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ARISTOTLE  
ON THE  
CONSTITUTION OF ATHENS



# ARISTOTLE

ON THE

# CONSTITUTION OF ATHENS

TRANSLATED BY

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AND OTHER WORKS

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## PREFACE

How soon conjectural emendation will have said its last word on the CONSTITUTION OF ATHENS it is difficult to predict. Until that moment arrives is translation premature? If a remnant of ancient architecture, half buried in the sand, were discovered in the Sahara, the public would probably be glad to have a photograph of its actual appearance before the work of excavation was completed, and perhaps English readers would rather that the power of forming an opinion for themselves on the substantive character and interest of the partly recovered work of Aristotle should not be postponed to the date when textual criticism shall have completed its labours. To meet this assumed demand the following translation is offered.

The translator has noted with interest the various suggestions for completing or correcting the text that have appeared in the public press, and

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particularly in the *Classical Review*, from the pens of various scholars. He has not attempted to give the names of the authors of those which he has thought convincing, and which he has followed in his version, assuming that every critic will have his contributions recognized in any future edition of the text. Nor has he attempted any appreciation of the question, to what extent our Greek history must be rewritten in consequence of the new lights furnished by the newly-discovered document. This he has left to more competent hands. The question has already been examined by the learned editor of the papyrus, and will doubtless be handled by others. The few and slender notes that are appended to the translation are solely for the assistance of the unlearned, and mainly derived from sources familiar to the student.

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ARISTOTLE

ON THE

CONSTITUTION OF ATHENS





## ARISTOTLE'S CONSTITUTION OF ATHENS

1. THE impeachment of the Alkmaionidai by Muron for the treacherous massacre of Kulon's accomplices at the altars where they sought protection, was heard by a tribunal of three hundred judges<sup>1</sup> who took an oath over victims to deliver righteous judgment, and were selected in accordance with the qualifications characteristic of an aristocratic constitution. The charge of sacrilege was found true; the bones of the guilty dead were disinterred and cast beyond the borders of Attica; the living clan were condemned to perpetual exile, and the city was subsequently purified from the pollution by Epimenides the Cretan.

2. After this there were feuds between the nobles and the commons for many years. The constitution was thoroughly oligarchical, the poor with their wives and children were in servitude to the rich

<sup>1</sup> A bad system of judicature seems to have been an original vice of the Athenian constitution.

under the title of clients and hectemoroi, or payers of a sixth,<sup>1</sup> for such was the portion of the produce of the land belonging to the rich, which was paid as rent by the cultivators. A few proprietors owned all the soil, and the cultivators with their wives and children were liable to be sold as slaves on failure to pay their rent. Debtors, too, as a guaranty of their obligations, were liable, as late as the times of Solon, to forfeit their freedom on failure to satisfy the usurers. Solon was the first champion and protector of the commonalty. The chief grievance and source of their bitterness against the constitution was their exclusion from ownership of the soil, but this was not their only motive of discontent, for they enjoyed scarcely any political rights.

3. Before Drakon, the constitution of the state was as follows: There were archons or supreme magistrates, elected in accordance partly with aristocratic, partly with plutocratic qualifications, originally for life, afterwards for ten years. The most exalted and ancient of these were the king, the polemarch, and the archon, specifically so named.<sup>2</sup> Of highest antiquity was the king, and the next in date was the

<sup>1</sup> Such is the explanation of Plutarch. Boeckh thinks that five-sixths of the produce was paid as rent.

<sup>2</sup> The archon eponomos, or archon who gave his name to the year.

polemarch, created to supply the generalship in which some of the kings were wanting, which caused Ion to be invited from abroad in some epoch of danger. The date of the first archon is placed by most authors in the reign of Medon, by others in that of Akastos; and by way of proof, the latter quote the oath which the archons take to govern as was done in the days of Akastos, words which show that he was king when certain political functions passed from the royal house of the Kodridai to the hands of the archon. Either hypothesis assigns the origin of the archonship to nearly the same epoch. Evidence that the archon was of later origin than the two other offices may be seen in the fact that the archon, unlike the king and polemarch, takes no part in the oldest religious ceremonies,<sup>1</sup> which also shows that the higher rank of the archon belongs to a recent era and is due to a modern enlargement of his attributions.

The institution of the Thesmothetai belongs to a much later time, when archon, king, and polemarch only held office for a year. Their function was to commit the ordinances<sup>2</sup> to writing, and keep records

<sup>1</sup> See chapters 56, 57, 58.

<sup>2</sup> As there were no written laws before Drakon, the written Thesmia of the text must have been decisions of judges or magistrates.

of them to ensure their enforcement against transgressors. The office of the Thesmothetai, accordingly, was never more than annual. So much for the comparative antiquity of these magistracies.

The nine archons were not all originally assembled in a single residence. The king occupied what is now called the Boukolion, near the Prutaneion, and a surviving trace of his habitation may be noticed in the fact that at the present day in the Dionusian festival of the Anthesteria, in February, this is the spot where the king-archon's wife meets and weds Dionusos. The archon occupied the Prutaneion, the polemarch the Epilukeion which was formerly called the Polemarcheion, but when rebuilt and decorated by the Polemarch Epilukos changed its name to Epilukeion. The Thesmothetai occupied the Thesmotheteion, and this edifice in Solon's time was made the joint residence of all the archons.

The archons were final judges in the causes that came before them, not, as now, merely superintendents of the preliminary instruction.

So much for the magistracies.

*of Areopagites*  
The Council of the Areopagites had the duty of watching over the observance of the laws; they administered all the most important political business, punishing and fining without appeal all who violated the law. The qualifications for the archon-

cir-90-

ship were partly aristocratic, partly plutocratic; and the Areopagus<sup>1</sup> consisted of those who had held the office of archon. Accordingly the Areopagites are the only officials in the present day that hold office for life

4. Such in outline was the first constitution after the monarchy. Not long after Kulon's attempt to make himself tyrant, when Aristaichmos was the archon who gave his name to the year, Drakon came on the scene as legislator, and gave the following form to the political constitution. Sovereign power was already<sup>2</sup> wielded by the class of persons capable of providing its own equipment for war. The nine archons and the treasurers were elected by their suffrage from those who possessed a property qualification of not less than ten minas, free from all encumbrances: the minor magistracies were elected from the class who furnished their own arms: the generals and hipparchs or commanders of cavalry from those of the class registered as owning not less than one hundred minas free of encumbrances, who were parents of legitimate children

9 archons  
Treasurers  
minor mag  
Hipparchs

<sup>1</sup> Supposed to have been about ninety in number, *i.e.*, ten years of ex-archons.

<sup>2</sup> This agrees with the statement of Aristotle, *Pol.* ii., 12, that Drakon made no change in the constitution. The revolution had already taken place. Drakon's task was to adjust the laws to the changed centre of political power.

above the age of ten.<sup>1</sup> . . . A senate of 401 was appointed by casting of lots out of the whole body of citizens. To be admitted to take a part in the casting of lots for this and other offices appointed by lot a citizen had to be over thirty years of age, and was not capable of a second tenure of office before it had passed by rotation through all the citizens, after which he again took his share in the chances of the lot. A member of the 401 who failed to attend in his turn at a session of the senate or commons, had to pay a fine of three drachmas if he belonged to the class of Pentacosiomedimnoi, of two drachmas if he was a Hippeus, of one drachma if a Zeugites.

The Council of the Areopagus was guardian of the law, and watched to see that it was obeyed by the magistrates. Any one who thought himself wronged could impeach a magistrate before the Areopagus, appealing to the law that he contended was violated. The personal freedom of a debtor, as already mentioned, was pledged as a security of his debt, and possession of the soil was monopolized by a few.

5. The narrowness of the constitution and the oppression of the many by the few ended in an

<sup>1</sup> Here follow four lines which require emendation to make them intelligible.

outbreak of war between the nobles and commons. As the disruption proved persistent, after they had been long divided into hostile camps, they concurred in a joint election of Solon to act as mediator and dictator and reconstructor plenipotentiary of the state, a work for which he had shown some fitness in the elegiac poem which begins :

*Solon*

"My eyes are opened, and I see with anguish the plight of this old Ionian land," in which poem he endeavours to calm their resentments, champions each party in turn against the other, appeals to the reason of both, and finally urges them to join in uprooting the causes of dissension.

Though illustrious by birth and ancestry, in fortune and occupation Solon belonged to the middle class according to all authorities and his own testimony in the verses where he tells the wealthy not to be over-grasping :—

x "Still, ye great, the mighty pantings within your bosom. Feed not so high the over-dieted and riotous steed, your over-weening spirit ; for neither my compeers nor the humblest ranks will tolerate the present yoke."

He continually throws the blame of the schism on the rich, fearing, as he says in the beginning of the poem, their greed and pride as the sources of the hatred that ranged class against class.

x "But ye who have store of good, who are sated & overflow;  
 Restrain your swelling soul, and stiel it and keep it low,  
 Let the heart that is great within you intained a low way,  
 If ye have what more will ye will not for ...

6. Armed with absolute power, Solon emancipated the commons for the present and for the future by forbidding usurers to take the body of a borrower as a guaranty of a loan: he enacted various new laws, and cancelled all existing debts, whether owed to private persons or to the state, by what is called his disburdening ordinance, because it relieved the commons of their burdens. This has been made by some the occasion of a serious imputation on his honour. After resolving to publish the ordinance Solon divulged his plan to some of his friends, and, as his democratic admirers assert, was by them made the unwitting accomplice of a fraudulent scheme; as his detractors allege, became a party to a fraud. They borrowed money with which they bought up vast tracts of land, and shortly afterwards, on the abolition of all existing debts, became millionaires, and this, according to the story, was the origin of some of the territorial magnates, supposed to be of immemorial antiquity.<sup>1</sup> However, it is easier to believe the story of his panegyrists: for what is the likelihood that a man, so just and so superior to personal interests that, when he might by bribing the support of either faction have continued tyrant, he dared to offend them both, preferring to per-

<sup>1</sup> Plutarch calls it a very painful incident, and mentions the names of Konon, Kleinias, and Hipponikos.



sonal aggrandisement the glory of saving the state, it is credible that such a man should be tempted to cover himself with dishonour for a paltry pecuniary gain? That despotism was placed within his reach by the troubles which afflicted his country and was deliberately declined, his poems in many places declare and is admitted by all historians. The imputation, then, may be regarded as calumnious.

7. He determined a form of constitution and enacted various particular laws, which superseded all the ordinances of Drakon, except such as related to murder. They were inscribed on three-faced pyramids revolving on pivots and placed in the colonnade of the court of the king-archon. All the citizens swore to obey them, and when the archons took their oath on the stone altar in the market they used to vow to dedicate a golden statue of their own size if they ever infringed them, an oath which survives to the present day. Solon obtained an enactment that his laws should continue in force for a century, and this was the form of the constitution which they established. According to their possessions the citizens were divided, as formerly, into four classes, denominated Pentacosimedimnoi, Hippeis, Zeugitai, and labourers. Pentacosimedimnoi, Hippeis, and Zeugitai were eligible to magistracies. They alone could discharge the functions of archons,

treasurers, tax-auctioneers, prison commissioners, or financial board; and the magistracies allotted to each of these classes were proportionate in importance to the amount of their census. Those who constituted the labourer class were only admitted to perform the duties of the ecclesia or assembly of the commons and the law courts or Heliaia.<sup>1</sup> The class of Pentacosimedimnoi was formed of those whose land produced annually in solids and liquids combined, *i.e.* in corn, wine, or oil, 500 medimni (600 gallons).<sup>2</sup> The equestrian class was formed of those who produced 300 medimni; or, as some say, of those whose revenues enabled them to maintain a mounted soldier. For proof they point to the name as indicating the function of the class, and to the votive offerings of olden times. For there is a statue of Anthemion in the Acropolis bearing this inscription: "This statue was offered to the gods by Anthemion, son of Diphilos, when he left the labouring class and joined the knights"; and by him stands a horse symbolizing the equestrian class. It is more likely,

<sup>1</sup> This name by some accident does not occur in the original text, but owing to the confusion at Athens of executive and judicial functions it is too convenient a term, as expressing judicature pure and simple in contrast with the judicial functions of magistrates, to be neglected by a translator.

<sup>2</sup> The medimnus was regarded as equivalent to a drachma ( $9\frac{3}{4}d.$ ) in average value.

however, that this class, like the Pentacosimedimnoi, was defined by the amount of their annual produce. The Zeugitai were composed of those whose total produce in liquids and solids amounted to 200 medimni. Those whose income was less than this formed the labouring class, and were ineligible to any magistracy. Whence at the present day, when a person wants to draw lots for any public office and is asked to what class he belongs, he never names the labourers.

8. Magistrates were to be appointed by lot from a number of groups elected by vote, each tribe electing a group. The nine archons were thus appointed: each tribe elected ten by vote, and from the forty thus selected nine were taken by lot. So at the present day, from each of the ten tribes ten are selected by lot, and from the hundred thus obtained nine are selected by a second casting of lots. Evidence that sortition from groups possessing the property qualification was the mode of selection may be found in the law still in force ordaining that treasurers shall be selected by lot from a group taken out of the Pentacosimedimnoi. Such, then, was Solon's mode of selecting the archons. In earlier times the Areopagus summoned the candidates before it and decided of itself with full authority who was fittest for any office, and appointed him for a year.

The citizens were divided into four tribes,<sup>1</sup> as of old, and there were four tribal kings. Each tribe was divided into three Trittues, or ridings, and twelve Naucraries.. The Naucraries were presided over by Naukraroi, whose functions were the collection and expenditure of the public revenue; and there are extant but abrogated laws of Solon which direct them to levy and spend the local funds.

The senate consisted of 400, each tribe contributing 100.

