for the law orders that these shall fix the weights. [4] They elect by lot ten Port-superintendents, whose duty is to superintend the harbour-markets and to compel the traders to bring to the city two-thirds of the sea-borne corn that reaches the corn-market.

52

[52.1] They also appoint the Eleven, officers chosen by lot to superintend the persons in the prison, and to punish with death people arrested as thieves and kidnappers and thieves¹ that confess their guilt, but if they deny the charge to bring them before the Jury-court, and if they are acquitted discharge them, but if not then to execute them; and to bring before the Jury-court lists of farms and houses declared to be public property and to hand over to the Vendors those that it is decided to confiscate; and to bring in informations - for these too are brought in by the Eleven, though the *Thesmothetai* also bring in some informations.

[2] They also elect by lot five men as Introducers, who introduce the cases to be tried within a month, each official those of two tribes. These cases include prosecutions for non-payment of dowry due, actions for the recovery of loans borrowed at a drachma interest,² and of capital borrowed from one party by another wishing to do business in the market; and also actions about assault, friendly-society business, partnerships, slaves, draft animals, naval command, and bank cases. [3] These officials, therefore, bring into court and decide these suits within a month; but the Receivers decide suits brought by tax-farmers or against them, having power to deal summarily with suits up to ten drachma but bringing the others into the Jury-court within a month.

53

[53.1] They also elect by lot the Forty, four from each tribe, who are the court before which the other suits are brought; formerly they were thirty and went on circuit trying cases in each deme, but since the oligarchy of the Thirty their number has been raised to forty.³ [2] They have summary jurisdiction in claims not exceeding ten drachmas, but suits above that value they pass on to the Arbitrators. These take over the cases, and if they are unable to effect a compromise, they give judgement, and if both parties are satisfied with their judgement and abide by it, that ends the suit. But if one of the two parties appeals to the Jury-court, they put the witnesses' evidence and the challenges and the laws concerned into deed-boxes, those of the prosecutor and those of the defendant separately, and seal them up, and attach to them a copy of the Arbitrator's verdict written

¹ Two different terms are used here - *kleptes* and *lopodutes* - both of which translate to 'thief,' but the former is more general while the latter literally means 'clothing-thief.'

² The standard interest rate was one drachma per mina every month, or 12% annually.

³ See 16.5 and 26.3 above. These are the Jurors of the Demes, a circuit court instituted by Pisistratus.

on a tablet, and hand them over to the four judges taking the cases of the defendant's tribe. [3] When these have received them they bring them before the Jury-court, claims within one thousand drachmas before a court of two hundred and one jurymen, and claims above that before one of four hundred and one. The litigants are not permitted to put in laws or challenges or evidence other than those passed on by the Arbitrator, that have been put into the deed-boxes.

[4] Persons fifty-nine years of age may serve as Arbitrators, as appears from the regulations for the Archons and Name-heroes; for the Heroes giving their names to the Tribes are ten in number and those of the years of military age forty-two,¹ and the cadets used formerly when being enrolled to be inscribed on whitened tablets, and above them the Archon in whose term of office they were enrolled and the Name-hero of those that had been Arbitrators the year before, but now they are inscribed on a copper pillar and this is set up in front of the Boulouterion at the side of the list of Name-heroes. [5] The Forty take the last one of the Name-heroes and distribute the arbitration-cases among those of his year and assign by lot the cases that each is to arbitrate upon; and it is compulsory for each of them to complete the arbitration of the cases allotted to him, for the law enacts the disfranchisement of anybody who does not become Arbitrator when of the proper age, unless he happens to hold some office in that year or to be abroad, these being the only grounds of exemption. [6] Anybody unjustly dealt with by the Arbitrator may indict him before the Arbitrators, and the laws prescribe the penalty of disfranchisement for an Arbitrator found guilty; but the Arbitrators also have an appeal. [7] The Name-heroes also are employed to regulate military service; when soldiers of a certain age are being sent on an expedition, a notice is posted stating the years that they are to serve, indicated by the Archon and Name-hero of the earliest and latest.

