

THE ATHENIAN CONSTITUTION

by Aristotle

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by Aristotle

translated by Sir Frederic G. Kenyon

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1

...[They were tried] by a court empanelled from among the noble families, and sworn upon the sacrifices. The part of accuser was taken by Myron. They were found guilty of the sacrilege, and their bodies were cast out of their graves and their race banished for evermore. In view of this expiation, Epimenides the Cretan performed a purification of the city.

2

After this event there was contention for a long time between the upper classes and the populace. Not only was the constitution at this time oligarchical in every respect, but the poorer classes, men, women, and children, were the serfs of the rich. They were known as Pelatae and also as Hectemori, because they cultivated the lands of the rich at the rent thus indicated. The whole country was in the hands of a few persons, and if the tenants failed to pay their rent they were liable to be haled into slavery, and their children with them. All loans secured upon the debtor's person, a custom which prevailed until the time of Solon, who was the first to appear as the champion of the people. But the hardest and bitterest part of the constitution in the eyes of the masses was their state of serfdom. Not but what they were also discontented with every other feature of their lot; for, to speak generally, they had no part nor share in anything.

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3

Now the ancient constitution, as it existed before the time of Draco, was organized as follows. The magistrates were elected according to qualifications of birth and wealth. At first they governed for life, but subsequently for terms of ten years. The first magistrates, both in date and in importance, were the King, the Polemarch, and the Archon. The earliest of these offices was that of the King, which existed from ancestral antiquity. To this was added, secondly, the office of Polemarch, on account of some of the kings proving feeble in war; for it was on this account that Ion was invited to accept the post on an occasion of pressing need. The last of the three offices was that of the Archon, which most authorities state to have come into existence in the time of Medon. Others assign it to the time of Acastus, and adduce as proof the fact that the nine Archons swear to execute their oaths 'as in the days of Acastus,' which seems to suggest that it was in his time that the descendants of Codrus retired from the kingship in return for the prerogatives conferred upon the Archon. Whichever way it may be, the difference in date is small; but that it was the last of these magistracies to be created is shown by the fact that the Archon has no part in the ancestral sacrifices, as the King and the Polemarch have, but exclusively in those of later origin. So it is only at a comparatively late date that the office of Archon has become of great importance, through the dignity conferred by these later additions. The Thesmothetae were many years afterwards, when these offices had already become annual, with the object that they might publicly record all legal decisions, and act as guardians of them with a view to determining the issues between litigants. Accordingly their office, alone of those which have been mentioned, was never of more than annual duration.

Such, then, is the relative chronological precedence of these offices. At that time the nine Archons did not all live together. The King occupied the building now known as the Boculium, near the Prytaneum, as may be seen from the fact that even to the present day the marriage of the King's wife to Dionysus takes place there. The Archon lived in the Prytaneum, the Polemarch in the Epilyceum. The latter building was formerly called the Polemarcheum, but after Epilycus, during his term of office as Polemarch, had rebuilt it and fitted it up, it was called the Epilyceum. The Thesmothetae occupied the Thesmotheteum. In the time of Solon, however, they all came together into the Thesmotheteum. They had power to decide cases finally on their own authority, not, as now, merely to hold a preliminary hearing. Such then was the arrangement of the magistracies. The Council of Areopagus had as its constitutionally assigned duty the protection of the laws; but in point of fact it administered the greater and most important part of the government of the state, and inflicted personal punishments and fines summarily upon all who misbehaved themselves. This was the natural consequence of the facts that the Archons were elected under qualifications of birth and wealth, and that the Areopagus was composed of those who had served as Archons; for which latter reason the membership of the Areopagus is the only office which has continued to be a life-magistracy to the present day.

4

Such was, in outline, the first constitution, but not very long after the events above recorded, in the archonship of Aristarchus, Draco enacted his ordinances. Now his constitution had the following form. The franchise was given to all who could furnish themselves with a military equipment. The nine Archons and the Treasurers were elected by this body from persons possessing an unencumbered property of not less than ten minas, the less important officials from those who could furnish themselves with a military equipment, and the generals [Strategi] and commanders of the cavalry [Hipparchi] from those who could show an unencumbered property of not less than a hundred minas, and had children born in lawful wedlock over ten years of age. These officers were required to hold to bail the Prytanes, the Strategi, and the Hipparchi of the preceding year until their accounts had been audited, taking four securities of the same class as that to which the Strategi and the Hipparchi belonged. There was also to be a Council, consisting of four hundred and one members, elected by lot from among those who possessed the franchise. Both for this and for the other magistracies the lot was cast among those who were over thirty years of age; and no one might hold office twice until every one else had had his turn, after which they were to cast the lot afresh. If any member of the Council failed to attend when there was a sitting of the Council

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or of the Assembly, he paid a fine, to the amount of three drachmas if he was a Pentacosimedimnus, two if he was a Knight, and One if he was a Zeugites. The Council of Areopagus was guardian of the laws, and kept watch over the magistrates to see that they executed their offices in accordance with the laws. Any person who felt himself wronged might lay an information before the Council of Areopagus, on declaring what law was broken by the wrong done to him. But, as has been said before, loans were secured upon the persons of the debtors, and the land was in the hands of a few.