The duty of guarding the laws was still entrusted to the Areopagus, which already possessed the function of protector of the constitution, and controlled almost every department, certainly the most important branches of the public administration. It called lawbreakers to account, punished and fined without appeal, paid the fines into the treasury without naming the offence for which they were imposed, and tried conspirators against the government, functions confirmed by Solon. These were his principal enactments; and as he observed that in the factions that frequently troubled the country some of the citizens, if left to themselves, loved their

<sup>1</sup> The names of the tribes : Geleontes or Teleontes, Hopletes, Aigikoreis, Argadeis, which seem to signify priests, warriors, goatherds, artisans, suggest that originally the four tribes may have been four castes; but if so, they must have changed their nature in prehistoric times.

ease too much to fulfil their public duties, by way of a spur to these people he enacted a curious law, that failure to take up arms with one side or other in civil broils should be punished by infamy and forfeiture of political rights.

9. Such was his mode of appointing to the highest offices of state. Most people agree in thinking the three following the most democratic features of his legislation: first and most effective the abolition of the power of lenders to require the borrower to pledge his personal freedom as a guaranty of any loan; second, the power of any citizen to advocate the cause of any one who was wronged; <sup>1</sup> third, what is said to be the main foundation of the present strength of the commons, the appeal from the decision of any magistrate to the judgment of the people in the law courts or Heliaia. For the absolute freedom with which the people vote as jurors makes them absolute masters of the constitution; besides which, the draughtsmanship of the laws, far from simple or lucid—witness the laws of inheritance and female successors—inevitably gave birth to litigation, and made the jurors the final arbitrators of all questions whether political or civil. Some believe that Solon intentionally intro-

<sup>1</sup> The text seems to say this, but perhaps requires emendation.

duced this obscurity into the law, to enable the commons to use their judicial power for their own political aggrandisement. It is more likely that the obscurity was due to inability to frame rules directing the most salutary course in general terms; for the corrupt practices of modern law courts are not so safe an index of Solon's intentions as the general character of his statesmanship.

10. So much for the popular aspect of his laws. Before his legislation he ordained the abolition of all debts, and subsequently enlarged the dimensions of measures, weights, and coins. He superseded the Pheidonian measures by the Euboic system on a larger scale, and made the mina, which used to contain seventy drachmas, contain 100.<sup>1</sup> . . .

11. After thus modelling the constitution, Solon was interviewed by all the world about his laws, and harassed with constant questions and criticisms; and being unwilling either to recast his ordinances or to face the angry looks of those whom he had offended, he resolved to go abroad, partly with mercantile designs, partly to gratify his desire to see foreign lands; and planned a ten years' stay in Egypt within reach of Canobos, saying he thought the written laws required obedience from the people,

<sup>1</sup> Four lines here require emendation to make them intelligible.

not interpretation by their author. He found, too, he had not only made enemies of many of his friends by the abolition of debts, but had alienated both political parties by disappointing their expectations. The commons had expected that the land would be equally divided, the nobles that the old system was going to be restored. He took neither course, but thwarted both their aims, and instead of conspiring with either party and perpetuating his dictatorship as he might have done, chose to brave their common animosity and save his country by salutary legislation.

12. These facts are attested by all historians and mentioned by Solon in his poems:—

“I made the commons strong enough to be safe from oppression. Office I neither wrested from them nor put into their hands. The powerful and rich I also fenced against spoliation. Over both orders I threw an ample shield, nor suffered either to trample on the other’s right.”

Elsewhere discussing the proper treatment of the masses he says:—

“The commonalty will be readiest to obey its rulers when neither over-loosely nor over-tightly reined. High diet engenders pride when riches fill the coffers of men whose souls want even balance.”

Other verses mention the party who wanted a redistribution of the land:—

“Those who cherished visions of downright plunder and hoped to win large booty, thinking my smooth words the temporizing mask of rough intentions, hoped idly then, and now with angry eyes scowl askance upon me as deadly foes, but all unjustly. My promises with heaven’s help were kept, else I had acted like a brigand, nor did I long to play the tyrant’s part, nor yearn to see the fat fields of my fatherland parcelled equally between the noble and the base.”

Other verses describe the abject poverty of the commons, and mention the slaves whom his disburdening ordinance emancipated:—

“ . . . I call to bear her testimony to my plea the mighty mother of Kronos and the Olympian deities, a witness unimpeachable, dark-vestured earth, in many of whose fields I overthrew the mortgage pillars,<sup>1</sup> a goddess then in bondage, now disenthralled. To Athens, their holy fatherland, I gave back many citizens; some sold into slavery by just or unjust doom, some forced and poverty-

<sup>1</sup> This shows, in correction of chapter iv., that there were plenty of small proprietors, though their lands were deeply mortgaged. If it were not so, it would be strange that there is no explanation how the evil, the monopoly of the soil, was remedied, as it appears to have been.



stricken exiles, whose tongue had forgotten the trick of forming Attic sounds through many wanderings, others at home in shameful bondage trembling at the humours of a lord before I gave them freedom. These exploits in part by force, in part by persuasion I accomplished, and kept my promise, and wrote on tablets equal laws for high and low, and formulas fit for every controversy. If the rod of absolute power which I held had been wielded by the unwise or ambitious, he would have dissolved society. If I had willed what either of the antagonists demanded . . . this land had been widowed of many habitants. But I confronted mischief from every quarter, turning swiftly like a wolf assailed by many hounds."

In other verses he rebukes both classes of complainants :—

"The commons, if a true tale may be told, never in their wildest dreams foresaw their present ease. If I had left them as they were, the great and strong would praise and make love to me."

"Another man," says he, "placed in my position would not have held the factions, nor reposed until he had churned the butter from the milk; but I made myself a wall between two armed hosts."

13. Such were the motives that induced him to spend some years in foreign travel. After his

departure, though the agitation had not subsided, four years passed without disorder. The fifth year after his legislation (590 B.C.) discord prevented the appointment of an archon; and the same thing happened again five years after (586 B.C.). Subsequently, after a similar interval (582 B.C.), Damasias being elected archon continued two years in office, till he was deposed by violence; after which, in view of their dissensions, they resolved to elect ten archons, five from the Eupatridai, three from the Agroikoi or rustics, two from the Demiourgoi or artisans; and they held office during the year (580 B.C.) after the expulsion of Damasias. It is clear that the archonship was at that time the highest magistracy, for this was always the subject of their quarrels. The state was still out of joint in all its members: some were aggrieved at the abolition of debts, which had reduced them to poverty; others were unreconciled to the constitutional changes which had diminished their power; others were inflamed by rival ambitions. They formed three parties: the Shore, led by Megakles the Alkmaionid, were considered to advocate a tempered constitution; the Plain, led by Lukourgos, were oligarchical; the Mountain were led by Peisistratos, supposed to be a strong partisan of democracy. The last party found allies in those

who were ruined by the abolition of debts and joined them under the promptings of poverty; and all those whose citizenship was questionable and who joined them from fear; who indeed had good grounds for their apprehension, for after the overthrow of the tyranny the list of citizens was severely sifted,<sup>1</sup> because many persons were supposed to be enjoying the rights of citizens without due qualification. The names of these parties were derived from the regions which they cultivated.

14. An ardent democrat by reputation, and covered with distinction in the Megarian war (565 B.C.), Peisistratos gave himself a wound, made the people believe it was inflicted by the adverse faction, obtained the grant of a body-guard on the motion of Aristion, and by the aid of these mace-bearers, as they were called, overpowered the government and seized the Acropolis in the thirty-second year from Solon's legislation in the archonship of Komeas (560 B.C.). It is related that when Peisistratos asked for a body-guard Solon, opposing the measure, said he was wiser than some of his countrymen and

<sup>1</sup> Apparently with less unpleasant consequences than were apprehended, for Aristotle elsewhere relates that, after the expulsion of the usurpers, Kleisthenes converted many *metoikoi*, both of the foreigner and freedman class, into citizens. *Politics* iii., 1.

braver than others; wiser than those who could not see that Peisistratos meant to make himself tyrant, braver than those who saw it, and held their tongues. As he found his words fell on deaf ears, he piled his arms before his door and said he had done all that a weak old man could do to save his country, and called upon others to do their duty likewise. His exhortations were ineffectual, and Peisistratos once master of the state behaved more like a statesman than a tyrant. Before, however, he had established his power on a secure basis, he was overthrown by a combined effort of Megakles and Lukourgos in the sixth year after he had seized the sceptre and the archonship of Hegesias (555 B.C.). Five years after, on getting worsted by the antagonist faction, Megakles again opened negotiations, and having made Peisistratos promise to marry his daughter, restored him to the throne of Athens by a device that shows the extreme credulity of primitive times. After disseminating a rumour that the goddess Athena herself was restoring Peisistratos, he found a beautiful woman named Phue, an Athenian, according to Herodotos, of the Paianian deme, a Thracian, according to others, by profession a florist, residing at Coluttos; dressed her in the habiliments of the goddess, and conducted her with Peisistratos to Athens. Peisistratos drove into the town in a

chariot, the woman stood by his side as a warrior beside a charioteer, and the people of the city received them with adoration and stupefaction.

15. Such was the manner of the first restoration. After a second expulsion, which took place seven years after his return, his second domination being shortened by his refusal to cohabit with the daughter of Megakles, which exposed him to the hostility of both factions, and ended in his flight from Athens, he at first formed a settlement in the Thermaian bay at Rhaikelos, but afterwards left it for the region of Pangaios. Hence, having procured funds and hired soldiers, he proceeded to Eretria, and, eleven years after his flight, began operating for the recovery of his throne, in which he was assisted by many allies, and in particular by Lugdamis of Naxos and the knights that ruled Eretria. Victorious in the field of Pallene, he re-entered Athens, disarmed the citizens, and, having established his power on a strong foundation, sailed to Naxos, where he made Lugdamis ruler. His disarmament of the Athenians was accomplished by a stratagem. Reviewing the army in the Anakeion or grove of Kastor and Pollux, he began to harangue the troops in a rather feeble voice, and on their saying they could not hear him, he asked them to move up the hill nearer the porch of the Acropolis, where he could make them

hear better; and while he proceeded with his oration his satellites seized their arms and locked them in the rooms near the Theseion. On receiving their report that the work was done, he finished his harangue before he told his audience what had happened to their arms, and begged them not to be astonished or frightened, but to go and mind their private business, and leave him to superintend affairs of state.

16. Such were the circumstances of the seizure of absolute power by Peisistratos, and the revolutions which his rule experienced. His administration, as before-mentioned, was temperate, and showed the statesman rather than the tyrant. His criminal laws were humane and mild, and recognized the circumstances that extenuate crime. He advanced capital to poor cultivators, enabling them to devote themselves unintermittently to rural occupations. Herein his motive was twofold: to disseminate the population about the country away from the metropolis; and by moderate well-being and absorption in agriculture to extinguish in them the wish and the leisure to influence public affairs. Moreover, his revenue depended on the due cultivation of the land, for he levied a tax of the tenth of the produce. Accordingly he instituted local judges for the demes and used to go in person on circuit through the land

to inspect its condition, and to judge in civil suits in order to prevent the necessity of their flocking to the metropolis and neglecting agriculture. It was on one of these itinerant circuits that Peisistratos is said to have had his adventure with the cultivator of a farm on Humettos, called afterwards the untaxed field. He saw a man working on the face of a rock with a pickaxe, and wondering that it was worth his while, sent his attendant to ask what crop it was that the soil produced. Lots of toil and trouble, was the answer, and of this toil and trouble Peisistratos pockets a tenth. The peasant did not know to whom he was speaking; but Peisistratos, pleased with his industry and humour, granted the land immunity from all taxation. The commons had an easy time in all respects during his reign, for he was pacific in policy, and avoided quarrelling with his neighbours; which caused the saying that the tyranny of Peisistratos was a return of the golden age and reign of Kronos. Afterwards the insurrection against his sons produced a much harsher despotism. The ascendancy of Peisistratos was chiefly due to his democratic and philanthropic spirit. In all his acts he respected the law and assumed no privilege as ruler. On one occasion he was summoned before the Areopagus on a charge of murder, and made appearance to stand his trial,

but the prosecutor was frightened and made default. This was the cause that prolonged his reign and the reason why, when expelled, he had not much difficulty in recovering his throne. His usurpation had the assent of the majority both of the nobles and the commons. The former he conciliated by social intercourse, the latter by pecuniary aid; and nature had endowed him with the arts of charming all ranks of society. Even in Athens at that epoch the laws against attempts at tyranny were far from truculent; and the one that most directly applies was in these terms: This is ancient Athenian law: If any one attempt to overthrow the government and make himself tyrant, or help another to make himself tyrant, he and his house shall be deprived of the franchise.

17. Peisistratos retained his power to an advanced age, and died a natural death of some infirmity in the archonship of Philoneos (527 B.C.), thirty-three years after he first became ruler, of which he spent nineteen at the helm of state and fourteen in exile. It is an absurd fable that in his youth he was beloved by Solon and commanded in the war with Megara for the possession of Salamis (about 600 B.C.). Their age at those periods refutes this, if from the length of their lives and the date of their death we calculate the date of their birth. After the death of Peisis-



tratos his sons kept possession of supreme power, and pursued their father's policy. He had two by his first wife, Hippias and Hipparchos, and two by his Argive wife, Iophon and Hegesistratos, surnamed Thessalos. For Peisistratos married Timonassa, daughter of Gorgilos, a noble Argive, and widow of the Ambraciot Archinos, one of the Kupselid clan. This alliance was the origin of his friendly relations with Argos, and procured him the assistance of 1000 Argives, brought to his aid at the battle of Pallene by his son Hegesistratos. Some say he married Timonassa during his first exile, others during his first tenure of power.