54

[54.1] They also elect by lot the following officials: five Highway-constructors, whose duty is to repair the roads, with workmen who are public slaves; [2] and ten Auditors and ten Assessors with them, to whom all retiring officials have to render account. For these are the only magistrates who audit the returns of officials liable to account and bring the audits before the Jury-court. And

¹ Of the 100 Attic heroes 10 gave their names to the Tribes (21. 6), and of the remaining 90, 42 names were affixed to the successive years of active citizenship, military service being from the age of 18 to 59, and those in their 60th year serving as diaetetae. As each year expired, the Name-hero of the men now passing the age of 60 was transferred to those now just 18.

if an official is proved by them to have committed embezzlement, the Jury convict him of embezzlement, and the fine is ten times the amount of which he is found guilty; and if they show that a man has taken bribes and the Jury convict, they assess the value of the bribes and in this case also the fine is ten times the amount; but if they find him guilty of maladministration, they assess the damage, and the fine paid is that amount only, provided that it is paid before the ninth Prytaneia; otherwise it is doubled. But a fine of ten times the amount is not doubled. [3] They also appoint by lot the officer called Clerk for the Prytaneia, who is responsible for documents, is keeper of the decrees that are passed and supervises the transcription of all other documents, and who attends the sittings of the Boulé. Formerly this officer was elected by show of hands, and the most distinguished and trustworthy men used to be elected, for this officer's name is inscribed on the monumental slabs above records of alliances and appointments to Proxeno¹ and grants of citizenship; but now it has been made an office elected by lot. [4] They also elect by lot another officer to superintend the laws, who attends the sittings of the Boulé, and he also has copies made of all the laws. [5] The People also elect by show of hands a clerk to read documents to the Ecclesia and to the Boulé; he has no duties except as reader.

[6] The People also elects by lot the ten sacrificial officers entitled Superintendents of Expiations, who offer the sacrifices prescribed by oracle, and for business requiring omens to be taken watch for good omens in co-operation with the soothsayers. [7] It also elects by lot ten others called the Yearly Sacrificial Officers, who perform certain sacrifices and administer all the four-yearly festivals except the Panathenaic Festival. One of the four-yearly festivals is the Mission to Delos (and there is also a six-yearly festival there),² a second is the Brauronia,³ a third the Heracleia,⁴ and a fourth the Eleusinia;⁵ a fifth is the Panathenaic, which is not held in the same year as any of the others mentioned. There has now been added the Festival of Hephaestus, instituted in the archonship of Cephisophon.⁶ [8] They also elect by lot an archon for Salamis and a demarch for Peiraeus, who hold the Festivals of Dionysus in each of those places and appoint *Choregoi*; at Salamis the name of the archon is recorded in an inscription.

¹ A sort of ambassador.

² The *Delia*, a festival in honour of Apollo celebrated by the Ionians and the Cycladic islanders.

³ A festival held in Brauron, a town in Attica, in honour of Artemis.

⁴ Perhaps the *Diomeia* is meant; an Attic festival in celebration of Heracles.

⁵ The festival of Demeter and Core at Eleusis.

⁶ 329 BC.

55 The Nine Archons

[55.1] These offices, then, are elected by lot and have authority over all the matters stated. As to the officials designated the Nine Archons, the mode of their appointment that was originally in force has been stated before;¹ but now the six Thesmothetai and their clerk are elected by lot, and also the Eponymus Archon, King-Archon and Polemarch, from each tribe in turn. [2] The qualifications of these are first checked in the Boulé, except the Clerk, but he is checked only in a Jury-court, as are the other officials (for all of them, both those elected by lot and those elected by show of hands, have their qualifications checked before they hold office), while the Nine Archons are checked in the Boulé and also again in a Jury-court. Formerly any official not passed by the Boulé did not hold office, but now there is an appeal to the Jury-court, and with this rests the final decision as to qualification. [3] The questions put in examining qualifications are, first, 'Who is your father and to what deme does he belong, and who is your father's father, and who your mother, and who her father and what his deme?' then whether he has a Family Apollo and Homestead Zeus and where these shrines are;² then whether he has family tombs and where they are; then whether he treats his parents well, and whether he pays his taxes, and whether he has done his military service. And after putting these questions the officer says, 'Call your witnesses to these statements.' [4] And when he has produced his witnesses the officer further asks, 'Does anybody wish to bring a charge against this man?' And if any accuser is forthcoming, he is given a hearing and the man on trial an opportunity of defence, and then the official puts the question to a show of hands in the Boulé or to a vote by ballot in the Jury-court; but if nobody wishes to bring a charge against him, he puts the vote at once; formerly one person used to throw in his ballot-pebble, but now all are compelled to vote one way or the other about them, in order that if anyone being a rascal has got rid of his accusers, it may rest with the jurymen to disqualify him. [5] And when the matter has been checked in this way, they go to the stone on which the victims are cut up for sacrifice (the one on which Arbitrators also take oath before they issue their decisions, and persons summoned as witnesses swear that they have no evidence to give), and mounting on this stone they swear that they will govern justly and according to the laws, and will not accept gifts on account of their

