

THE CONSTITUTION OF ATHENS

- Hieromnemon* A recorder whose functions are not fully known.
hippeus (-eis) 'Cavalryman'; the name used for the second social class at Athens.
hoplite A heavily-armed infantryman; they formed the backbone of Greek armies from the late seventh century onwards.
King Archon A modern name for one of the three senior Archons; LVII.
kolakretai (plural) Financial officials at an early date in Athens; VII.
kurbeis (plural) Wooden plaques on which laws were inscribed; VII.
Liturgy An item of public expenditure undertaken by an individual at Athens; XXVII.
metic A resident alien; LVIII.
mina / mna A measure of weight, also used for a sum of money.
naucraria (-ai) An early division within the Athenian state whose chief officers were called *naukraroi*; VIII.
pelatai (plural) Men in a situation analogous to that of the *hektemoroi*; II.
pentakosiomedimnos (-oi) A member of the highest property class established by Solon; VII.
Polemarch One of the three senior Archons; LVIII.
poletai (plural) Financial officers; VII and XLVII.
proxenos (-oi) The word for two different positions: (a) XLIII; (b) LIV and LVIII.
Prytany A member of the committee of the *Boule*, or that committee; XLIIf; prytany (small p) is used for their term of office.
seisachtheia 'Shedding of burdens'; Solon's cancellation of debts; VI.
strategos (-oi) Literally 'general', but from the early fifth century the office at Athens had also much wider functions, and the ten *strategoí* were the nearest equivalent there was to a board of chief magistrates.
symmory A group who jointly undertook a financial burden; LXI.
Thesmothes (-ai) One of the junior six of the nine Archons; LIX.
thetes (plural) The lowest class at Athens.
trierarch The commander of a trireme, the normal Greek warship.
trittus (-ues) (a) An early division of the Athenian state; VIII.
(b) A unit created by Cleisthenes; XXI.
zeugites (-ai) A member of the third of the four classes at Athens.
A few other technical terms have been used in the Commentary and defined on the spot.

INTRODUCTION

Aristotle was born in Stagirus in the Chalcidice in 384, but came to Athens while still a youth, and spent twenty years in Plato's Academy, first as a pupil and later working to a greater or lesser degree on his own. After the death of Plato and the election of Speusippus to head the Academy, Aristotle left Athens for a period, in the course of which he spent some time as the tutor of Alexander the Great; he returned to Athens in 335, and set up his own philosophical school in a grove sacred to Lycean Apollo and the Muses—hence the name Lyceum.* Here he stayed until 323, when he left under threat of prosecution because of a wave of anti-Macedonian feeling at the time of the death of Alexander the Great. He retired to Chalcis where he died the next year.

His writings are divided into three groups: popular works, many in dialogue form, which were published early in his career; collections of information and records; philosophical and scientific works. Of these categories, only the third was known (except through fragmentary quotations) until the *Constitution of Athens* was rediscovered at the end of the nineteenth century; the first group and the rest of the second remain lost.

The *Constitution of Athens* was one (perhaps the first) of a collection of memoranda on the constitutions of 158 states, most of which were Greek. The papyrus from which our text is drawn was acquired by the British Museum from an unknown site in Egypt; it consists of four rolls totalling eighteen feet eight inches in length. The Aristotle text is copied on the back of a set of accounts written in the first century AD, and was itself copied at least by the first quarter of the second century, and probably towards the end of the first. There are also two fragments of a papyrus codex in Berlin which contain parts of four chapters; they were copied in the fourth century AD. The opening of the work is missing, and was missing from the copy from which our papyrus was transcribed, for the copyist left a column blank at the beginning. The text appears to end very abruptly, but there is every indication that the copyist had reproduced all the text in front of him, and thought that he had reached the end of the work; see below on LXIX.

The collection of information on constitutions was probably made during Aristotle's second period in Athens, for he must have had the

* The philosophical school was referred to as the Peripatetic school from Aristotle's habit of walking up and down in a covered court while teaching.

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assistance of a group of pupils in the compilation of so massive a body of information, particularly at a time when he was also writing other works as well as teaching. Some have denied that Aristotle himself wrote the surviving document. The main grounds for doubt have been stylistic, and it must be granted that the style is distinctly different from that of his other surviving works. However, as noted above, it is of a different category from anything else which has survived, and there are many similarities of style as well as differences. The work was known in the ancient world and accepted as genuine then, and this conclusion seems correct; such differences as there are are attributable to the type of work and its intended audience.