18. The age which they had attained and the positions which they held enabled Hippias and Hipparchos to secure the succession to the sovereignty; but Hippias being the elder, and by natural character a statesman, always occupied with high and serious interests, exercised the functions of government. Hipparchos was youthful in spirit and devoted to the god of love and the muses, and it was at his invitation that Anakreon and Simonides and other poets visited the Attic court. Thessalos, much their junior, was overbearing and profligate, and this was the origin of all the catastrophes that ensued. He conceived a passion for Harmodios, and because his intimacy was repudiated was filled with

resentment, which he manifested on several occasions. When the sister of Harmodios was chosen to carry the sacred basket on her head at the Panathenaic procession, Thessalos caused her to lose the office by accusing her brother of effeminacy. This exasperated Harmodios and Aristogeiton, and led them to conspire with a small band of associates to assassinate the usurpers. When the Panathenaic festival had begun, as they were waylaying Hippias with hostile intentions on the Acropolis, where he was performing the initiatory sacrifice while the procession was marshalled by Hipparchos, they saw one of the conspirators in close conversation with Hippias. Thinking he was betraying the plot and resolving to attempt something before they were arrested, they hurried down from the citadel, began the attack before their accomplices were ready, and slew Hipparchos, who was directing the procession by the Leokoreion. Thus they ruined their chances of success: Harmodios was slain on the spot by the body-guards, and Aristogeiton was afterwards captured and subjected to a long course of torture. Under torture he informed against many persons of illustrious birth who were friends of the tyrants. For at first they could get no clue to the conspirators, and the story that Hippias marched the members of the procession to a distance from their arms, and then detected the con-

spirators by the daggers they carried, is a fiction ; for marching under arms was not then the custom, but was introduced afterwards in the times of the republic. In accusing the despots' friends, as democratic-minded writers say, Aristogeiton intended to make the tyrants guilty of foul and unholy murder by putting to death persons who were their own friends and innocent of crime ; as others say, he made no false charges, but betrayed persons who were really guilty. At last, finding himself unable, do what he might, to goad them to put him out of his torment, he promised to betray many others, and made Hippias grasp his right hand by way of pledge, and then poured all his scorn upon him for grasping the hand of his brother's murderer, and so infuriated Hippias that, losing all self-control, he drew his sword and killed him.

19. These events exacerbated the despotism. Desire to avenge his brother and memory of the many whom he had put to death or driven into exile infused into the mind of Hippias suspicion and bitterness against all the world. About the fourth year after the death of Hipparchos the dangers of the metropolis induced him to fortify Mounuchia, intending to make it his residence. While engaged on this work he was driven from his throne by Kleomenes, the Lacedæmonian king, in obedience to

Delphic oracles, which persistently commanded the Lakonians to aid in liberating Athens. Of this pressure from Delphi the following is the explanation: The exiles under the leadership of the Alkmaionids could not by their unaided efforts recover their native land, but met with constant disaster. Not to mention other misadventures, Leipsudrion, on the flank of Mount Parnes, which they fortified, and where their garrison was joined by partisans from Athens, fell by storm into the hands of the tyrants, a catastrophe commemorated in one of their drinking songs: "Woe, woe is me, Leipsudrion, betrayer of thy friends! What gallants fell beneath thy walls, the foremost in the fray and noblest of the land, who proved that day of what sires they came!" Unsuccessful in all their other enterprises, they contracted to rebuild the temple at Delphi, and with lavish expenditure of their ample revenues performed the work with greater magnificence than the specifications stipulated, in reward for which they were helped by the Delphic priestess in obtaining military aid from Sparta. Whenever the Lacedæmonians consulted the oracle she enjoined them to aid in the deliverance of Athens, and at length induced them to undertake the task, although they were united by bonds of hospitality with the Peisistratidai. A second and equally potent

motive for the enterprise was their jealousy of the friendship of the Peisistratidai with Argos. First they sent Anchimolos by sea, and on his defeat and death, which were due to the arrival of Kineas the Thessalian to reinforce the tyrants with 1000 cavalry, they were highly exasperated, and despatched Kleomenes the king with more powerful forces by the mainland. He defeated the Thessalian cavalry who attempted to hinder his passage of the frontier, shut up Hippias in the Pelasgic fortress or old Acropolis, and besieged him there in concert with the Athenians. While the siege proceeded, the children of the Peisistratidai, attempting a secret exit, were captured. This led to a capitulation: in return for the restoration of their children, and permission to remove what they could of their property in a five days' interval, the Peisistratidai surrendered the Acropolis to the Athenians in the archonship of Harpaktides (511-510 B.C.), after exercising despotic power for a period of seventeen years from their father's death, or forty-nine years from the commencement of his reign.

20. After the expulsion of the usurpers feud arose between Isagoras son of Tisandros, a partisan of the fallen dynasty, and Kleisthenes, one of the Alkmaionid clan. Unable to withstand the confederated clubs of his opponents, Kleisthenes called

to his side the populace, to whom he offered sovereign power. Isagoras was now worsted in the contest, and again invoked the aid of Kleomenes, who was united to him by ties of hospitality, and persuaded him to banish from Attica the persons tainted with the Kulonian pollution, a class which included the Alkmaionids. Then Kleisthenes with a few others fled the country, and Kleomenes exiled 700 Athenian families as polluted by sacrilege. Next he tried to dissolve the Senate and make Isagoras with 300 of his partisans ruler of the state; but when the Senate resisted and the commons assembled in its defence, Kleomenes and Isagoras had to retreat to the Acropolis. After standing a siege for two days, Kleomenes with his soldiers was suffered to depart under a truce, and Kleisthenes with his confederates was recalled. Thus the sovereign power fell into the hands of the commons with Kleisthenes for leader and champion; for the chief credit of the expulsion of the usurpers belongs to the Alkmaionids, whose feuds with them had been incessant. A still earlier attempt to oust them had been made by Kedon, who is commemorated in the drinking song: "Fill our cups, boy, for a toast to Kedon; fill them full, if the good deserve remembrance in our wine."

✓ 21. Such were the reasons the commons had for trusting Kleisthenes. Leading them and having their support, in the fourth year after the fall of the tyranny in the archonship of Isagoras (508 B.C.), he began his reforms by distributing the population into ten tribes instead of four, breaking up the old groupings in order to extend the possession of the franchise: whence the advice addressed to would-be purifiers of the list of the clans not to mind the ancient tribes. Next he formed the Senate of 500 instead of 400, taking 50 instead of 100 from each tribe. In fixing the number of tribes his reason for rejecting a system of twelve was to keep his new sections from any coincidence with the old cleavage into twelve trittues which trisected the former tribes, and thus secure complete novelty for his rearrangement of the population. The land as an aggregate of units, called townships or demes, was divided into thirty sections called trittues or ridings, which were again united in three groups, ten trittues being urban, ten inland, ten maritime; and of these trittues three, determined by lot, went to form a tribe, with the condition that each tribe included one trittus of every group.<sup>1</sup> Municipal privileges were extended to all

<sup>1</sup> If, as Herodotos informs us, each tribe contained ten demes, the trittues must have contained a variable number of demes;

residents in the deme or municipality; and to prevent novelty of franchise being betrayed by the foreign sound of a father's name, Kleisthenes instituted the official style of describing an individual that prevails in the present day, *i.e.* by specifying his deme instead of his father. The forty-eight naukraries were superseded by 100 demes, and demarchs were created with the functions exercised by the old naukraroi. The demes received their names either from natural features of the locality or from their founders, if these were not irrecoverably buried in oblivion. The organization of clans, phratries, and priesthoods was allowed to continue unaltered. The tribes were named after ten heroes solemnly sanctioned by the Delphic oracle out of one hundred selected by popular vote.<sup>1</sup>

22. These changes made the constitution much more democratic than it had been after the reforms some three, some four, some perhaps two. Then a tribe might be thus composed: an urban trittus of three demes, an inland trittus of three demes, and a maritime trittus of four demes; or thus: an urban trittus of four demes, an inland trittus of four demes, and a maritime trittus of two demes, and so on. The demes of one trittus seem to have been contiguous, though the trittues of one tribe were scattered over different parts of Attica.

<sup>1</sup> The names of the tribes were: Erechtheis, Aigeis, Pandionis, Leontis, Akamantis, Oineis, Kekropis, Hippothoontis, Aiantis, Antiochis.



of Solon. His laws fell into desuetude in consequence of the usurpation, and the laws of Kleisthenes were enacted with the express purpose of increasing the ascendancy of the commons, as for instance the law respecting ostracism. In the eighth year after the reform of Kleisthenes, in the archonship of Hermokreon (501 B.C.), the Senate of 500 was first required to take the oath which is still administered, and the custom was begun of filling the office of general by electing one for each tribe, while the whole army remained under the command of the polemarch. Twelve years afterwards they were victorious at Marathon, when Phainippos was archon (490 B.C.). Two years after that, emboldened by success, the commons applied for the first time the law of ostracism which they had enacted as a safeguard against the great, taking a lesson from the career of Peisistratos, who had been champion of the masses and general before he usurped despotic power. The first person ostracized was one of his relatives, Hipparchos of Coluttos, son of Charmos, at whom the law was originally aimed by Kleisthenes, who thought him dangerous to the state. For the tyrants' partisans who had taken no guilty part in the disorders had been permitted, with the customary leniency of the commons, to remain in Athens; and the head and front of that party was Hipparchos.

The next year, when Telesinos was eponomos (487 B.C.), they for the first time after the expulsion of the tyrants<sup>1</sup> appointed the nine archons by lot, taking one from each tribe out of 100 candidates previously selected by tribal vote. Before that, the archons had been definitively selected by vote. The same year they ostracized Megakles, son of Hippokrates of Alopeke. Thus for three years it was only the partisans of the tyrants who were ostracized; but after the fourth year the blow fell on any others who seemed too powerful. The first man unconnected with the tyrants who suffered the fate was Xanthippos, son of Aripbron (486 B.C.). The third year after this, when Nikomedes was archon (484 B.C.), the mines at Maroneia or Laurion were discovered, and their working gave the state a revenue of 100 talents. While some politicians advised the people to divide the money among themselves, Themistokles dissuaded them: he did not disclose the destination of the funds that he contemplated, but asked them to lend one talent apiece to one hundred of the richest citizens. If the commons afterwards approved of the object on which they were spent, they should debit the state with the cost; if not, they should call in the capital and dispose of it at their pleasure. He obtained the funds on these conditions, and built

<sup>1</sup> Reverting to the mode instituted by Solon, ch. 8.

the hundred triremes, one with each talent, with which they fought against the barbarian the battle of Salamis. The same year they ostracized Aristides, the son of Lusimachos (484 B.C.). The fourth year after this, in the archonship of Hupsichides (July, 481—July, 480 B.C.), they recalled all the persons they had ostracized, because Xerxes was on his march against Greece; and named Geraistos, the south point of Euboa, and Skullaion, the east point of Argolis, as the east and west limits beyond which in future any ostracized person must reside, on penalty of forfeiting for ever his rights of citizenship.

23. Up to this epoch the growth of the state in power was accompanied step by step by a corresponding growth of its democratic character. But after the Median war the council of Areopagus recovered strength and ruled the state, not that any law conferred the hegemony on them, but because the aristocratic party had the credit of the victory at Salamis. For when the generals had despaired of the country and proclaimed a *sauve qui peut*, the Areopagus raised funds, gave every man eight drachmas (6s. 6d.), and induced them to man the ships. In consequence of this public service the Ecclesia yielded the ascendancy to the Areopagus, and public affairs were admirably administered dur-

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ing the following epoch. For they acquired the art of war, made their name honoured throughout the Hellenic world, and possessed themselves of the sovereignty of the sea with the consent of Lakadaimon. At this time the leaders of the commons were Aristeides, son of Lusimachos, and Themistokles, son of Neokles; the latter studious of the arts of war, the former reputed eminent in statesmanship and honest beyond his contemporaries; which characters made their countrymen employ the one as a general the other as a counsellor. The rebuilding of the walls of Athens was their joint work, though they were otherwise at feud. The detachment of the Ionians from Persia and the formation of an alliance with Sparta were due to the counsels of Aristeides, who seized the opportunity afforded by the discredit cast on the Lakonians by the conduct of Pausanias. He too originally apportioned, two years after the battle of Salamis, in the archonship of Timosthenes (478 B.C.), the contribution to be paid by the islanders: and it was he who, as representative of Athens at the confederacy of Delos, swore that Athens would have the same friends and enemies as the Ionians, on the occasion when the oaths were solemnised by sinking masses of metal in the sea.