¹ Above Chapters 3, 8, 22 and 26.

² Each Athenian family was formally associated with a shrine of the 'household gods,' Zeus and Apollo. Very much like asking a Christian, 'what church do you belong to and where were you baptized?'

office, and that if they should take anything they will set up a golden statue. After taking oath they go from the stone to the Acropolis and take the same oath again there, and after that they enter on their office.

56 The Eponymus Archon

[56.1] The Archon, the King Archon and the Polemarch also take two assessors each, chosen by themselves, and the qualifications of these are checked in the Jury-court before they hold office, and they are called to account when they retire from office. [2] Immediately on coming into office the Archon first makes proclamation that all men shall hold until the end of his office those possessions and powers that they held before his entry into office. [3] Then he appoints three Choregoi for the tragedies, the wealthiest men among all the Athenians; and formerly he used also to appoint five for the comedies, but these are now returned by the Tribes. Afterwards he receives the Choregoi nominated by the Tribes for the men's and boys' competitions and the comedies at the Dionysia and for men and boys at the Thargelia¹ (for the Dionysia one for each tribe, for the Thargelia one for two tribes, which take turns to supply them), and deals with their claims for substitution by exchange of property,² and brings forward their claims to exemption on the ground of having performed that public service before, or of being exempt because of having performed another service and the period of exemption not having expired, or of not being of the right age (for a man serving as Choregos for the boys must be over forty). He also appoints Choregoi for Delos and a Procession-leader for the thirty-oared vessel that carries the youths.³ [4] He supervises processions, the one celebrated in honour of Asclepius when initiates keep a night-watch,⁴ and the one at the Great Dionysia, in which he acts jointly with the Supervisors; these were formerly ten men elected by show of hands by the People, and they fund the expenses of the procession out of their own pockets, but now they are elected by lot, one from each tribe, and given one-hundred minae for equipment; [5] and he also supervises the procession of Thargelia, and the one in honour of Zeus the Saviour. This official also administers the competition of the Dionysia and of the Thargelia. These, then, are the festivals that he supervises.

¹ The Feast of Apollo held on the seventh day of the month Thargelion (May-June).

² Called an *Antidosis*, it was a property challenge to determine who was more capable of bearing the financial burden.

³ Once a year, during the Thargelion, a chorus of youths were sent on a ceremonial ship to Delos.

⁴ Asclepius is the god of medicine and healing. Initiates are those training to be physicians.

[6] Criminal and civil law-suits are instituted before him, and after a preliminary trial he brings them in before the Jury-court: actions for abuse of parents (in which anybody who wishes may act as prosecutor without liability to penalty); for abuse of orphans (which lie against their guardians); for abuse of an heiress (which lie against the guardians or the relations that they live with); for injury to an orphan's estate (these also lie against the guardians); prosecutions for insanity, when one man accuses another of wasting his property when insane; actions for the appointment of liquidators, when a man is unwilling for property to be administered in partnership; actions for the institution of guardianship; actions for deciding rival claims to guardianship; actions for the production of goods or documents; actions for enrolment as trustee; claims to estates and to heiresses. [7] He also supervises orphans and heiresses and women professing to be with child after the husband's death, and he has absolute power to fine offenders against them or to bring them before the Jury-court. He grants leases of houses belonging to orphans and heiresses until they are fourteen years of age, and receives the rents, and he exacts maintenance for children from guardians who fail to supply it.