It had been generally assumed that the collection of constitutions was made as a basis which Aristotle was to use for writing his *Politics*. However, the latest date mentioned in the *Politics* is 336, while the *Constitution of Athens* mentions the Archonship of Kephisophon (329/8); it does not note either the loss by Athens of control of Samos or Antipater's modification of the Athenian constitution, both of which occurred in 322. Thus the writing of the *Constitution of Athens* seems to have fallen in the period 328–322; consideration of the types of warships discussed suggests that XLVI,1 at least may have been completed before 325/4; see below on XLVI,1. It is thus extremely unlikely that the *Constitution of Athens* as we have it was a preliminary study for the *Politics*, for it appears to have been written seven to ten years later. However, it is possible that the material was collected prior to the writing of the *Politics*, and put into its present shape at a later date.

The work falls into two sections. The first (chapters I–XLI) is a historical survey of the development of the constitution of Athens which is divided into eleven 'changes'; chapters XLII–LXIX describe the constitution of Aristotle's own day in four sections, the franchise (XLII), legislation (XLIII–XLV), administration (XLVI–LXII), and the judiciary (LXIII–LXIX). Both sections assume wide knowledge of technical terms, and some knowledge of constitutional practice in Athens. Some have doubted whether the work in its present form could have been intended for publication, but the grounds for doubt do not seem very convincing; Aristotle does not require anything like as much background knowledge of his reader as does (for example) Thucydides. More serious is the suggestion that the work contains some muddled sections and has not been properly revised—again this has led to suggestions that it was composed for private circulation and never fully revised for the public. There are difficulties however; to take two examples, the account of the tyranny of Peisistratus is not totally consistent (XIV–XVII), and the description of the selection of jurors is not a model of clarity (LXIII–LXV). Equally, there are surprising omissions, notably no description of the highly complicated procedure for modifying existing laws, which was set up after the fall of the Thirty and remained in force in Aristotle's own day; similarly, the list of cases brought before the *Thesmothetai* (LIX) is not complete. However, the form of the work suggests that it was intended for a wider public than the immediate circle of his pupils and

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associates, and the contents and omissions could well have been dictated by what Aristotle was particularly interested in at the time of composition. There are certainly faults in the book as we have it, but they are not sufficient reason either for rejecting Aristotelian authorship (that would be a very dangerous line of argument), or for denying that it could have been published.

Aristotle's sources for his own day posed no problems; he or his pupils could attend all the functions and ceremonies which he describes, at least as spectators, and in addition he would presumably have had access to the state archives. For the historical section he was in greater difficulty. He certainly knew and used Herodotus, Thucydides, Xenophon and a number of the local Attic historians, including Hellanicus and Androton, whose works are now almost totally lost. He used and quoted extensively Solon's poetry, and also would have had at his disposal many documents from the past either preserved in archives or collected by his school. However, for anything before Solon, and for many events in the sixth century where evidence like Solon's poems did not exist, he would have had to rely on such information as had been culled by earlier writers and on tradition. How reliable such tradition was is a much debated point, and is important, for Herodotus and Thucydides probably relied on it too; it is doubtful whether they were significantly better off than Aristotle because they were writing a century or so earlier. This is not the place for a detailed discussion of this topic; suffice it to say that all information which purports to come from the period before the Persian Wars must be handled with caution, and the earlier it is, the more cautious one must be. The lack of precision of the information about the reforms of 487, and even about the earliest political activities of Pericles shows that the material preserved by tradition was not detailed or full.

A further source of confusion affected the material by the time Aristotle handled it: the political feuds of the end of the fifth century were marked by an attempt to return to the 'ancestral constitution', and there is no doubt that at least some of those who wished to abolish the radical democracy fathered some of their own political ideas on venerable names from Athenian history in the hope of making them more respectable and acceptable. Thus a flood of propaganda clouded the issue still further; cf. notes on IV and XXX below.

As a result of all these factors, the notes discussing the historical section of this work contain a fair amount of discussion of the reliability of what Aristotle tells us. Criticism must not be allowed to obscure the fact that the work is extremely valuable, and gives every appearance of having been constructed on the basis of a thoughtful analysis of the available information. It is itself a source of first-class importance, which is precisely why it is well worth while to attempt to clarify or correct points of detail where possible.