5

Since such, then, was the organization of the constitution, and the many were in slavery to the few, the people rose against the upper class. The strife was keen, and for a long time the two parties were ranged in hostile camps against one another, till at last, by common consent, they appointed Solon to be mediator and Archon, and committed the whole constitution to his hands. The immediate occasion of his appointment was his poem, which begins with the words:

I behold, and within my heart deep sadness has claimed its place,
As I mark the oldest home of the ancient Ionian race
Slain by the sword.

In this poem he fights and disputes on behalf of each party in turn against the other, and finally he advises them to come to terms and put an end to the quarrel existing between them. By birth and reputation Solon was one of the foremost men of the day, but in wealth and position he was of the middle class, as is generally agreed, and is, indeed, established by his own evidence in these poems, where he exhorts the wealthy not to be grasping.

But ye who have store of good, who are sated and overflow,

Restrain your swelling soul, and still it and keep it low:

Let the heart that is great within you be trained a lowlier way;

Ye shall not have all at your will, and we will not for ever obey. Indeed, he constantly fastens the blame of the conflict on the rich; and accordingly at the beginning of the poem he says that he fears 'the love of wealth and an overweening mind', evidently meaning that it was through these that the quarrel arose.

6

As soon as he was at the head of affairs, Solon liberated the people once and for all, by prohibiting all loans on the security of the debtor's person: and in addition he made laws by which he cancelled all debts, public and private. This measure is commonly called the *Seisachtheia* [= removal of burdens], since thereby the people had their loads removed from them. In connexion with it some persons try to traduce the character of Solon. It so happened that, when he was about to enact the *Seisachtheia*, he communicated his intention to some members of the upper class, whereupon, as the partisans of the popular party say, his friends stole a march on him; while those who wish to attack his character maintain that he too had a share in the fraud himself. For these persons borrowed money and bought up a large amount of land, and so when, a short time afterwards, all debts were cancelled, they became wealthy; and this, they say, was the origin of the families which were afterwards looked on as having been wealthy from primeval times. However, the story of the popular party is by far the most probable. A man who was so moderate and public-spirited in all his other actions, that when it was within his power to put his fellow-citizens beneath his feet and establish himself as tyrant, he preferred instead to incur the hostility of both parties by placing his honour and the general welfare above his personal aggrandisement, is not likely to have consented to defile his hands by such a petty and palpable fraud. That he had this absolute power is, in the first place, indicated by the desperate condition the country; moreover, he mentions it himself repeatedly in his poems,

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and it is universally admitted. We are therefore bound to consider this accusation to be false.

7

Next Solon drew up a constitution and enacted new laws; and the ordinances of Draco ceased to be used, with the exception of those relating to murder. The laws were inscribed on the wooden stands, and set up in the King's Porch, and all swore to obey them; and the nine Archons made oath upon the stone, declaring that they would dedicate a golden statue if they should transgress any of them. This is the origin of the oath to that effect which they take to the present day. Solon ratified his laws for a hundred years; and the following was the fashion in which he organized the constitution. He divided the population according to property into four classes, just as it had been divided before, namely, Pentacosimedimni, Knights, Zeugitae, and Thetes. The various magistracies, namely, the nine Archons, the Treasurers, the Commissioners for Public Contracts (Poletae), the Eleven, and Clerks (Colacretae), he assigned to the Pentacosimedimni, the Knights, and the Zeugitae, giving offices to each class in proportion to the value of their rateable property. To who ranked among the Thetes he gave nothing but a place in the Assembly and in the juries. A man had to rank as a Pentacosimedimnus if he made, from his own land, five hundred measures, whether liquid or solid. Those ranked as Knights who made three hundred measures, or, as some say, those who were able to maintain a horse. In support of the latter definition they adduce the name of the class, which may be supposed to be derived from this fact, and also some votive offerings of early times; for in the Acropolis there is a votive offering, a statue of Diphilus, bearing this inscription:

The son of Diphilus, Athenion hight,
Raised from the Thetes and become a knight,
Did to the gods this sculptured charger bring,
For his promotion a thank-offering.