57 The King-Archon

[57.1] These are the matters superintended by the Eponymus Archon. But the King Archon superintends, first, the Mysteries, in co-operation with Superintendents elected by show of hands by the People, two from the whole body of the citizens, one from the Eumolpidae and one from the Ceryces.¹ Next the Dionysia in Lenaeon;² this festival consists of a procession and a competition, the former conducted by the King Archon and the Superintendents jointly, the latter organized by the King Archon. He also holds all the Torch-race competitions; also he is the director of practically all the ancestral sacrifices. [2] He holds the court that tries charges of impiety and disputed claims to hereditary priesthods. He adjudicates between clans and between priests in all disputed claims to privileges. Before him are also brought all murder cases,³ and proclamations of

¹ These two families maintained an ancestral hold on the priesthods associated with the cult of Demeter at Eleusis. The Eumolpidae were descendents of Eumolpus, the mythical founder of the cult, and the Ceryces the descendents of Ceryx, the grandson of Cecrops.

² Lenaeon is the old Ionic name for the Attic month of Gamelion (January/ February). The author, has likely used this old name because the festival of Dionysius was often called the Lenaea. This is not, however, the Great Dionysia, but rather the third of four Dionysian festivals leading up to the Great Dionysia in Elaphebolion (March/April).

³ Not for trial, but for a preliminary hearing in which the plaintiff presents his reasons for bringing the charges and swears an oath before the King Archon that his claims are honest and just.

exclusion from customary rites are made by him. [3] Trials for deliberate murder and wounding are held in the Areopagus, and for causing death by poison, and for arson; for these only are tried by this Council, whereas involuntary homicide and plotting to murder, and murder of a slave or resident alien or foreigner, come before the court at the Palladium and one who admits homicide but declares it to have been legal (for instance when he has killed a man taken in adultery), or who in war has killed a fellow-citizen in ignorance, or in an athletic contest, is tried at the Delphinium; but if, when a man has taken refuge in exile after an offence that admits of satisfaction, he is charged with homicide or wounding, he is tried at the Precinct of Phreatus, and delivers his defence from a ship anchored near the shore.¹ [4] Jurors appointed by lot try these cases, except those that are held on the Areopagus; the cases are introduced by the King Archon, and the court sits within the sacred precinct in the open air, and when the King Archon is acting in a case he takes off his crown. The accused man all the rest of the time is debarred from sacred places and is even forbidden by law from setting foot in the marketplace, but at the trial he enters the precinct and makes his defence.² When the King Archon does not know who committed the act, he institutes proceedings against 'the guilty man,' and the King Archon and Tribal Kings try the case, as also prosecutions of inanimate objects and animals for homicide.

58 The Polemarch

[58.1] The Polemarch offers sacrifices to Artemis the Huntress and to Enyalios,³ and arranges the funeral games in honour of those who have fallen in war, and makes memorial offerings to Harmodius and Aristogeiton.⁴ [2] Only private law-suits are brought before him in which resident aliens, ordinary and privileged, and foreign consuls are concerned; he has to take the list of cases and divide it into ten portions and assign one portion by lot to each tribe, and to

¹ For the very complicated system of Athenian criminal trials see Gagarin (1989); Boegehold (1995).

² The *dedarment* is a result of the Greek concept of *miasma*. A person who was guilty of a crime was considered 'polluted, or infected, as if guilt itself were like a virus. *Miasma* was infectious, and the presence of a guilty person within a sacred or public space could infect others, even the entire city. So, for example, the guilt of Oedipus infected the entire city of Thebes and manifested as a plague that was responsible for mass illness and death. Only the expiation of the guilt could end the plague. It was necessary, therefore, to assume guilt when a person was accused of a crime and, until proven innocent, it was too dangerous to allow that person to enter public and sacred space.

³ One of the epithets of Ares, the god of war.

⁴ See above, Ch. 18.

assign the jurymen for each tribe to the Arbitrators. [3] He himself brings forward cases in which resident *metics* are concerned, on charges of acting without their Prostates or of lacking a *Prostates*,¹ and as to estates and heiresses; and all other actions that in the case of citizens are brought in by the Archon, in the case of resident aliens are introduced by the Polemarch.