It is hoped that readers will be able to read the text in conjunction with the notes. I have not split the notes into minute sections, but written explanatory sections on each chapter; the text itself is worth

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reading as a work of historical and analytical literature, and the form of the notes is intended to make it possible to read them in reasonable-sized sections; it may thus take a little longer to find the discussion of a particular point, but immediate speed of reference has been sacrificed in order to avoid the scrappiness which would have inevitably resulted if each point had been taken separately in the order in which it was discussed by Aristotle. The index and cross references should enable those who wish to do so to check everything which is said on a particular point; on the other hand, I have not hesitated to repeat information on occasions to ensure the clarity of a particular discussion and avoid the need for excessive cross-reference. Perhaps, in conclusion, it should be stressed that Aristotle did not write a history of Athens; naturally, therefore, the notes do not attempt to do so either. Their aim is to give just so much of the history as is necessary for the understanding of the text, and to examine the points made there.

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THE HISTORY OF THE CONSTITUTION

- I . . . the accuser being Myron before a jury selected by birth who had taken their oath over sacrificial victims. When it had been decided that sacrilege had been committed, the bodies of the guilty were disinterred and their families exiled in perpetuity. Epimenides of Crete purified the city in connection with this matter.
- II After this there was an extended period of discord
2 between the upper classes and the people. The constitution was in all respects oligarchic, in particular in that the poor, together with their wives and children, were the slaves of the rich; they were described as *pelatai* and *hektemoroi*, which referred to the terms on which they worked the fields of the rich. The whole land was under the control of a few men, and if the ordinary people did not pay their dues they and their children could be seized. Further, all loans were made on the security of the person of the debtor until the time of
3 Solon—he was the first champion of the people. The harshest and most resented aspect of the constitution for the mass of the people was this slavery, although they had other complaints, for they had virtually no share in any aspect of government.
- III The primitive constitution before the time of Draco, then, was as follows. Eligibility for office depended on birth and wealth, while tenure was at first for life and
2 later for a period of ten years. The most powerful and earliest of the political offices were those of the King Archon, the Polemarch and the Archon. The first was that of the King, being traditional, while the office of

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- Polemarch was the first added to this because of the incompetence of some of the kings in war; it was in this way that they sent for Ion in a crisis. The last of the three was that of the Archon. Most people say that it was established in the time of Medon, though some say it was under Acastus, arguing from the fact that the nine Archons swear to observe their oaths as was done under Acastus that it was at this time that the sons of Codrus surrendered the kingship in return for the powers granted to the Archon. Whichever of these alternatives is true, the difference of date is not great; that the Archonship was the last of the three offices is shown by the fact that the Archon does not control any of the traditional ceremonies as the King Archon and the Polemarch do, but only ceremonies which are later additions; hence the importance of the office is of recent origin, arising from these later additions. The *Thesmothetai* were instituted at a much later date when offices were already annual; their function is to inscribe the laws and preserve them for the decision of disputes. Because of its late date, the office of the *Thesmothetai* is the only archonship which was never anything but annual. Such, then was the chronological sequence of these offices. All nine Archons did not have the same official residences; the King Archon lived in the building now called the Boukoleion near the Prutaneion, evidence for which is the fact that the union and marriage of the wife of the King Archon with Dionysus even now takes place there. The Archon had the Prutaneion, while the Polemarch had the Epilukeion, a building formerly called the Polemarcheion, but renamed the Epilukeion when it was rebuilt and furnished by Epilukos as Polemarch; the *Thesmothetai* had the Thesmotheteion. Under Solon all the archons were brought together in the Thesmotheteion. The Archons had full power to decide cases themselves, not only to hold preliminary hearings as now. Such then was the position of the Archons.
- The Council of the Areopagus had the duty of watching over the laws, and had wide-ranging and important