✓ 24. Subsequently, when lofty thoughts filled

every bosom and wealth was accumulating, Aristei-  
des advised them to administer the hegemony with  
their own hands, to leave their country occupations  
and fix their domicile in the city. Sustentation,  
he promised, would be provided for all, either as  
soldiers or sailors in active service, or as troops in  
garrison or as public servants; and then they could  
increase the vigour of their imperial sway. They  
followed his advice, and, taking the rule into their  
own hands, reduced their allies to the position of  
vassals,<sup>1</sup> except the Chians, Lesbians, and Samians,  
whom they kept as satellites of their power, and per-  
mitted to retain their own constitutions and to rule  
their own dependencies: and they provided for their  
own sustentation by the method which Aristides in-  
dicated; for in the end the public revenues, the taxes  
and the tributes of the allies gave maintenance to  
more than 20,000. There were 6,000 dicasts or jurors,  
1,600 archers, 1,200 cavalry, 500 senators, 500

<sup>1</sup> When Plutarch, discussing the saying that justice begins at home, suggests that the so-called justice of Aristides was confined to his relations with his own countrymen, he was perhaps thinking of these events. In the time of honest Aristides the contributions of the allies towards the war against Persia amounted to 460 talents. As an effect of the increased vigour which he recommended, they amounted in the time of Alcibiades to 1,300 talents, expended by Athens as her private revenue.

soldiers of the dockyard garrison, 50 city guards, 700 home magistrates, 700 foreign magistrates, 2,500 heavy armed soldiers (this was their number at the beginning of the Peloponnesian war), 4,000 sailors manning 20 guardships, 2,000 sailors appointed by lot, manning 20 tribute-collecting ships, and in addition to these the Prutaneion, the orphans, the gaolers; and all these persons were maintained at the expense of the national treasury.<sup>1</sup>

25. The sustentation of the commons was thus secured. The seventeen years which followed the

<sup>1</sup> Accordingly the number supported by the public funds equalled what is estimated to have been the total number of full-grown male citizens in the palmy days of Athens. The twelve phratries, according to Pollux, were each divided into thirty clans, and each *genos* or clan into thirty families. This makes 10,800 families, agreeing with a statement in Xenophon's *Memorabilia*, iii., 6, 14, that Athens contained upwards of 10,000 families (*oikiai*). Allowing two full-grown men to a family, there were 20,000 of this category. Adding 10,000 *metoikoi*, or domiciled foreigners, we obtain 30,000 freemen; adding 110,000 women and children, we get 140,000 free inhabitants; adding 400,000 slaves, we obtain a total of 540,000 persons. After the fall of Greece the population of Attica declined. In 133 B.C., it is estimated that we must divide the free population by six, the slaves by three; that of the former there were about 23,000, of the latter about 115,000, making a total of 138,000. Even this is more than double the population of modern Attica (about 60,000). See F. Hermann, *Greek Antiquities*, § 98.

Median war were about the period during which the country continued under the ascendancy of the Areopagus, though its aristocratic features were gradually on the wane. When the masses had grown more and more preponderant, Ephialtes, son of Sophonides, reputed incorruptible in his loyalty to democracy, became leader of the commons, and began to attack the Areopagus. First, he put to death many of its members by impeaching them of offences committed in their administration. Afterwards, in the archonship of Konon (462 B.C.), he despoiled the council itself of all its more recently-acquired attributes, which were the keystone of the existing constitution, and distributed them among the Senate of 500, the Ecclesia, and the courts of law. In this work he had the co-operation of Themistokles, who was himself an Areopagite, but expecting to be impeached for treasonable correspondence with Persia. Desiring the immediate ruin of the council, Themistokles warned Ephialtes that it was going to imprison him; and told the Areopagus that he would show them a band of traitors in the act of conspiring against the state. Whereupon he conducted a committee of the council to the residence of Ephialtes to show them the gang assembling, and held them in earnest conversation on the spot. When Ephialtes saw them he was panic-struck, and fled clad in nothing but

Ephialtes

his tunic to the altar, and sat there to the general amazement of the spectators. Subsequently Ephialtes and Themistokles kept accusing the Areopagus before the Senate of 500, and again before the Commons, till finally they stripped it of all its principal functions. The assassination of Ephialtes by the instrumentality of Aristodikos of Tanagra followed not long after. Such were the circumstances of the overthrow of the Areopagus.

26. After this the degradation of the constitution proceeded without intermission from the eagerness of politicians to win popular favour; and at the same time there happened to be no organizer of the aristocratic party, whose head, Kimon, the son of Miltiades, was too young for some years to enter political life; besides which, their ranks were much devastated by war. Expeditionary forces were recruited by conscription; and as the generals had no military experience and owed their appointment to the reputation of their ancestors, each expedition entailed the sacrifice of 2,000 or 3,000 lives, chiefly of the noblest sons of Athens, whether belonging to the wealthy classes or to the commons.

Although in every department of political life obedience to the constitution was relaxed, yet the mode of electing the nine archons partly by vote was not abrogated; but six years after the death



of Ephialtes it was enacted that a contingent of Zeugeitai as well as of the two higher classes should be elected by vote to cast lots for the archonship, and the first Zeugeite who held office was Mnesitheides (457 B.C.). Before him all the archons were either Pentacosimedimnoi or Hippeis, and the Zeugeitai were only appointed to minor magistracies, unless by an occasional disregard of the constitution. Five years after, when Lusikrates was archon (453 B.C.), the thirty local judges of assize for the demes were revived (ch. 16); and three years after, in the archonship of Antidotos (451 B.C.), on the motion of Perikles, a law was passed in consequence of the rapid multiplication of citizens, that no child should be qualified by birth for record on the civic roll unless both its father and its mother possessed the franchise.

27. After this, under the leadership of Perikles, who had already signalized himself in his youth by impeaching the accounts rendered by Kimon of his generalship, democracy penetrated still deeper into the constitution. He despoiled the Areopagus of some remaining functions, and it was principally he who impelled the country to make itself sovereign of the sea, and led the masses, intoxicated by success, to grasp an ever-increasing monopoly of power. Forty-nine years after the sea-fight at Salamis, in

*Zeugeitai  
give of an  
457 B.C.*

*citizenship*

the archonship of Puthodoros (432—431 B.C.), the Peloponnesian war began to run its course; and it was during this period that the commons, shut up in the metropolis and habituated by military service to live on public funds, in part voluntarily in part involuntarily, gradually resolved to discharge the functions of executive in person. Pay for service in the law-courts was originated by Perikles, bidding by this measure for the gratitude of the commons against the bid which Kimon was enabled to make by his superior wealth. For Kimon, with the revenues of a king, besides discharging his public duties with magnificence, maintained many of his municipality at his own expense, keeping open house for all the deme of Lakiadai; and left all his orchards unfenced so that anyone who liked might go in and eat his fruit. As he could not compete in such liberalities, Perikles followed the counsel of Damon, son of Damonides of Oia, reputed to be his political adviser (for which reason he was afterwards ostracized), and as his own means were inadequate, made a present to the masses of what was already their own, by establishing the system of payment for service in the law-courts; to which some ascribe their deterioration, as the have-nothings were always more eager to cast lots for the function than people of position. After this followed the practice of bribing the jurors, an

invention of Anutos after his command at Pulos; *Anyta*  
 for when he was impeached for the loss of Pulos he  
 bribed the chamber of jurymen and was acquitted.

28. So long as Perikles continued leader of the commons the management of public affairs was tolerable, but after his decease it much deteriorated. Now for the first time the commons adopted for their leader a man held in no esteem by wise or honest citizens. In older times the chiefs of the commons were without exception men of respectable character. The most ancient of the list was Solon, the next Peisistratos, both of high birth and high distinction. After the fall of the despotism, Kleisthenes, a member of the Alkmaionid clan, succeeded and encountered no rival leader of the opposition after the exile of Isagoras. Subsequently the commons were led by Xanthippos, the higher orders by Miltiades. Then followed Themistokles and Aristeides, after them Ephialtes headed the commons, Kimon, son of Miltiades, the richer classes. Lastly Perikles represented the commons, and Thoukudides, related by marriage to Kimon, the opposition. After the death of Perikles the aristocratic party were led by Nikias, who died in Sicily, the popular party by Kleon, son of Kleainetos. He appears to have been by his incitations a most effective corrupter of the commonalty. He was the first to bellow and scold

on the tribunal, and made speeches in the garb of a working man,<sup>1</sup> while the others had always regarded decorum. After these the one party were led by Theramenes, son of Hagnon, the commons by Kleophon, the musical instrument maker. He was the first who presented the populace with the theorikon, or three obols to pay for a seat at the theatre, and for a time had the distribution of the dole, but was eventually outdone and supplanted by Kallikrates of Paiania, who increased the largess by another obol. Both these politicians were subsequently put to death, for generally when the masses have been misguided the time comes when they learn to hate the authors of disgrace or disaster. From the epoch of Kleophon, without any intermission, the leadership passed successively to whoever was most reckless in courting the adhesion of the populace by sacrificing permanent interests to some immediate gratification. The most respectable of the Athenian statesmen in modern times were Nikias, Thoukudides, and Theramenes. About Nikias and Thoukudides people are nearly unanimous that they were men of honour and statesman-like in their views, and ruled the state as a father rules a household. As to Theramenes, who lived in

<sup>1</sup> Or with his robes fastened or tucked up as if he were engaged in some manual labour.

revolutionary times, opinion is more divided. According to the verdict of dispassionate judges, instead of being a traitor and renegade as his traducers allege, and having a hand in the overthrow of every form of constitution, he supported every form so long as its adherents were law-abiding, and he was ready to take a part in public life under any form, as patriotism enjoins ; but so soon as the conduct of the partisans of any government became unconstitutional, he was ready to oppose them and incur their hatred.

29. As long as victory in the war hung in doubtful scales the constitution continued democratic, but when the Sicilian disaster gave a clear superiority to the Lacedæmonians, they were obliged, in order to obtain the assistance of Persia, to abandon democracy and substitute in its place the rule of the 400. The orator who prepared the public mind for the change was Melobios, the framer of the decree Puthodoros, the cause of its adoption by the commons, their belief that the Persian king would be more easily induced to become their ally if their government were converted into an oligarchy. The effect of the bill of Puthodoros was as follows : The commons should elect, to take part with the existing ten probouloi, twenty other persons from the body of citizens more than forty years old, who, after taking an oath to put in writing what they believed to be

most expedient for the state, should draw up a plan for the salvation of the country; all others who wished should be entitled to make any written suggestions, in order that the commons, having all the projects before them, might adopt the best. So far Kleitophon agreed with Puthodoros, but to assist the commons in coming to a wise conclusion, he wished further to commission the constitution-framers to search out the old laws enacted by Kleisthenes when he founded the democracy, in the idea that the Kleisthenic constitution was no democracy, but something like the timocracy of Solon. The board when elected first brought in a bill making it compulsory on the prutaneis to put every proposition on the salvation of the country to the vote: next abolished all indictments for unconstitutional motions, all impeachments of treason before the Senate or Ecclesia, and citations on like charges before any criminal court, in order to encourage all Athenians who chose, to offer advice on the existing dangers; and enacted that whoever on the ground of such counsels molested, or cited, or brought anyone before a criminal court should be liable to information and arrest, and be taken for summary process before the strategoi, who should deliver him to the eleven prison commissioners to be put to death. Next they enacted the following fundamental ordinances: It

should not be lawful to spend the public revenue on any object but the conduct of the war; that during the war all magistracies should be unsalaried except the nine archons and the prutaneis, who should receive three obols ( $4\frac{1}{2}d.$ ) a day. That absolute power should be committed to the citizens most able to serve the country by their persons and their substance, forming a body of not less than 5,000, so long as the war continued, including power to make treaties with any foreign state; and, finally, that ten men chosen from each tribe should compose a catalogue of the 5,000, after swearing an oath solemnised with the sacrifice of full-grown victims.

30. Such were the ordinances of the thirty probouloi. As soon as they were ratified, the 5,000 elected out of their own body 100 persons, who were commissioned to construct the charter of the constitution. They framed and promulgated the following platform: A council should hold office for a year, consisting of persons more than thirty years old and unsalaried. These should include the generals, the nine archons, the hieromnemon or sacred recorder sent with the pulagoras or deputy to the Amphictuonic Council, the ten taxiarchs or commanders of the tribal quota of infantry, the two hipparchs or commanders of cavalry, the ten phularchs or officers of the tribal quota of cavalry,

the commandants of fortresses, the ten treasurers of the sacred treasures of Athena and the other gods, the twenty treasurers of the other secular treasures who had charge of the funds, the ten hieropoioi or inspectors of sacrifices, and the ten epimeletai or curators. That all these officials should be appointed by the council by a double election ; that is, by election from a number previously elected out of the members of the council. All other magistrates should be appointed by lot, and not from the body of the councillors. The hellenotamiai, or officers who collected the contributions of the smaller Greek states towards the Persian war, who had charge of the funds, should not form part of the council. In the future four councils should be formed of members more than thirty years old, and cast lots for precedence in tenure of office ; and, as a precaution against cabals, at every new sortition the groups should be formed of new combinations. That the 100 members of the constituent board should divide themselves and 300 others into four groups, equal in weight as well as number, and cast lots to determine which should first hold office for a year. The council should take such measures as should seem to them best for the conservation and expenditure of the revenue and all other purposes ; and if they should desire to deliberate in greater numbers, each



councillor should join to himself any associate whom he chose under the same condition of age. The sessions of the council should be for five days at a time with intervals of five days, unless more frequent sessions should be necessary. The sortition of the council should be superintended by the nine archons; their votings by five tellers taken by lot from the council, one of whom should be chosen by lot every day to be chairman and put questions to the vote. The five tellers should admit by decision of lot any persons who wished to have audience of the council, giving the first appointments to religion, the second to heralds from states at war, the third to embassies from states at peace, the fourth to any other business. Military matters should be introduced by the generals for debate as occasion required without casting lots. Non-attendance of a councillor at the council chamber at the appointed hour should entail a fine of a drachma per day, unless permission of absence should have been previously obtained.

31. This constitution was intended for future times: the following was intended to come into immediate operation. A council of 400 were to govern according to ancient precedent, forty of whom were to be selected from each tribe, out of a larger number pre-selected by tribal voting from citizens

above thirty years of age. The council was to appoint magistrates, formulate the oath they were to swear, and deal with the laws, with the accounts to be rendered by magistrates on laying down office, and all other matters as they might deem expedient. They were to observe the constitutional laws that should be enacted and not abrogate or alter them. On this occasion they were to elect the generals from all the 5,000. Soon after its assumption of office, and after a review of the army, the council were to appoint a board of ten commanders with a secretary, who were to have autocratic power for the present year, consulting the council when occasion required. The board should appoint one hipparch and ten phularchs; subsequently the appointment of such officers was to be made by the council according to the terms of the constitution. As to all other officials except councillors and generals, it should not be lawful for any of the 400 or any other person to discharge the duties of any high office more than once. When once the 400 had been formed into four groups for sortition, on subsequent occasions, to prevent the old members when on the council a second time from having the same colleagues, the constituent board of 100 should see that they were distributed so as to form new combinations.