59 Thesmothetai

[59.1] The Thesmothetai are responsible, first, for preparing lists of the days on which the jury-courts are to sit, and then for giving them to the officers, for these follow the arrangements that the Thesmothetai assign. [2] Moreover it is they who bring before the People indictments, and bring in all votes of removal from office, preliminary informations sent on by the Assembly, impeachments for illegal procedure, proceedings against inexpedient legislation, a suit against a Proedros or an Epistates, and audits imposed on Strategoi. [3] Also they hear indictments for which a fee is paid, on charges of alien birth, alien corruption (that is, if a person charged with alien birth secures his acquittal by bribery), malicious information, bribery, false entry of public debts, personation of a witness, conspiracy, non-registration, adultery. [4] They also introduce the tests of qualification for all offices, and claims to citizenship rejected by vote of the deme, and verdicts of guilty passed on from the Boulé. [5] They also introduce private actions in commercial and mining cases, and actions against slaves for slandering a freeman. And they assign the public and the private jury-courts by lot among the magistrates. [6] They ratify contracts with other states, and bring into court suits arising under those contracts, and prosecutions for false witness instituted by the Areopagus.

[7] All the Nine Archons with the Lawgivers' Clerk, making ten, elect by lot the jurymen, each electing those of his own tribe.

60

[60.1] These are the functions of the Nine Archons. They also elect by lot ten men as Stewards of the Games, one from each tribe, who when passed as qualified hold office for four years, and administer the procession of the Panathenaic Festival, and the contest in music, the gymnastic contest and the horserace, and have the Peplos made, and in conjunction with the Boulé have the vases made, and assign the olive-oil to the competitors. [2] The oil is procured from the

¹ Metics were foreigners resident in Athens. They had no citizenship rights and had to be registered under the protection of a citizen, called the *Prostates*.

sacred trees and the Archon levies it from the owners of the farms in which the trees are, three quarters of a pint from each trunk. Formerly the state used to sell the fruit, and anybody who dug up or cut down a sacred olive-tree was tried by the Council of Areopagus, and if found guilty punished with death; but ever since the olive-oil has been provided as rent by the owner of the farm, though the law still stands, the trial has gone out; and the state's claim to the oil is calculated on the estate and not on the number of trees. [3] So the Archon collects the tribute of oil accruing in his year, and passes it on to the Treasurers at the Acropolis, and he is not allowed to go up to the Areopagus before he has handed the full quantity over to the Treasurers. These have it in their keeping in the Acropolis always, except that at the Panathenaic Festival they dole it out to the Directors of the Games and these to the victorious competitors. For the prizes are for the victors in music silver money and gold vessels, for those in manly beauty shields, and for those in the gymnastic contest and the horserace olive-oil.

61 The Strategoi and Other Officers

[61.1] They also elect by show of hands all the military officers: ten Strategoi, formerly one from each tribe, but now from all the citizens together, and the vote decides the assignment of duties to these:¹ one being appointed to the heavy infantry, who commands them on foreign expeditions; one to the country, who guards it and commands in any war that takes place in it; two to Peiraeus, one of them to Munychia and the other to Acte, who superintend the protection of the population of Peiraeus; one to the Symmories,² who enrolls the Trierarchs and carries out their exchanges and introduces their claims for exemption; and the others they dispatch on expeditions as occasion arises. [2] A confirmatory vote is taken in each Prytaneia upon the satisfactoriness of their administration; and if this vote goes against any officer he is tried in the Jury-court, and if convicted, the penalty or fine to be imposed on him is assessed, but if he is acquitted he resumes office. When in command of a force they have power to punish breach of discipline with imprisonment, exile, or the infliction of a fine; but a fine is not usual.

[3] They also elect by show of hands ten Tribal Commanders, one of each tribe; these lead their fellow-tribesmen and appoint company-commanders. [4] They also elect by show of hands

¹ The translation is a bit awkward here: The ten Strategoi, or generals, are elected by the Ecclesia, but the Nine Archons, by a show of hands, elect each to his specific command.