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- powers in the city since it punished and fined all offenders without appeal. Archons were chosen on the basis of birth and wealth qualifications, and they made up the Areopagus; this is the reason why this is the only office which is still held for life today.
- The above is an outline of the first constitution. A short time after this, in the Archonship of Aristaichmos, Draco introduced his legislation; this constitution was as follows. Political power had been handed over to those who provided their own armour. They chose the nine Archons and the Treasurers from those men who had an unencumbered property qualification of not less than ten minae; the lesser magistrates were chosen from those who armed themselves, while the *strategoi* and cavalry commanders had to show unencumbered property to the value of at least a hundred minae and legitimate children, by citizen wives, not less than ten years old. The Prytanies had to receive sureties for them, as also for the *strategoi* and cavalry commanders of the previous year until after their *euthuna*, the sureties being four citizens from the same class as the *strategoi* and cavalry commanders. There was a *Boule* of 401 members, selected by lot from the citizen body. All those over thirty years old cast lots for this and the other offices, and nobody could hold the same office twice until all those eligible had held it; then the allotment started again from the beginning. If a member of the *Boule* failed to attend a sitting of the *Boule* or *Ekklesia*, he was fined three drachmae if he was a *pentakosiomedimnos*, two if he was a *hippeus* and one if he was a *zeugites*. The Council of the Areopagos was the guardian of the laws and supervised the magistrates to ensure that they acted legally. If a man were wronged, he could lay information before the Areopagus specifying the law he relied on. Loans were made on the security of the person of the borrower, as noted above, and the land was under the control of a few men.

SOLON

- v In this political situation, when the majority were the slaves of the few, the people opposed the leaders of the state. When the strife was severe, and the opposition of long standing, both sides agreed to give power to Solon as mediator, and entrusted the state to him; at that time he had written the poem which begins:

Grief lies deep in my heart when I see the oldest
of the Ionian states being murdered. . . .

In this poem he champions both sides against the other, and argues their position, and then recommends an end to the prevailing rivalry.

- 3 Solon was one of the leading men by birth and reputation, but 'middle class' in wealth and position; this is agreed from other evidence, and Solon himself makes it clear in the following poem, where he advises the rich not to be greedy:

Restrain in your breasts your mighty hearts; you
have taken too much of the good things of life;
satisfy your pride with what is moderate, for we
shall not tolerate excess, nor will everything turn
out as you wish.

He always attaches the over-all blame for the strife to the rich; this is why he says at the opening of the poem that he is afraid of their 'avarice and overbearing pride', since this was the cause of the conflict.

- vi When he had taken power, Solon freed the people both then and for the future by making loans on the security of a person's freedom illegal; he passed laws, and instituted a cancellation of debts both private and public which men call the *seisachtheia*, for they shook off their burdens. Some try to attack him in this context; it happened that when Solon was about to introduce his *seisachtheia* he told some of the leading citizens, and then (according to the democratic version of the story) he was outmanoeuvred by his friends, while those who wish to blacken his reputation say that he was a party to

- fraud. These men borrowed money and bought large areas of land; shortly afterwards, when debts were cancelled, they were rich. This is alleged to be the origin of those who later appeared to have been wealthy for generations. However, the democratic account is more convincing. It is unlikely that Solon would have been so moderate and public-spirited in other respects, that, when he had it in his power to subject the other group and become tyrant of the city, he chose to incur the hostility of both sides, and preferred what was right and the salvation of the city to his own advantage, but yet would have sullied himself with such a trivial and manifest fraud. That he had power to become tyrant is demonstrated by the perilous state of the city's affairs at the time; he himself mentions it frequently in his poems, and all other sources agree. One must therefore conclude that this charge is false.

- vii Solon established a constitution and enacted other laws; the Athenians ceased to use Draco's code except for his homicide laws. Solon's laws were inscribed on *kurbeis* set up in the portico of the King Archon, and all swore to observe them. The nine Archons used to take their oath on the Stone, and undertook to set up a golden statue if they broke one of the laws; hence the oath which they still take now. Solon made his laws binding for a hundred years and arranged the constitution in the following way. He divided the people into four property classes according to wealth, as had been done before; the four classes were: *pentakosiomedimnoi*, *hippeis*, *zeugitai* and *thetes*. He distributed the other magistracies to be held by the *pentakosiomedimnoi*, *hippeis* and *zeugitai*, allotting the nine Archons, the Treasurers, the *poletai*, the Eleven and the *kolakretai* to various classes in accordance with their property qualification. The *Thetes* received only the right to sit in the *Ekklesia* and the *dikasteria*. The property qualification for a *pentakosiomedimnos* was a minimum yearly return from his own property of 500 measures, dry or liquid. The *hippeis* had a minimum of 300, and some say that the class was also

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restricted to those able to maintain a horse; they deduce this from early dedications, for there is a statue of Diphilos on the Acropolis with the following inscription:

Anthemion, the son of Diphilos, made this dedication to the gods, having risen from the *thetes* to the class of the *hippeis*.