And a horse stands in evidence beside the man, implying that this was what was meant by belonging to the rank of Knight. At the same time it seems reasonable to suppose that this class, like the Pentacosimedimni, was defined by the possession of an income of a certain number of measures. Those ranked as Zeugitae who made two hundred measures, liquid or solid; and the rest ranked as Thetes, and were not eligible for any office. Hence it is that even at the present day, when a candidate for any office is asked to what class he belongs, no one would think of saying that he belonged to the Thetes.

8

The elections to the various offices Solon enacted should be by lot, out of candidates selected by each of the tribes. Each tribe selected ten candidates for the nine archonships, and among these the lot was cast. Hence it is still the custom for each tribe to choose ten candidates by lot, and then the lot is again cast among these. A proof that Solon regulated the elections to office according to the property classes may be found in the law still in force with regard to the Treasurers, which enacts that they shall be chosen from the Pentacosimedimni. Such was Solon's legislation with respect to the nine Archons; whereas in early times the Council of Areopagus summoned suitable persons according to its own judgement and appointed them for the year to the several offices. There were four tribes, as before, and four tribe-kings. Each tribe was divided into three Trittyes [=Thirds], with twelve Naucraries in each; and the Naucraries had officers of their own, called Naucrari, whose duty it was to superintend the current receipts and expenditure. Hence, among the laws of Solon now obsolete, it is repeatedly written that the Naucrari are to receive and to spend out of the Naucratic fund. Solon also appointed a Council of four hundred, a hundred from each tribe; but he assigned to the Council of the Areopagus the duty of superintending the laws, acting as before as the guardian of the constitution in general. It kept watch over the affairs of the state in most of the more important matters, and corrected offenders, with full powers to inflict either fines or personal punishment. The money received in fines it brought up into the Acropolis, without assigning the reason for the mulct. It also tried those who conspired for the overthrow of the state, Solon having enacted a process of impeachment to deal with such offenders. Further, since he saw the state often engaged in internal

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disputes, while many of the citizens from sheer indifference accepted whatever might turn up, he made a law with express reference to such persons, enacting that any one who, in a time civil factions, did not take up arms with either party, should lose his rights as a citizen and cease to have any part in the state.

9

Such, then, was his legislation concerning the magistracies. There are three points in the constitution of Solon which appear to be its most democratic features: first and most important, the prohibition of loans on the security of the debtor's person; secondly, the right of every person who so willed to claim redress on behalf of any one to whom wrong was being done; thirdly, the institution of the appeal to the juries; and it is to this last, they say, that the masses have owed their strength most of all, since, when the democracy is master of the voting-power, it is master of the constitution. Moreover, since the laws were not drawn up in simple and explicit terms (but like the one concerning inheritances and wards of state), disputes inevitably occurred, and the courts had to decide in every matter, whether public or private. Some persons in fact believe that Solon deliberately made the laws indefinite, in order that the final decision might be in the hands of the people. This, however, is not probable, and the reason no doubt was that it is impossible to attain ideal perfection when framing a law in general terms; for we must judge of his intentions, not from the actual results in the present day, but from the general tenor of the rest of his legislation.

10

These seem to be the democratic features of his laws; but in addition, before the period of his legislation, he carried through his abolition of debts, and after it his increase in the standards of weights and measures, and of the currency. During his administration the measures were made larger than those of Pheidon, and the mina, which previously had a standard of seventy drachmas, was raised to the full hundred. The standard coin in earlier times was the two-drachma piece. He also made weights corresponding with the coinage, sixty-three minas going to the talent; and the odd three minas were distributed among the staters and the other values.

11

When he had completed his organization of the constitution in the manner that has been described, he found himself beset by people coming to him and harassing him concerning his laws, criticizing here and questioning there, till, as he wished neither to alter what he had decided on nor yet to be an object of ill will to every one by remaining in Athens, he set off on a journey to Egypt, with the combined objects of trade and travel, giving out that he should not return for ten years. He considered that there was no call for him to expound the laws personally, but that every one should obey them just as they were written. Moreover, his position at this time was unpleasant. Many members of the upper class had been estranged from him on account of his abolition of debts, and both parties were alienated through their disappointment at the condition of things which he had created. The mass of the people had expected him to make a complete redistribution of all property, and the upper class hoped he would restore everything to its former position, or, at any rate, make but a small change. Solon, however, had resisted both classes. He might have made himself a despot by attaching himself to whichever party he chose, but he preferred, though at the cost of incurring the enmity of both, to be the saviour of his country and the ideal lawgiver.