² In 378/7 BC the 1200 wealthiest Athenians were divided into 20 companies, called Symmories (*Summorai*), for the purpose of levying special taxes.

two Cavalry Commanders from the whole body of citizens; these lead the Cavalry, each commanding a division consisting of five tribes, and their powers are the same as those of the Strategoi over the heavy infantry. The Cavalry Commanders' election also is submitted to a confirmatory vote. [5] They also elect by show of hands ten Tribal Commanders, one for each tribe, to lead the cavalry as the Regimental Commanders lead the heavy infantry. [6] They also elect by show of hands a Cavalry Commander for Lemnos, to take control of the cavalry on that island. [7] They also elect by show of hands a Treasurer of the Paralus,¹ and at the present day a Treasurer of the ship of Ammon.

62 Pay for Public Service

[62.1] The officials elected by lot were formerly those elected from the whole tribe together with the Nine Archons and those now elected in the Temple of Theseus who used to be divided among the demes; but since the demes began to sell their offices, the latter also are elected by lot from the whole tribe, excepting members of the Council and Guards; these they entrust to the demes. [2] Payment for public duties is as follows: First, the People draw a drachma for ordinary meetings of the Ecclesia, and a drachma and a half for a sovereign meeting;² second, the jury-courts half a drachma; third, the Boulé five obols; and the Prytaneis each have an additional obol for food. Also the Nine Archons get four obols each for food, and have to keep a herald and a flute-player as well; and the Archon for Salamis gets a drachma a day. Games directors dine in the Prytaneum in the month of Hecatombaeon,³ during the Panathenaic Festival, from the fourth of the month onward. Amphictyons for Delos get a drachma a day from Delos. All the officials sent to Samos, Scyros, Lemnos or Imbros also get money for food. [3] The military offices may be held repeatedly, but none of the others, except that a man may become a member of the Boulé twice.

¹ The Paralus and the Salamina were the two ceremonial ships-of-state, used only for religious and the most important political business. By the time this document was written, the Salamina had been renamed The Ship of Ammon and was used for embassies to the shrine of Zeus Ammon in Egypt.

² See 43.4 above.

³ The first month of the Athenian calendar; July-August of the Gregorian calendar. It begins with the first New Moon after the summer solstice.

63 The Jury-Courts

[63.1] The Jury-courts are elected by lot by the Nine Archons by tribes, and the Clerk of the Thesmothetai from the tenth tribe. [2] The courts have ten entrances, one for each tribe, twenty rooms, two for each tribe, in which courts are allotted to jurors, a hundred small boxes, ten for each tribe, and other boxes into which the tickets of the jurymen drawn by lot are thrown, and two urns. Staves are placed at each entrance, as many as there are jurymen, and acorns to the same number as the staves are thrown into the urn, and on the acorns are written the letters of the alphabet, starting with the eleventh, Lambda, as many as the courts that are going to be filled.¹ [3] Right to sit on juries belongs to all those over thirty years old who are not in debt to the Treasury or disfranchised. If any unqualified person sits on a jury, information is laid against him and he is brought before the Jury-court, and if convicted the jurymen assess against him whatever punishment or fine he is thought to deserve; and if given a money fine, he has to go to prison until he has paid both the former debt, for which the information was laid, and whatever additional sum has been imposed on him as a fine by the court. [4] Each jurymen has one box-wood ticket, with his own name and that of his father and deme written on it, and one letter of the alphabet as far as Kappa; for the jurymen of each tribe are divided into ten sections, approximately an equal number under each letter. [5] As soon as the Thesmothetes has drawn by lot the letters to be assigned to the courts, the attendant immediately takes them and affixes to each court its allotted letter.

Only fragments of the remaining pages of the MS. survive, much defaced. The most legible passages are here appended, gaps having been filled in without note where the restoration is generally accepted or is very probable.

64 Fragments

[64.1] The ten boxes lie in front of the entrance for each tribe. They have inscribed on them the letters as far as kappa. when the jurymen have thrown their tickets into the box on which is inscribed the same letter of the alphabet as is on the ticket itself, the attendant shakes them thoroughly and the Thesmothetes draws one ticket from each box. [2] This attendant is called the Affixer, and he affixes the tickets taken from the box to the ledged frame on which is the same

¹ The elaborate system for assigning jurors to courts was intended to ensure that no juror could be bribed, since none knew until the last minute to which court he would be assigned, and that no jury could be stacked on a tribal or regional basis.