A horse stands by, showing the connection between the *hippeis* and being able to maintain a horse. None the less, it is more plausible that this class should have been defined by measures of produce like the *pentakosiomedimnoi*. The minimum qualification for the *zeugitai* was 200 measures, wet and dry combined, while the remainder of the population formed the *thetes* and were not entitled to hold office. This is why even now, when they are about to cast lots for a magistracy and a man is asked what his class is, nobody would say that he was one of the *thetes*.

- viii Magistracies were selected by lot from a group previously elected by each tribe. For the nine Archons, each tribe made a preliminary selection of ten men, and they cast lots among them; this is the origin of the practice which survives today by which each tribe picks ten men by lot, and then lots are cast again among them.* Evidence that Solon instituted selection by lot in accordance with property classes is the law about the Treasurers which is still in force; this lays down that the Treasurers shall be
- 2 selected by lot from the *pentakosiomedimnoi*. These were Solon's provisions about the nine Archons. In early times, the Areopagus had summoned the candidates and selected the man it judged suitable for each office itself
 - 3 and installed him for the year. Solon retained the four tribes which already existed and the four tribal Kings; within each tribe there were three *trittues* and twelve *naukrariai*. The officers in charge of the *naukrariai* were called *naukraroi*, and they controlled contributions and expenditure; this is why many of the laws of Solon which

* Although in Aristotle's day there were then ten tribes (as instituted by Cleisthenes) in place of the four of Solon's time.

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- are no longer in force contain the phrases 'the *naukraroi* shall collect' and 'shall be spent from the funds of the
- 4 *naukrariai*'. Solon instituted a *Boule* of 400 members, 100 from each tribe, and he gave the Areopagus the duty of watching over the laws, analogous to its earlier position of guardian of the constitution. It had extensive supervisory powers over the important aspects of political life, and punished wrongdoers with full powers to inflict fines or other penalties; fines were deposited in the treasury, and there was no obligation to state the reason for the fine. The Areopagus tried those who conspired to overthrow the constitution under a law of impeachment which Solon introduced.
 - 5 Solon realised that the city was often split by factional disputes but some citizens were content because of idleness to accept whatever the outcome might be; he therefore produced a specific law against them, laying down that anyone who did not choose one side or the other in such a dispute should lose his citizen rights.

- ix The magistracies were reformed in this way. The following seem to be the three most popular features of Solon's constitution: first and most important, that nobody might borrow money on the security of anyone's freedom; secondly, that anyone might seek redress on behalf of those who were wronged; thirdly, the feature which is said to have contributed most to the strength of the democracy, the right of appeal to the *dikasterion*, for when the people have the right to vote in the courts they
- 2 control the constitution. The fact that the laws have not been drafted simply or clearly, but are like the provisions controlling inheritances and heirs, inevitably leads to disputes; hence the courts have to decide everything, public and private. Some think that Solon made his laws obscure deliberately to give the people the power of decision. This is not likely; the obscurity arises rather from the impossibility of including the best solution for every instance in a general provision. It is not right to judge his intentions from what happens now but by analogy with the rest of his provisions.

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x Those were the democratic aspects of his legislation; before introducing his laws, he carried out the cancellation of debts, and after that the increase of the measures,
2 weights and coinage. For it was under Solon that the measures were made larger than the Pheidonian standard, and the mina, which formerly had a weight of seventy drachmae was increased to the hundred it now contains. The old coin was the two-drachma piece. He established weights for coinage purposes in which the talent was divided into sixty-three minae, and the three added minae were divided proportionately for the stater and the other weights.

xI After the reform of the constitution which has been described above, Solon was annoyed by people approaching him criticising some parts of his legislation and questioning others. He did not wish to make alterations or to incur unpopularity while in Athens, and so went abroad to Egypt for trading purposes and also to see the country, saying he would not return for ten years; he said it was not right for him to stay to interpret the laws but that everyone should follow them as they were
2 drafted. He had incurred the hostility of many of the leading men because of the cancellation of debts, and both sides had changed their attitude to him because his legislation had been different from what they had expected. The common people had expected him to redivide all property, while the wealthy had expected him to restore them to their traditional position, or at most only to make minor alterations to it. Solon had resisted them both, and, when he could have made himself tyrant by joining whichever side he chose, had preferred to be hated by both while saving his country and giving it the best constitution possible.

xII That this was Solon's attitude is agreed by all authorities, and he himself comments on it in his poems in the following terms:

To the people I gave as much privilege* as was

* Plutarch, in quoting this poem (*Solon* 18), gives 'power' not 'privilege'.