32. Such was the constitution framed by the con-

stituent board who were chosen for the purpose by the 5,000 ; and as soon as it had received ratification by the people on the question being put to their vote by Aristomachos, in the archonship of Kallias (July 413—July 412 B.C.), on the 14th of Thargelion or May, a month before it had completed its year of office, the senate of 500 was relieved of its functions ; and the council of 400 assumed the reins of government on the 21st of Thargelion. The senate of 500, selected by lot as successors to the last, would have entered on their office on the 14th of Skirophorion or June. Such was the mode in which the oligarchy was set on foot in the archonship of Kallias, about 100 years after the fall of the tyranny, principally by the agency of Peisandros, Antiphon, and Theramenes, men of illustrious birth and in high esteem for wisdom and justice. As soon as the government was established, the selection of the 5,000 proved to be nugatory, for the council of 400, with the ten autocratic commanders, entered the council chamber and took upon themselves the business of government. They sent an embassy to Lakedaimon with overtures to end the war on the basis of *uti possidetis* : but, as Sparta declined unless Athens abdicated the sovereignty of the sea, they had at last to abandon the project of pacification.

33. Four months was about the duration of the

rule of the 400 ; and Mnasilochos, one of their number, was archon for two months of the year (411 B.C.), named after Theopompos, who was eponomos for the remaining ten. The defeat at the sea-fight of Eretria, followed by the revolt of the whole island of Euboa with the exception of Oreos, affected the Athenians more painfully than any previous disaster ; for the products of Euboa were actually more important to them than those of Attica. Accordingly they deposed the 400, gave supreme power to 5,000 citizens qualified by military service, and passed a decree that no magistracy should be salaried. The principal authors of the revolution were Aristokrates and Theramenes, discontented with the conduct of the 400, because they assumed authority to decide every question of themselves without asking for the sanction of the 5,000. Then followed, as is recorded, a period of excellent administration. It was a period of war, and military capacity was not unnaturally the title to political power.

34. Their rule was soon terminated by the restoration of democracy on the return of the fleet from Samos after the victory of Kuzikos. In the sixth year after the fall of the 400, in the archonship of Kallias of Angele (406—405 B.C.), after the naval victory of Arginousai, two faults were committed : the ten victorious generals were condemned to death

collectively on a single indictment, though some had taken no part in the action, and others, after the sinking of their own ships, owed their lives to being rescued by their neighbours. To this injustice the commons were impelled by orators who misdirected their anger. Secondly, when the Lacedæmonians offered to evacuate Dekeleia and make peace on the basis of *uti possidetis*, though pressed by some of their counsellors to assent to the overtures, the majority followed the evil counsel of Kleophon, who came into the assembly intoxicated, wearing a breast-plate, and said he would not allow peace to be made unless the Lacedæmonians surrendered all the cities they had occupied in the course of the war. Having acted rashly in that conjuncture, no long time elapsed before they discovered their unwisdom. The very next year, in the archonship of Alexias, they were defeated in the sea-fight at Aigospotamoi, which led to the capture of Athens by Lusandros (16th Mounuchion or April), and the domination of the Thirty tyrants. This came to pass in the following manner. One of the terms on which peace was concluded was that the ancient constitution should be re-established. By the construction they put upon these words the democrats tried to maintain the democracy; those who had been members of the aristocratic clubs and those who returned from exile on the conclusion of

peace desired to establish an oligarchy; and those again who had not been members of an aristocratic club, though they belonged to families of distinction, desired to re-establish the Solonian constitution. To this party belonged Archinos, Anutos, Kleitophon, Phormisios, and many others, but the principal leader was Theramenes. When Lusandros pronounced in favour of the oligarchical interpretation, the intimidated commons voted *volens volens* for the re-establishment of oligarchy, adopting the motion of Drakontides of Aphidnai.

35. Owing their elevation to these circumstances, in the archonship of Puthodoros (404—403 B.C.), as soon as the thirty felt firm in their position, they dismissed from their thoughts all the resolutions respecting the character to be given to the administration. They chose 500 councillors and the principal magistrates out of a pre-selected number of 1000; and associating with themselves ten commissioners of the Peiraieus and eleven prison custodians, and surrounded with 300 satellites armed with whips, they proceeded to maintain order in the city with a very high hand. At starting their conduct was moderate, and appeared to aim at realizing the Solonian institutions. The laws levelled by Ephialtes and Arcestratos against the Areopagites were dislodged from the court of Areopagus: some of Solon's

ordinances, whose uncertain construction gave arbitrary power to the jurors, were cancelled with the express purpose of correcting and illuminating the code. For instance, the power of testamentary disposition in the absence of legitimate children was made absolute and relieved of the provisos, a constant source of litigation, relating to madness of the testator, infirmities of age, and feminine influence, in order to shut the door against pettifogging and sycophancy. During the first period of their rule they really did what they professed, and only put to death sycophants and dishonest and mischievous demagogues, and the public looked on with delight, believing what was done was for the good of the country. As soon, however, as they felt themselves strong in their position, no citizens were safe from the strokes which fell on those prominent by wealth, birth, or rank, at the promptings either of fear or of greed; and no long space elapsed before they had put to death as many as 1,500.

36. When social order was at this low ebb, Theramenes, revolted at the scenes that were being enacted, urged them to end the career of lawlessness and admit honestly disposed citizens to some share of political power. At first they refused to listen, but when his remonstrances reached the public ear and obtained general assent, fearing lest he should

put himself at the head of the commons and overthrow the oligarchy, they made a catalogue of 3,000 citizens, professing they were going to give them a share in shaping the destinies of the nation. Theramenes, however, still condemned their measures on two grounds: because while they proclaimed the intention of granting to the well-disposed some influence in public affairs they only enfranchised 3,000, as if that number marked the extreme limit of civic virtue: secondly, because they tried to combine two things that were mutually repugnant, the rule of violence and rule by consent of the governed. These protests were disregarded, and the promulgation of the catalogue of the 3,000 was continually postponed, and the names of those they had selected for association in power were kept a secret in their own bosoms, or, if from time to time instalments of the lists were published, they perpetually cancelled names originally introduced and substituted others originally excluded.

37. After winter had set in and Phule had been seized by Thrasuboulos, and the attempt to dislodge him proved unsuccessful, the Thirty determined to disarm the population and disembarass themselves of Theramenes. This they did in the following manner. They introduced two bills for the assent of the council, one of which gave the Thirty abso-



lute power over the life of any citizen not included in the catalogue of 3,000, while the other excluded from political rights all who had had a hand in destroying the fortress of Eetioneia or opposed the 400 or the founders of the last oligarchy. As Theramenes was guilty of both these offences, the effect of the ratification of the bills was to exclude him from the franchise, and empower the Thirty to put him to death. His execution was followed by the disarmament of all the population except the 3,000, and an exacerbation of the crimes and cruelty of the Thirty. They sent an embassy to Lakedaimon with accusations against Theramenes and a request of assistance: in response to which the Lacedæmonians sent Kallibios as commissioner to restore order with about 700 troops, who on their arrival occupied and garrisoned the Acropolis.

38. The exiles in Phule afterwards seized Mounuchia and defeated in battle the army of the Thirty who attacked them. The defeated troops effected their return to the city, but in consequence of the disaster assembled the next day in the market-place, declared the Thirty to be deposed, and elected ten citizens with autocratic power to bring the war to a close. When the Ten were established in office they neglected the object which they were commissioned to accomplish, and sent an embassy to

Lakedaimon to ask for aid and borrow funds. Rousing thereby the indignation of their countrymen who were invested with the franchise, and fearing to be deposed, in order to overawe the others (an object in which they succeeded) they arrested Demaretos, one of the most distinguished, and put him to death; and continued a reign of terror in which they had the co-operation of Kallibios and the Peloponnesians who were present and a portion of the Equestrian order, for some of these were among the most resolute in attempting to prevent the return of the exiles from Phule. When, however, the exiles made good their position in the Peiraieus and Mounuchia, and, joined by all the commons from the city, were proving their superior strength, the 3,000 who monopolized the franchise deposed the first appointed Ten, and appointed a second board of the same number, composed of the best and wisest that could be found, under whose tenure of office, and by whose co-operation and strenuous efforts, the restoration of the democracy and pacification were brought to a successful end. Their most prominent chiefs were Rhinon the Paianian and Phaüllos the Acherdousian. Before the arrival of Pausanias they negotiated with their countrymen in Peiraieus, and were zealous in helping forward the restoration. For the actual conclusion of peace and reconciliation

was managed by Pausanias the Lacedæmonian King and the ten Reconcilers, who afterwards, in compliance with his request, were despatched from Lakædaimon. Rhinon and his colleagues earned praise for their loyalty to the democracy, and, though elevated to power under an oligarchy and bound to render an account of their trust to a democracy, found no accuser either among those who staid in the city or among those who returned from Peiraieus; and indeed Rhinon was immediately afterwards made a general.

39. Peace was concluded in the archonship of Eukleides (403 B.C.) on the following terms: Every Athenian who during the war staid in the metropolis, if he wishes, may transfer his residence to Eleusis, without losing his franchise or proprietary rights or the enjoyment of his revenues, and invested with autonomous power at Eleusis. The temple of Demeter at Eleusis shall be of common access to both parties under the hereditary custody of the Kerukes and Eumolpidae. The residents at Eleusis shall not visit Athens, and the residents at Athens shall not visit Eleusis, except at the celebration of the Mysteries, greater and lesser. The residents at Eleusis shall contribute from their revenues to the federal fund like the residents in Athens. Any emigrant to Eleusis who takes a house shall first

obtain the assent of the owner; if they differ on the terms, each shall choose three valuers, and the price fixed by the valuers shall be paid. Only those Eleusinians whom the residents permit shall remain at Eleusis. The registration of intending emigrants at present in Athens must take place within seven days of taking the oath of pacification, their emigration within twenty days: the registration and migration of intending emigrants at present abroad shall be within similar intervals after their return to Athens. No emigrant to Eleusis shall hold any magistracy in Athens before he is again registered as resident in Athens. Trials for homicide in accordance with the ancient laws shall only be held of persons who have killed with their own hand. Past offences shall not be remembered against anyone, except against the Thirty and the board of Ten and the eleven prison commissioners and the ten governors of Peiraiæus; and not against these if they submit to render an account of their tenure of office. Accounts shall be rendered by those who ruled in Peiraiæus to the residents in Peiraiæus, and by those who ruled in Athens to residents in Athens. Those who have rendered such accounts shall be permitted forthwith to migrate. The funds borrowed towards the prosecution of the war by either party shall be paid exclusively by the party who borrowed.

40. The terms of the pacification not allaying the fears of those who had fought on the side of the Thirty, many of whom intended to secede to Eleusis, though with natural procrastination they deferred registering or migrating to the last days permitted by the law; Archinos, observing how numerous they were and wishing to stop the exodus, suddenly curtailed the time allowed for registration and migration, and thus compelled many to stay in Athens against their will, until at last they discovered that their apprehensions were unfounded. A second measure of Archinos which gained further applause was his impeaching as unconstitutional the proposal of Thrasuboulos to confer citizenship on all who joined in the return from Peiraiæus, some of whom were notoriously slaves. On a third occasion, when one of the returned exiles attempted to violate the amnesty, he arrested him and took him before the Senate, and persuaded them to put him to death without a trial, telling them the hour had come when they must show whether they meant to save the democracy and abide by the oaths they had sworn: if they acquitted this offender, they would encourage others to commit the same offence: if they put him to death, all the rest would take warning from his fate. And so it came to pass, the man was put to death, and no one afterwards

attempted to violate the amnesty. In various other measures, both public and private, they seem to have shown much virtue and wisdom in the way they faced the disasters which had befallen them. Besides passing the act of amnesty, they paid the debt to Lakedaimon incurred by the Thirty for the purposes of the war out of the public funds, although by the capitulations the two parties, those of the city and those of Peiraieus, were each to meet their own liabilities. They deemed such a step to be an appropriate inauguration of the era of concord, whereas in the history of other states, far from contributing from their own pockets to aid their opponents to pay their debts, we see the commons when victorious enrich themselves by a redistribution of the land of the vanquished. A final reconciliation with those at Eleusis ensued <sup>1</sup> in the third year of the emigration in the archonship of Xenainetos (401 B.C.).

41. This occurred at a later date. Before this, in the archonship of Puthodoros, the commons on recovering the supremacy established the constitution that now exists; and Thrasuboulos was recognized as entitled to the leadership, because it was by his strategy that the restoration of democracy was

<sup>1</sup> The leaders of the party, as Xenophon informs us, were invited to a conference and massacred; the rest were induced to return to Athens. *Hellenica*, ii., 4, 43.

accomplished. Of the political revolutions that Athens experienced this was the eleventh.

The first constitution was that created by the first consolidators of the scattered forces of Attica, Ion and his companions, who were the authors of the aggregation of the demes into four tribes, and the integration of the four tribes into a single state, and the reduction of petty sovereigns to tribal kings.

The second order of things and the first essentially altered position of sovereign power was the constitution under Theseus, a slight departure from the autocratic type of monarchy.

The next was the legislation of Drakon, the earliest appearance of written law.

The third type followed after civil dissensions, and consisted of the institutions of Solon, containing democracy<sup>1</sup> in embryo.

The fourth was the usurpation of Peisistratos.

The fifth the Kleisthenic constitution, more popular than the Solonian timocracy.

The sixth the aristocratic rule that followed the Persian war, presided over by the council of the Areopagus.