letter that is on the box. This attendant is chosen by lot, in order that the same person may not always affix the tickets and cheat. There are five ledged frames in each of the balloting-rooms. [3] When he has thrown in the dice, the Archon casts lots for the tribe for each balloting-room; they are dice of copper, black and white. As many white ones are thrown in as jurymen are required to be selected, one white die for each five tickets, and the black dice correspondingly. As he draws out the dice the herald calls those on whom the lot has fallen. Also the Affixer is there corresponding to the number. [4] The man called obeys and draws an acorn from the urn and, holding it out with the inscription upward, shows it first to the superintending Archon; when the Archon has seen it, he throws the man's ticket into the box that has the same letter written on it as the one on the acorn, in order that he may go into whatever court he is allotted to and not into whatever court he chooses and in order that it may not be possible to collect into a court whatever jurymen a person wishes. [5] The Archon has by him as many boxes as courts are going to be filled, each lettered with whichever is the letter assigned by lot to each court.

65

[65.1] And the man himself having again shown it to the attendant then goes inside the barrier, and the attendant gives him a staff of the same colour as the court bearing the same letter as the one on the acorn, in order that it may be necessary for him to go into the court to which he has been assigned by lot; for if he goes into another, he is detected by the colour of his staff, [2] for each of the courts has a colour painted on the lintel of its entrance. He takes the staff and goes to the court of the same colour as his staff and having the same letter as is on the acorn. And when he has come into it he receives a token publicly from the person appointed by lot to this office. [3] Then with the acorn and the staff they take their seats in the court, when they have thus entered. And to those to whom the lot does not fall the Affixers give back their tickets. [4] And the public attendants from each tribe hand over the boxes, one to each court, in which are those names of the tribe that are in each of the courts. And they hand them over to the persons appointed by lot to restore the tickets to the jurymen in each court by number, in order that according to these when they examine them they may assign the pay.

66

[66.1] When all the courts are full, two ballot boxes are placed in the first of the courts, and copper dice with the colours of the courts painted on them, and other dice with the names of

the offices written on them. And two of the Thesmothetai are chosen by lot, and throw the two sets of dice in separately, one throwing in the coloured dice into one ballot-box and the other the names of the offices into the other. And to whichever of the offices the lot falls first, it is proclaimed by the herald that this will use the first court allotted. . . .

66.2 to 68.1 are missing

68

[68.2] . . . a copper token marked with a 3 (for on giving this up he gets three obols), so that they all may vote; for nobody can get a token if he does not vote. [3] And there are two jars placed in the court, one of copper and one of wood, separate so that a man may not secretly throw in pebbles undetected, into which the jurymen put their votes, the copper jar to count and the wooden jar for pebbles not used, the copper jar having a lid with a hole in it only large enough to take just the pebble alone, so that the same man may not throw in two. [4] And when the jury are about to give their verdict, the herald first asks whether the litigants wish to challenge the evidence of the witnesses; for they are not allowed to challenge it after the voting has begun. Then he proclaims again, 'The pebble with the hole through it is a vote for the first speaker, and the whole pebble one for the second speaker.'¹ And the jurymen when taking the pebbles out of the lamp-stand presses the pebble against the lamp-stand and does not let the parties to the action see either the perforated pebble or the whole one, and throws the one that he wishes to count into the copper vessel and the one that he discards into the wooden one.

69

[69.1] And when all have voted, the attendants take the vessel that is to count and empty it out on to a reckoning-board with as many holes in it as there are pebbles, in order that they may be set out visibly and be easy to count, and that the perforated and the whole ones may be clearly seen by the litigants. And those assigned by lot to count the voting-pebbles count them out on to the reckoning-board, in two sets, one the whole ones and the other those perforated. And the herald proclaims the number of votes, the perforated pebbles being for the prosecutor, and the whole ones for the defendant; and whichever gets the larger number wins the suit, but if the votes are equal, the defendant wins. [2] Then again they assess the damages, if this has to be done, voting in the

¹ The accuser, or plaintiff, is in most cases the first to speak.

same way, giving up their ticket and receiving back a staff; as to assessment of damages each party is allowed to speak during three pints of water. And when they have completed their legal duties as jurymen, they take their pay in the division to which each was assigned by lot ...

End