12

The truth of this view of Solon's policy is established alike by common consent, and by the mention he has himself made of the matter in his poems. Thus:

I gave to the mass of the people such rank as befitted their need,

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I took not away their honour, and I granted naught to their greed;
While those who were rich in power, who in wealth were glorious and
great,
I bethought me that naught should befall them unworthy their
splendour and state;
So I stood with my shield outstretched, and both were sale in its
sight,
And I would not that either should triumph, when the triumph was
not with right.

Again he declares how the mass of the people ought to be treated:

But thus will the people best the voice of their leaders obey,
When neither too slack is the rein, nor violence holdeth the sway;
For indulgence breedeth a child, the presumption that spurns control,

When riches too great are poured upon men of unbalanced soul.

And again elsewhere he speaks about the persons who wished to redistribute the land:

So they came in search of plunder, and their cravings knew no bound,
Every one among them deeming endless wealth would here be found.
And that I with glozing smoothness hid a cruel mind within.
Fondly then and vainly dreamt they; now they raise an angry din,
And they glare askance in anger, and the light within their eyes
Burns with hostile flames upon me. Yet therein no justice lies.
All I promised, fully wrought I with the gods at hand to cheer,
Naught beyond in folly ventured. Never to my soul was dear
With a tyrant's force to govern, nor to see the good and base
Side by side in equal portion share the rich home of our race.

Once more he speaks of the abolition of debts and of those who before were in servitude, but were released owing to the Seisachtheia:

Of all the aims for which I summoned forth
The people, was there one I compassed not?
Thou, when slow time brings justice in its train,
O mighty mother of the Olympian gods,
Dark Earth, thou best canst witness, from whose breast
I swept the pillars broadcast planted there,
And made thee free, who hadst been slave of yore.
And many a man whom fraud or law had sold
For from his god-built land, an outcast slave,
I brought again to Athens; yea, and some,
Exiles from home through debt's oppressive load,
Speaking no more the dear ATHENIAN tongue,
But wandering far and wide, I brought again;
And those that here in vilest slavery
Crouched 'neath a master's frown, I set them free.
Thus might and right were yoked in harmony,
Since by the force of law I won my ends
And kept my promise. Equal laws I gave
To evil and to good, with even hand
Drawing straight justice for the lot of each.
But had another held the goad as
One in whose heart was guile and greediness,
He had not kept the people back from strife.
For had I granted, now what pleased the one,
Then what their foes devised in counterpoise,
Of many a man this state had been bereft.

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Therefore I showed my might on every side,
Turning at bay like wolf among the hounds.

And again he reviles both parties for their grumblings in the times that followed:

Nay, if one must lay blame where blame is due,
Wer't not for me, the people ne'er had set
Their eyes upon these blessings e'en in dreams:—
While greater men, the men of wealthier life,
Should praise me and should court me as their friend.

For had any other man, he says, received this exalted post,

He had not kept the people hack, nor ceased
Til he had robbed the richness of the milk.
But I stood forth a landmark in the midst,
And barred the foes from battle.

13

Such then, were Solon's reasons for his departure from the country. After his retirement the city was still torn by divisions. For four years, indeed, they lived in peace; but in the fifth year after Solon's government they were unable to elect an Archon on account of their dissensions, and again four years later they elected no Archon for the same reason. Subsequently, after a similar period had elapsed, Damasias was elected Archon; and he governed for two years and two months, until he was forcibly expelled from his office. After this, it was agreed, as a compromise, to elect ten Archons, five from the Eupatridae, three from the Agroeci, and two from the Demiurgi, and they ruled for the year following Damasias. It is clear from this that the Archon was at the time the magistrate who possessed the greatest power, since it is always in connexion with this office that conflicts are seen to arise. But altogether they were in a continual state of internal disorder. Some found the cause and justification of their discontent in the abolition of debts, because thereby they had been reduced to poverty; others were dissatisfied with the political constitution, because it had undergone a revolutionary change; while with others the motive was found in personal rivalries among themselves. The parties at this time were three in number. First there was the party of the Shore, led by Megacles the son of Alcmeon, which was considered to aim at a moderate form of government; then there were the men of the Plain, who desired an oligarchy and were led by Lycurgus; and thirdly there were the men of the Highlands, at the head of whom was Pisistratus, who was looked on as an extreme democrat. This latter party was reinforced by those who had been deprived of the debts due to them, from motives of poverty, and by those who were not of pure descent,