The seventh the constitution initiated by Aristeides

<sup>1</sup> *i.e.* ochlocracy. This word was introduced after the time of Aristotle to express what he would have called extreme democracy if he wished to be precise.

and completed by Ephialtes, when he overthrew the council of Areopagus, signalized in the course of its history, under the evil guidance of demagogues, by many errors on the part of the commons, who rose to supreme power in consequence of Athens acquiring the sovereignty of the sea.

The eighth form of government was the oligarchy of the 400.

The ninth the restored democracy.

The tenth the tyranny of the Thirty and the Ten.

The eleventh, the type which was instituted after the return from Phule and the Peiraieus, and which has continued for the last three-quarters of a century, with a constantly augmenting absolutism of the commons.<sup>1</sup> For in every department the commons have assumed supreme and immediate direction,

<sup>1</sup> When this treatise was written no further evolution or political life for Athens could be expected. After the history which has been in part related, and with the constitution which remains to be described, Athens could not have hoped to furnish hegemony under which other Greek states could rally to resist any foreign foe, as they had done with rash credulity after the battle of Salamis. The battle of Chaironeia, which led to the destruction of Thebes and laid Greece at the feet of Macedon, had already been fought (338 B.C.). Nearly two centuries later (Mummius captured Corinth, 145 B.C.) she was more completely pulverized by a stronger brigand state that had risen in the west. Forces to be reckoned with by Rome were the Achaian and Aitolian leagues. Athenian ochlocracy was nowhere



partly through the legislature and partly through the judicature, in which they are uncontrolled. The transfer to the commons of the judicial functions that belonged to the senate appears indeed to have been an advantage, for corruption finds an easier material in a small number than in a large one, whether it works by motives of greed or partiality. Pay for the performance of legislative functions was at first repudiated, but when it was found that non-attendance of the commons at the *ecclesia* frequently allowed measures to be carried by the propertied classes, *Agurrhios*, in order to induce the masses to determine by their votes all matters in issue, began (about 400 B.C.) by bestowing one obol for attendance. *Herakleides* of *Klazomenai* doubled the dole, and finally (392 B.C.) the same *Agurrhios* raised it to three obols.

42. The present state of the constitution is as follows: Citizenship is a right of children whose parents are both of them citizens. Registration as member of a *deme* or township takes place when eighteen years of age are completed. Before it takes place the townsmen of the *deme* find a verdict on oath, firstly, whether they believe the youth to be as old as the law requires, and if the verdict is in the negative he returns to the ranks of the boys. Secondly, the jury find whether he is freeborn and

legitimate. If the verdict is against him he appeals to the Heliaia, and the municipality delegate five of their body to accuse him of illegitimacy. If he is found by the jurors to have been illegally proposed for the register, the state sells him for a slave; if judgment is given in his favour, he must be registered as one of the municipality. Those on the register are afterwards examined by the senate, and if anyone is found not to be eighteen years old a fine is imposed on the municipality by which he was registered. After approbation they are called Epheboi or cadets, and the parents of all who belong to a single tribe hold a meeting, and after being sworn, choose three men of the tribe above forty years of age whom they believe of stainless character and fittest for the superintendence of youth, and out of these the commons in ecclesia select one superintendent for all of each tribe, and a governor of the whole body of youths from the general body of Athenians. These take them in charge, and after first visiting with them all the temples, march down to Peiraieus, where they garrison the north and south harbours, Mounuchia and Akte. The commons also elect two gymnastic trainers for them and persons who teach them to fight in heavy armour, to draw the bow, to throw the javelin, and to handle artillery. Each of the ten commanders receives as pay a drachma per diem,

and each of the cadets four obols. Each commander draws the pay of the cadets of his own tribe, buys with it the necessaries of life for the whole band, for they mess together by tribes, and purveys for all their wants. The first year is spent in military exercises. The second year the commons meet in the theatre, and the cadets, after displaying before them their mastery of war like evolutions, are each presented with a shield and spear, and become mounted patrols of the frontier and garrison the fortresses. They perform this service for two years, wearing the equestrian cloak and enjoying immunity from other civic functions. During this period, to guard their military duties from interruption, they can be parties to no action either as defendant or as plaintiff, except in suits respecting inheritance, or heiresses, or successions to hereditary priesthoods. When the three years are completed they fall into the ordinary body of citizens. So much for registration on the civic roll and the military training of youth.<sup>1</sup>

43. All magistrates that have to manage ordinary business are appointed by lot, except the treasurer of

<sup>1</sup> With this we may compare the two years' course of training of English officers for the line and the scientific corps of the army, at Sandhurst and Woolwich, between the ages respectively of 17 and 23, and 16 and 20.

the military chest, the disburser of the theatrical dole, and the curator of fountains.<sup>1</sup> These are appointed by open election, and hold office from Panathenaic festival to Panathenaic festival, *i.e.* from the first of Hekatombaion or mid-July to the middle of the following July. Open election is also the mode of appointment to military command.

The senate of 500 is appointed by lot, fifty being taken from each tribe. The Prutany or Presidency is held in turn by each tribe in the order determined by lot: the first four prutanies lasting for thirty-six days each, the last six for thirty-five. For [instead of the number of days which it takes the sun to make an apparent revolution, *i.e.* to return to the same place in the zodiac] the number of days it takes the moon to make twelve revolutions is their measure of the length of the year [which thus only consists of 354 days; and the error is corrected, and the months made to denote the same seasons, by intercalary years of thirteen lunar cycles or 384 days, when the prutanies consist of thirty-eight and thirty-nine days]. The Prutaneis for the time being mess together in the Tholos or Rotunda,<sup>2</sup> receiving an

<sup>1</sup> Or as Mr. W. Headlam suggests, with a slight change of reading, the minister of finance.

<sup>2</sup> The Tholos or Skias, the office of the Prutaneis and hall where they dined, is to be distinguished from the adjacent

allowance from the state. They convoke the senate and the commons, the senate every day excepting holidays, the commons four times in each prutany. They put out a program of the business to be transacted by the senate each day, and another for the ekklesia or assembly of the commons. At the first or stated session the commons vote on the conduct of the magistrates, on the supply of corn, and the defence of the country; they hear impeachments of magistrates for maladministration, and listen to the recital of the register of confiscations and the list of suits respecting inheritances and heiresses, so that no inheritance may be vacant without the cognizance of the commons. In the sixth prutany, besides the above-mentioned business, the question is put to the vote whether a case has arisen for applying the power of ostracism; and indictments against sycophants are heard, limited to three against Athenians and three against resident foreigners, and impeachments for non-fulfilment of promises made to the state.

The second session is assigned to supplications or

Prutaneion, the palace where guests of the state, ambassadors, and distinguished citizens, *e.g.* priests of Eleusis, descendants of Harmodios and Aristogeiton, or Olympic victors, were entertained at the public expense. Both buildings lay to the north of the Acropolis. K. F. Hermann, *Greek Antiquities*, § 127.

petitions, and gives an opportunity to all persons on depositing an olive branch upon the altar to petition the commons on any matter, whether public or private.

The third and fourth sessions are devoted to other business; and the law directs three audiences to be given to heralds and embassies, three debates to be allotted to religion, and three to secular matters. Debates are sometimes permitted without previous vote of the senate or notice on the program. Heralds and embassies are admitted to audience of the Prutaneis before they are introduced to the commons, and despatches brought by messengers are delivered into the hands of the Prutaneis.

44. A chairman of the Prutaneis is appointed by lot, whose office lasts a night and a day and cannot be held for a longer time nor more than once. He is custodian of the keys of the temples containing the public treasures and the public records,<sup>1</sup> and keeps the public seal, and must stay in the Rotunda with a third of the Prutaneis, whom he chooses at will. On every convocation by the Prutaneis of the senate or commons, he appoints by lot nine Proedroi or Presiders, taking one from every tribe except the presiding tribe, and out of these selects by lot a chairman, and delivers to them the program of

<sup>1</sup> These were kept in the Metroon or temple of Demeter.

business for the commons. They receive it and superintend the order of business, propose the questions for deliberation, take the votes, supervise all other proceedings, and have power to dismiss the assembly. The chairmanship of the Proedroi cannot be held more than once a year; the function of Proedros may be discharged once in each prutany. The Proedroi conduct in the ecclesia the election of generals, hipparchs, and other military commanders, subject to the direction of the commons. The Prutaneis of the first prutany after the sixth in which the omens are favourable conduct these elections, which are preceded by a preliminary vote of the senate.

45. The senate in former times had authority to fine and imprison or put to death; but Lusimachos, who had been delivered by its order to be led away by the executioner, and was already bound and on the point of being executed, was rescued by Eumeleides of Alopeke, who said it was not right that any citizen should be put to death except by judgment of a court of law; and on a trial in the supreme court or Heliaia, Lusimachos was acquitted, and was afterwards surnamed the unbastinadoed. On the same occasion the commons deprived the senate of the power of death, imprisonment, and fine, and passed a law that if anyone should be sentenced or fined by

the senate, the sentence or fine should be brought by the Thesmothetai before the Heliaia, and the judgment of the jurors of that court should be final. The judgment upon the administration of most magistrates, particularly of those who handle money, appertains to the senate, but is not final, being subject to appeal to the Heliaia or high court of the commons. Any magistrate may be impeached before the senate by a private person for violating the law, but can appeal to the popular court if condemned by the senate. The scrutiny of the qualifications of the senators for the following year and of the nine archons also belongs to the senate. In former times its finding of disqualification was final, but now there is an appeal to the people in the Heliaia. Here, then, the senate has only subordinate authority. It has to pass a previous vote on all motions to be brought before the commons; and without a previous vote of the senate and introduction into the program by the Prutaneis no motion can be put to the vote of the commons,<sup>1</sup> and neglect of either of these requirements renders an orator who carries his motion liable to an indictment for violating the constitution.

46. The senate has the supervision of triremes and naval stores and dockyards; and builds new

<sup>1</sup> But see chapter 43.



ships, either triremes or quadriremes,<sup>1</sup> as the commons may vote, and provides new stores and dockyards. The choice of naval architects is a business of the commons and made by open voting. If the senate fail to deliver the ships duly finished to their successors they forfeit the donation of a golden crown, which is not received till their successors are in office. They provide for the construction of new triremes by appointing ten ship-builders from the general body of Athenians. The senate is inspector of all public edifices, and if it discovers any offence denounces the offender to the ecclesia, and on a provisional finding of his guilt brings him before the popular court.

47. The senate is associated with most of the functions of other magistrates. There are the ten treasurers of Athene appointed by lot, one from each tribe, to be taken exclusively from the Pentacosiomedimnoi by Solon's law which is still in force, but the office is really held by anyone on whom the lot falls, though he may be ever so poor. They

<sup>1</sup> This omission to mention quinquiremes proves, as Mr. Cecil Torr has pointed out, that the treatise before us was published before 325 B.C., when quinquiremes began to be built. Mr. Kenyon had observed that the mention of Kephisophon as archon eponomos in chapter 54 shows that it was written after the year 329-328 B.C. Aristotle died in the year 322 B.C.

assume the custody of the statue of the goddess, the Victories, the other works of art, and the treasures in the presence of the senate.

Then there are the ten sale commissioners, appointed by lot, one from each tribe, who lease all the undertakings that are to be leased, and sell the right to work the mines. They ratify in the presence of the senate, conjointly with the treasurers of the military chest and the commissioners of the theatric fund, the grant of the right to collect the taxes to the persons whose tenders are accepted by the senate, and the leases of mines for a term of three years, and the licences to . . . . . for three years; and sell the estates of criminals banished by the Areopagus, and the property of state debtors, in the presence of the senate and with the ratification of the nine archons. They register on gypsumed tablets the taxes that are sold for a year, with the name of the purchaser and the price to be paid, and deliver the tablets to the senate. They register on ten different tablets the payments to be made in each prutany, and on other tablets the payments to be made at the end of the year, each instalment on its own tablet, and on other tablets the payments to be made in the ninth prutany. They also record the lands and houses condemned and sold by direction of the Heliaia and themselves conduct the sale.

The prices of houses are to be paid in five years, those of land in ten, and the payments are made in the ninth prutany. The king-archon delivers to the senate, recorded on gypsum tablets, the leases which he has granted of the sacred groves. These leases are for terms of ten years, and these payments also are made in the ninth prutany, so that most revenue reaches the treasury at this period. The tablets specifying the payments that are due are deposited in the senate house in the custody of the public slave, and when a money payment is made he hands to the receivers for cancellation only the very coupon payable on the day, and keeps the others back, so that they cannot be cancelled before they are paid.

48. There are ten receivers appointed by lot, one from each tribe. They take the tablets in the senate house in the presence of the senate, cancel the sums that are paid, and restore the tablets to the public slave. They record any default in payment and its cause, and payment is enforced on penalty of imprisonment, power to enforce payment by imprisonment being given by law to the senate. On a certain day the receivers receive the money and distribute it to the magistrates: on the following day they bring in a tablet on which the distribution is recorded and deposit it in the senate house. The senate receive any accusation of fraud against magistrates

or private persons in connection with the distribution, and vote in condemnation or acquittal.

They also appoint by lot out of their own body ten accountants to take the accounts of the magistrates in every prutany, and ten auditors, one from each tribe, with two assessors to each. The auditors must sit in the markets at the statue of the Eponumos hero of each tribe, and whoever wishes within three days from the time when any magistrate has rendered his accounts in the Heliaia to require a further account on his own prosecution, writes his own name on a whited tablet, that of the accused, the offence he charges, and the penalty he claims, and delivers the tablet to the auditor. The auditor, if on hearing the statement of the facts he is of opinion that the charge is well founded, when the suit is civil, delivers it to the local judges who introduce the suits of the tribe; when it is criminal, delivers a record to the Thesmothetai. If the Thesmothetai receive it, they bring the accounts of the accused again before the Heliaia, and the judgment of the Heliaia is final.

49. The inspection of cavalry horses is a work of the senate. If a cavalry soldier with an allowance for his horse's keep starves his horse he is mulcted of the allowance. A horse that cannot gallop or cannot stand still is branded with a circle on the

jaw as disqualified. They review the guides and reject incompetent horsemen. They inspect the foot soldiers intended to move with cavalry and reject the unserviceable. The cavalry are levied by ten recruiters elected by the ecclesia. These deliver the recruits to the hipparchs and phylarchs, who take them before the senate. There they open sealed tablets which contain the names of the cavalry, cancel the names of those already on the list, who declare on oath that they are disabled by bodily infirmity from serving; summon the new levies, and dismiss those who declare on oath that they are disabled from serving by bodily infirmity or want of means. The senate then pronounce on the fitness or unfitness for service of those who do not swear to their incapacity; and those whom they pronounce to be fit are enrolled, those whom they pronounce unfit are dismissed.

The selection of the architectural plans to be adopted for public buildings and of the maidens who are to weave the sacred Peplos to be carried in the Panathenaic procession, used to belong to the senate, but now is the duty of a chamber of jurors determined by lot, as the senators were believed to be guilty of favouritism. The sculpture of the victories and fabrication of the prizes to be assigned at the Panathenaic contests

are under the joint management of the senate and the treasurers of the military chest.

The examination of the claims of cripples belongs to the senate, for a law directs that all who have less than three minas of revenue and are crippled and disabled from maintaining themselves by any occupation shall be examined by the senate, and allowed two obols a day from the public funds; and a paymaster for this purpose is appointed by lot. The senate is also associated in most functions of other magistrates: such, then, is an enumeration of their principal duties.

50. Sortition is also the mode of appointing ten repairers of sacred edifices, who receive thirty minas apiece from the receivers to be spent on the sacred buildings that stand most in need of repair: and ten city-wardens, five for the Peiraieus, five for the metropolis, who supervise female performers on the flute or harp or lyre, and see that they do not charge more than two drachmas for an engagement, and, when several persons want to engage the same performer, decide by casting lots which is to have the preference.

It is also their duty to hinder scavengers from discharging sewage near the city wall, and to prevent people from building on public ways or putting fences across a road, or pouring water through open

ditches into the highway, or constructing windows to open on the public streets: and they provide for the interment of the destitute who die within the precincts of the metropolis,<sup>1</sup> for which purpose they have the assistance of subordinates paid by the public.

51. Sortition is the mode of appointing ten market overseers, five for Peiraiæus, five for the metropolis, who are directed by law to supervise all commodities offered for sale, and see that they are pure and unadulterated.

Sortition appoints ten inspectors of measures, five for the city, five for Peiraiæus, to supervise all measures and weights, and see that those used by vendors agree with the standards.

Ten corn-wardens used to be appointed by lot, five for Peiraiæus, five for the city; now there are twenty for the city, fifteen for Peiraiæus; whose functions are to see, firstly, that the unground corn is offered for sale in the market without fraud; secondly, that the price asked by millers for barley-meal corresponds to the price of barley, and that the price asked for bread by bakers corresponds to

<sup>1</sup> The demarch had to see that everyone who died in a deme was duly buried, Demosthenes, *Macartatos*, § 58. The *astynomoi* seem to have had the same functions in Athens and Peiraiæus. Perhaps the text requires emendation.

the price of wheat; and that loaves have the weight which they have prescribed, for the law directs the weight of loaves to be fixed by the corn-wardens.

Ten mart-commissioners are appointed by lot to supervise the mart or emporium, and compel the importers of corn to convey two-thirds of all that reaches the corn-exchange to the market of the metropolis.

52. The appointment of the eleven gaol-commissioners is by lot. Their duties are to have charge of the prisoners; to put to death all thieves, kidnappers, and highway robbers brought before them for summary process if they confess; to bring them before the Heliaia if they plead not guilty;<sup>1</sup> discharge them if they are acquitted, put them to death if they are convicted. They bring before the Heliaia claims in the name of the state of lands or houses in the possession of private persons, and if they are pronounced by the jurors

<sup>1</sup> A writer in the *Saturday Review* of March, and in the *Quarterly Review* of April, suggests that the alternatives are not confession and a plea of not guilty, but the unanimity and disagreement of the judges. This, however, is inconsistent with *Lysias adversus Andocidem*, § 14, and *Æschines in Timarchum*, § 91; where nearly the same expressions are used, and the contrast is clearly between the pleas of guilty and not guilty.



to be confiscated, deliver them to the sale-commissioners. They also bring informations before the Heliaia, for this is a function which they share with the Thesmothetai.

Sortition is the mode of appointing five introducers, one for every two tribes, who introduce monthly suits to the court; suits, that is to say, that must be decided within a month from their commencement. Monthly suits are brought to recover a marriage portion if the husband refuse to restore it, or interest of a drachma per mina per month (12 per cent. per annum), or relate to a market business carried on with borrowed stock, or to merchandise, or to friendly societies, or club subscriptions, or to disputes arising out of partnership, or to slaves, or to beasts of burden, or to trierarchies, or to dealings with bankers. The introducers are either final judges in these cases or introduce them as monthly suits to the Heliaia. Suits by or against farmers of the taxes are dealt with by the receivers, who are final judges up to the value of ten drachmas, and above that value introduce them to the Heliaia with the condition that judgment is rendered in a month.

53. Sortition is the mode of appointing forty municipal judges, four from each tribe, who give leave to enter private suits for trial in the order

decided by lot. Originally (ch. 16) they were thirty, and went on circuits through the municipalities to try their suits; but after the oligarchy of the Thirty their number was raised to forty. Up to the value of ten drachmas they are final judges; when more than this value is at stake they hand over the case to the arbitrators. They take it in hand and, if they cannot reconcile the disputants, deliver judgment; and if both parties agree to abide by their decision, there is an end of the suit; but if either party appeals to the Heliaia, the arbitrator casts the depositions, citations, and laws appealed to by plaintiff and defendant into two caskets, which he seals up, appending a record of the decision of the arbitrator, and delivers to those [four of the forty municipal] magistrates who judge in the suits of the defendant's tribe. They receive the caskets, bring them into the Heliaia; if the value in dispute is less than 1000 drachmas, before 201 jurors; if above 1000, before 401. No law, deposition, nor citation may be produced at the trial unless produced before the arbitrator and deposited in the caskets. Arbitrators must be sixty years old, and their age is ascertained by the archon eponomos and age eponomos<sup>1</sup> under whom they are inscribed on the

<sup>1</sup> It appears from the text, which is the only account we have of them, that the age eponumoi were a cycle of forty-two

civic list. For in addition to ten eponymous heroes of the tribes there are forty-two age eponumoi. The names of the cadets when enrolled among the citizens used to be inscribed on gypsum tablets, and above their names were inscribed the archon eponumos of the current year and the age eponumos of those who acted as arbitrators in the preceding year. Now they are inscribed on a brazen pillar, which stands before the senate house near the statues of the tribe eponumoi. The names of the citizens who, forty-two years previously, when they were eighteen years old, were inscribed under that of the age eponumos who marks the now current year (who consequently are now in their sixtieth year), are ascertained by the forty municipal judges, who there-

mythical heroes, who corresponded to forty-two years in the calendar, and denoted forty-two years of an individual's life, *i.e.* those from his eighteenth to his sixtieth inclusive. A citizen owed forty-one years of military service to his country, *i.e.* those from his nineteenth to his fifty-ninth inclusive. In his sixtieth year he was liable to perform the public service of acting as arbitrator. This year was connected in the calendar with the name of the age eponumos who had been associated with his name when he was enrolled as a youth on the civic list. It seems, then, that the name of the age eponumos of the year preceding the year of enrolment was superscribed over his name when it was entered on the civic roll. Perhaps some likelier explanation may be forthcoming. The English given is rather a paraphrase than a translation of the text.

upon distribute among them by lot the cases for arbitration, and everyone of them must arbitrate the cases so assigned. For the law visits whoever fails to arbitrate when he is of proper age with the penalty of infamy, unless he happen to hold some other office during that year or to be out of the country, for then he is excused from acting as arbitrator. Impeachment before the board of arbitrators is the remedy for a wrong inflicted by a single arbitrator;<sup>1</sup> and if he is convicted he is infamous, but he may appeal to the Heliaia.

The names of the age eponumoi are also used for describing those who are called out for any military service; for when soldiers of a certain age are sent on an expedition, the inferior and superior limits of the age on which the service is imposed are defined by the names of the archontes eponumoi and age eponumoi.

54. Sortition is also the mode of appointing the following officials: five road makers, whose duty is, with the help of workmen provided by the state, to keep the roads in repair; ten accountants and ten advocates, to whom those who have held office must deliver their accounts; for they alone examine them and introduce the audit to the Heliaia. If they give convincing evidence of theft, the jurors find the

<sup>1</sup> The reading and the meaning are doubtful.

official guilty of theft, and he has to pay ten times the amount he has stolen ; if they give evidence of bribery and the jurors convict, they estimate the bribe and the official has to pay ten times the amount ; if they convict of injustice, they assess the damage caused by the injustice, and the official has to pay the single amount, if he pays before the ninth prutany, otherwise the amount is doubled ; the tenfold penalty is never doubled.

Sortition is the mode of appointing the secretary of the prutany, who is custodian of documents and decrees and records of all proceedings, and sits with the senate. In former times he was elected by vote, and only the most distinguished and trustworthy persons were appointed ; for the name of this officer is inscribed on the pillars recording alliances and the formation of ties of hospitality and grants of citizenship, but now he is appointed by lot.

Sortition is also the mode of appointing a secretary for laws, who sits with the senate and makes copies of all laws.

Election by vote of the commons is the mode of appointing a secretary who reads to the commons and senate, and has no function but reading.

Sortition appoints ten sacrificers called occasional, who perform the atonements commanded by oracles,

and, when favourable omens are required, are associated with the prophets in taking omens.

Sortition appoints another board of ten sacrificers called annual, who superintend certain sacrifices and all quinquennial festivals except the Panathenaia. The quinquennial festivals are the mission to Delos (another Delian festival held in Athens is septennial), the festival of Artemis at Brauron, the Herakleia, and the Panathenaic procession to Eleusis; no two of which can be held in the same year . . . in the archonship of Kephisophon (329—328 B.C.).<sup>1</sup>

Sortition is the mode of appointing a governor of Salamis and a demarch for Peiraieus, who superintend the Dionusian festival at those places, and appoint choragoi to bear the expense of the choirs. In Salamis the name of the governor is recorded on a pillar.

55. Such is the list of magistracies appointed by lot, and such the functions they have to discharge. The original mode of appointing the nine archons has already been described<sup>2</sup> (chs. 3, 8, 22, 26). At the present day the six Thesmothetai, with their secretary, the archon, king, and polem-

<sup>1</sup> Mr. Kenyon has pointed out that the treatise before us, as it names this eponymos, cannot have been written before 329 B.C.

<sup>2</sup> Six modes, as Mr. Kenyon has observed, of appointing the archons may be traced in this treatise, which deserve recapitu-

arch are appointed by lot, being taken from each tribe in rotation. Their qualifications are first scrutinised in the senate of 500, except that of the secretary, whose qualification is only examined in the Heliaia like those of other officials. For, whether appointed by sortition or by election, the qualifications of all officials must be judicially tested before they enter on their office; but the nine archons have their qualifications examined by the senate before they are determined by the jurors; and in former days the candidate whose title was rejected by the senate was incapable of holding the office; now he can appeal to the Heliasts, whose decision on his qualification is alone final. When they examine a candidate the president first inquires: Who was your father?<sup>1</sup> What was his

lation, as they present in miniature a picture of the evolution of Athenian democracy.

1. Before Drakon, nomination by the Areopagus.
2. Under the laws of Drakon, election by the commons.
3. Under the laws of Solon, sortition from forty elected by the tribes.
4. Under the laws of Kleisthenes, election by the commons.
5. After 487 B.C., sortition from 500 elected by the tribes.
6. Later, sortition from a number taken by sortition.

The first five modes were subject to a property qualification.

<sup>1</sup> Regarded from the side of the birth qualification or hereditary principle; in view not only of the slaves, who formed three-fourths of the whole population, but also of the domiciled

deme? Who was your father's father? Who was your mother? Who was your mother's father? What was his deme? He next asks whether the candidate has an Apollo Patroos or ancestral Apollo, and a Zeus Herkeios or household Zeus, and where their temples are. Thirdly, whether he has any family tombs, and where they are. Fourthly, whether he treats his parents with due reverence, whether he has paid all his taxes, and whether he has duly served all his military service. Having asked all these questions the president says: Call witnesses to prove your assertions; and after he has produced his witnesses, the president asks: Does anyone desire to accuse this candidate? If an accuser appears, the president grants permission to accuse and reply before he takes the show of hands in the senate or the vote by ballot in the courts of law; if no one intends to accuse he immediately takes the vote, and in former times only one person cast his vote; but now all are required to exercise their vote, in order that if a disqualified candidate has contrived to silence all accusation, the jurors may still have an opportunity of rejecting his

foreigners, who formed one third of the free residents; the constitution of Athens, it has often been observed, presents the features of a very narrow aristocracy or oligarchy rather than a democracy.



claims. Having successfully passed their scrutiny, the candidates for office ascend the stone altar where the victims are sacrificed in the market-place near the king's colonnade, where the arbitrators take an oath before delivering their award, and witnesses are sworn before giving evidence. Ascending this they swear to administer justly and in accordance with the laws, to receive no bribe to influence their conduct, and, if they take a bribe, to consecrate to the gods a golden statue of their own stature. After thus swearing at this altar they take the same oath at the Acropolis and then enter upon their functions.

56. The archon, the king, and the polemarch each choose two assessors at their discretion, whose qualifications, however, must be examined in the Heliaia before they begin their functions, and who have to render an account of their office when it terminates.

On assuming office the archon makes a proclamation that every citizen shall continue in the possession and exercise of all the rights that he possessed before the archonship began until the archonship comes to an end. Next he nominates three choragoi for tragedians, choosing the wealthiest from the general body of citizens. In former times he used also to nominate five choragoi for comedians,

who are now appointed by the tribes. Then he convokes the choragoi nominated by the tribes for the dithurambic choruses of men and boys at the Dionusiatic festival, or for the comedians, or for the dithurambic choruses of men and boys at the Thargelia, *i.e.* the festival of Apollo and Artemis in the month of May (at the Dionusiatic festival there is one choragos appointed for each tribe, at the Thargelia one for two tribes, provided by each tribe in turn); he superintends their challenges to other citizens to exchange estates or undertake the burden, and introduces to the court of Heliaia their claims of exemption, if any of the nominated choragoi alleges that he has already performed this duty, or has an unexpired term of exemption on other grounds, or is disqualified by age as not being forty years old. For the choragos of a boys' chorus must have passed his fortieth year. He further appoints choragoi for the sacred mission to Delos, and nominates the chief of the mission who accompanies the band of youths on the thirty-oar which takes them to Delos. He superintends the procession to the temple of Asklepios when it is frequented by the initiated, and the procession of the urban or greater Dionusia in March. Herein he is associated with ten curators, who used to be elected by the commons, and to defray the expenses of the procession out of their

own pockets; but now are appointed by lot, one from each tribe, and receive one hundred minas for expenditure on the apparatus. He also superintends the procession of the Thargelia or festival of Apollo and Artemis in May, and the procession of Zeus the saviour, and presides over the contests at the Dionusia and Thargelia. So much for the festivals that he superintends. He grants permission to institute, conducts through the preliminary<sup>1</sup> investigation, and introduces into the Heliaia criminal and civil suits on the following causes of action:— Ill-treatment of parents (in this suit the prosecutor incurs no penalty); ill-treatment of orphans (this is brought against guardians); ill-treatment of an heiress (this lies against her guardians and the members of the household); maladministration of the property of an orphan (this lies against his guardians); lunacy (this is maintained when a man is charged with being out of his mind and bringing his estate to ruin); dissolution of community of goods (when a plaintiff desires to discontinue the

<sup>1</sup> It is certain that originally the magistrates were final judges; but when they had no judicial qualifications, being appointed by lot, and were liable to impeachment for their decisions, they doubtless were very willing to have their judicial functions transferred to the jurors of the Heliaia, who, being appointed by lot, were equally incompetent, but were not liable to appeal or impeachment. See ch. 3.

joint enjoyment of property); appointment of guardians, preference for office of guardian (this lies when several persons claim guardianship of the same heiress);<sup>1</sup> rival titles to inheritance, rival titles to the hand in marriage of an heiress. The archon is charged with the care of orphans, heiresses, and widows, who at the time of their husband's death profess to be with child, and can either fine or bring before the Heliaia those who do them wrong. He leases the houses and lands of orphans and heiresses . . . and if a guardian neglect the sustentation of an orphan or heiress, he himself collects their revenue. So much for the duties of the archon.

57. The king-archon superintends the greater and lesser Eleusinian Mysteries of Demeter in September and February with the co-operation of four curators, who are elected by the commons, two from the general body of Athenians, one from the Eleusinian Eumolpidae, one from the Eleusinian Kerukes. At the Lenaia or Dionusian festival of the winepress in January, the procession is conducted by the king and curators, the competitions are presided over solely by the king. All the torch-bearing races and almost all the hereditary sacrifices are under his management.

<sup>1</sup> Or perhaps : competition for a guardian (this lies when several minors claim the services of the same guardian).

The suits which he gives permission to bring are impeachments for sacrilege, claims of succession to a priesthood, rival claims of clans or priests respecting sacred places (in these he is final judge), and indictments of homicide. He it is who issues the proclamation excommunicating the homicide. Homicide with malice aforethought is tried in the court of the Areopagus, including homicide by wounding, by administering poison, by fire: these are the only indictments tried by the court of Areopagus. Involuntary homicide, attempts to commit homicide, and homicide of a slave or foreigner, domiciled or undomiciled, are tried in the court at the Palladion. Homicide avowed and alleged to be lawful, as of a surprised adulterer, or in war of a friend mistaken for an enemy, or of an antagonist in an athletic contest, is tried in the court at the Delphinion or shrine of the Delphic Apollo. If an exile for an involuntary homicide has not yet obtained permission from the relatives of the deceased to return, and is charged with another homicide or wounding, he is tried by the court at Phreatto. He pleads from the deck of a vessel brought to land before judges appointed by lot, unless it is a case for the Areopagus. The king is the introducer of indictments to the court of Areopagus, who sit by night and in the open air, and when he takes his place among them, he lays

aside his crown. The accused at all other times is excluded from temples and may not even set foot in the market-place; but when on his trial enters the temple to make his defence. If the name of the homicide is unknown, the indictment is prosecuted in general terms against the unknown author. The king-archon and the tribal kings hear indictments of lifeless objects and of the brute creation.

58. The polemarch supervises sacrifices to Artemis the Huntress and to Enualios, manages the funeral games for those who fall in war, and sacrifices to the manes of Harmodios and Aristogeiton.

The private suits which he gives permission to bring are those to which the parties are domiciled foreigners, privileged foreigners, or foreign consuls. These he takes and divides into ten batches which he assigns by lot to the ten tribes, and the municipal judges of the tribes hand them over to the arbitrators. He himself introduces into the Heliaia suits against freedmen for neglecting their duty to their manumitters, against domiciled foreigners for having no patron, and suits of such persons relating to succession or heiresses; and whatever else the archon manages for citizens the polemarch manages for aliens.

59. The Thesmothetai have authority to make a program of the sessions of the law courts, and deliver

it to the magistrates who take it for their guidance. They introduce into the ecclesia impeachments and censures of magistrates and preliminary informations. They bring before the Heliaia indictments of the authors of unconstitutional laws or laws adverse to democracy,<sup>1</sup> suits relating to a Proedros or a president of the Proedroi, and audits of the accounts rendered by military commanders. They hear indictments for which a deposit<sup>2</sup> is required, such as indictments of alien status, of bribery by an alien who wishes to suppress the evidence of his status, of sycophancy, of bribery, of false registration, of false summons, of wrongful enrolment among debtors to the state, of non-registration of a debt to the state, and of adultery. They introduce into the Heliaia trials of the qualification of magistrates, appeals of candidates for inscription on the civic roll against the decision of the demes, and appeals from condemnation by the senate. They also introduce private suits relating to commerce or to mines, and indictments of slaves who slander freemen. They

<sup>1</sup> Demosthenes in *Timocratem*, § 33.

<sup>2</sup> The money to be deposited by the parties to a civil suit was called *prutaneion*; by the parties to a criminal suit or indictment, *parastasis*; by the parties to *diadikasia*, or rival claims to the same property, *parakatabole*; by the parties to an appeal, *parabolon*. F. Hermann, § 140.

distribute by lot among the magistrates the chambers of civil and criminal judicature. They ratify conventions with foreign states on the procedure to be observed in litigation with foreigners, and introduce suits founded on such conventions, and indictments of perjury sent down from the Areopagus. The nine archons and their secretary join in appointing the jurors of the Heliaia, each of them casting the lots for his own tribe. So much for the duties of the archons.

60. Sortition appoints ten judges of competitions, one from each tribe, who, after a satisfactory scrutiny of their qualifications, hold office for four years; and at the Panathenaic festivals in August superintend the sacred procession, the musical competitions, the gymnastic contests and the horse-races; and in conjunction with the senate supervise the weaving of the sacred Peplos; and the fabrication of the pitchers, and distribute to the victorious athletes the oil from the sacred olives. The archon levies on the owners of the soil where the olives grow three-quarters of a pint from the produce of each stem. In former times the state was owner and sold the olives that were not required: and whoever dug up or broke down a sacred olive tree was tried by the council of Areopagus and, if convicted, was sentenced to death: but, now that the



oil is paid as rent by the owners of the soil, the law remains on the statute pillar but the trial is abolished. The olives that belong to the state are those that grow on the younger shoots, not those that grow on the stem. The archon after collecting the produce of his year delivers it to the treasurers of Athena to be stored in the Acropolis, and cannot take his seat in the council of Areopagus at the end of his year of office until he has made a complete delivery of the oil. The treasurers keep it in the Acropolis, and at the Panathenaic festival measure it out to the Athlothetai or presidents, who distribute it in prizes to the competitors. The prizes given to the victors in musical contests are articles of silver and gold, in choric competitions respecting physical qualities they consist of shields,<sup>1</sup> in athletic contests and horse-races of oil from the sacred olives.

61. Election by open voting is the mode of appointing to all military commands. Ten strategoi were formerly appointed, one from each tribe, but now from the general body of Athenians, and assigned by election to special duties: one to the hoplites, who commands them on any expedition; one to the defence of the country, who commands

<sup>1</sup> Aristotle, *Sophistici Elenchi*, § 1. Note 3 by the translator.

in case of invasion ; two to the Peiraieus, that is to say, one to Mounuchia and one to Akte, who command the Peiraieus and Chele, or south harbour ; and a fifth to the Summorai, who makes a list of the trierarchs, manages their challenges to exchange estates with others alleged to be more liable to the burden of serving as trierarch, and introduces their suits into the Heliaia. The remaining four are employed on any service which the affairs of the country may demand. The commons vote on their conduct in every prutany, and if the vote is adverse, the censured general is tried in the Heliaia, and if found guilty, is fined and punished ; if acquitted, retains his office. They have power in active service to put under arrest, to proclaim for misbehaviour, and to inflict a fine. A fine is unusual.

Election is the mode of appointing ten taxiarchs or infantry officers, one for each tribe, who command the infantry of the tribe, and appoint sectional officers.

Election is the mode of appointing two hipparchs from the general body of citizens, each of whom commands the cavalry of five tribes, over whom they have the same powers as the generals over the infantry, and who, like the generals, are subject to votes of censure.

Election is the mode of appointing ten phularchs,

one for each tribe, who command the tribal cavalry as the taxiarchs the tribal infantry. Election appoints the hipparch to Lemnos, who commands the Lemnian cavalry; and a treasurer for the two sacred ships called *Paralos* and *Ammonias*.<sup>1</sup>

62. Of the magistracies appointed by lot in former times only the nine archons were appointed from the whole tribe: all those for which lots are now cast in the Theseion were appointed from the demes; but as the demes were found to be venal, they are now appointed by lot out of the whole body of the tribe, except senators and dockyard guards, who are still appointed from the demes.

The salary of the ecclesiasts or commons is a drachma ( $9\frac{3}{4}d.$ ) per day at the ordinary sessions, a drachma and a half at the stated sessions. Jurors receive three obols or half a drachma a day; senators five obols. The Prutaneis have an additional obol for their board, the nine Proedroi and chairman have two. The nine archons have four obols apiece for their board, and are supplied with

<sup>1</sup> The mention of this ship in the place of the *Salaminia* indicates that the composition of this treatise was later than the overthrow of Thebes by Alexander. The non-mention of the *Demetrias* and *Antigonis*, afterwards employed on services similar to those of the *Paralos* and *Salaminia*, furnishes a chronological limit in the other direction.

a herald and flute-player. The archon of Salamis has a drachma per day. The Athlothetai dine in the Prutaneion in the month of Hecatombaion (July-August) once in four years when the greater Panathenaia are held, beginning on the fourth day. The Amphictyons who are sent to Delos have a drachma per day from the revenue of Delos. Governors sent to Samos, Skuros, Lemnos, or Imbros, receive an allowance for their board. A military command may be held more than once, civil magistracies only once, except the office of senator, which may be held twice.

63. Jurors are appointed by lot from each tribe by nine archons and their secretary. There are ten entrances to the courts, one for each tribe; and twenty balloting places, two for each tribe; and one hundred boxes, ten for each tribe; and ten other boxes, one for each group or chamber, into which are cast the tablets of the jurors on whom the lot falls; and two urns; and as many coloured staves are placed at each entrance as there are jurors; and as many acorns are cast into one of the urns as there are staves, each inscribed with a different letter, L, M, N, &c., of which there are as many as there are courts to be filled on a given day.

All citizens are qualified to be jurors who are over thirty years of age and neither debtors to

the state nor disfranchised. Whoever acts as juror without being qualified is brought by information before the Heliaia, and, if convicted, is sentenced to such imprisonment or fine as the court may think proper. If sentenced to pay a fine he is imprisoned until he pay the debt to the state for which he was impeached as well as the fine imposed by the court.

Every juror has a tablet of boxwood inscribed with his own name, his father's, and that of his deme, and gets by lot one of the letters of the alphabet from A to K. For each letter of the first part of the alphabet, or group thereby distinguished, consists of ten, approximately equal, sections, one being taken from each of the tribes;<sup>1</sup> and as soon as the Thesmothetes has determined by lot the group that is to sit in each chamber, his attendant hangs the letter denoting the group on the door of the allocated chamber.<sup>2</sup>

<sup>1</sup> Or ; for the jurors of each tribe are divided into ten approximately equal sections, which are distributed to each of the groups denoted by the first ten letters of the alphabet.

<sup>2</sup> The next chapters contained an explanation of the employment of the boxes, urns, letters, &c., and of the procedure in the Heliaia, and would doubtless have been very interesting ; but, unfortunately, from the state of the papyrus they are illegible.

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