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sufficient for them, neither reducing nor exceeding what was their due. Those who had power and were enviable for their wealth I took good care not to injure. I stood casting my strong shield around both parties, and allowed neither to triumph unjustly.

2 In another passage he describes how the ordinary people should be handled:

The people will follow their leaders best if they are neither too free nor too much restrained, for excess produces insolent behaviour when great wealth falls to men who lack sound judgement.

3 In another passage he discusses those who wish for a redistribution of land:

They came to plunder with hopes of riches, and each of them expected to find great wealth; they thought that although I spoke soothingly I would reveal stern determination. Their expectation was vain, and now they are angry and look askance at me like an enemy. This is wrong, for with the gods I carried out what I said, and did nothing else foolishly; it does not please me to act with the violence of a tyrant nor to give equal shares of our rich country to worthless and noble alike.

4 He discusses the cancellation of debts and those who had previously been enslaved but were freed through the *seisachtheia* in the following passage:

Which of my aims did I abandon unattained, the aims for which I had assembled the people? My witness to this before the judgement of the future will be the great mother of the Olympian gods, dark Earth; I took up the markers fixed in many places—previously she was enslaved, but now is free. Many I brought back to Athens, their divinely founded city, who had been sold abroad, one unjustly, another justly, and others who had fled under compulsion of debt,* men who no longer spoke the Attic tongue, so wide had their wanderings been. Those at home, suffering here the outrages of slavery and trembling

* The word translated 'debt' is doubtful; see Commentary on this passage.

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at the whims of their masters, I freed. This I achieved by the might of law, combining force and justice; I carried it out as I promised. I drafted ordinances equally for bad and good, with upright justice for each. Another man holding the spur that I held, a man of evil counsel and greed, would not have restrained the people. Had I been willing to indulge the enemies of the people or do to them what the people wished to do, the city would have lost many men. That is why I set up a strong defence all round, turning like a wolf at bay among the hounds.

5 Again, of the later attacks of both parties he says reproachfully:

If I must express my reproach of the people in clear terms, they would never otherwise even have dreamed of what they now possess. The greater and more powerful also should praise me and make me their friend,

for, he says, if anyone else had held his position, he would not have restrained the people nor checked them before they squeezed all the cream from the milk. But I stood, as it were in no man's land, a barrier between them.

xiii For these reasons, then, Solon went abroad. When he had left, the city was still very disturbed; four years passed peacefully, but in the fifth year after his Archonship they did not appoint an Archon because of the dissension, and four years later the same thing happened
2 again for the same reason. After the same interval, Damasias was chosen Archon, and retained the position for two years and two months until he was forcibly removed from office. Then the Athenians decided because of the civil strife to choose ten Archons, five from the *Eupatridai*, three from the *men of the country* and two from the *artisans*; they held office the year after Damasias. This demonstrates the great power of the Archon, for the strife clearly always centred round this
3 office. In general, the Athenians lived in a state of continual turmoil in internal affairs, some finding the cause

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and reason for dissent in the cancellation of debts, which had reduced them to poverty, some being angered by the great change in the constitution, and some motivated
4 by private feuds. There were three groups. The first was that of the *Shore*; their leader was Megacles the son of Alcmeon, and they favoured a middle-of-the-road policy. The second group was that of the *Plain*; their aim was oligarchy, and their leader Lycurgus. The third group was that of the *Uplands*; they were led by Peisistratus,
5 and he seemed to be the most democratic leader. This faction had been joined by those who had lost money when the debts were cancelled because they were impoverished, and those who were not of pure Athenian descent because of anxiety about their position. Evidence of this is the fact that after the abolition of the tyranny the Athenians revised the lists of citizens on the grounds that many were exercising citizen rights who were not entitled to them. Each group took its name from the area in which it farmed.

PEISISTRATUS

xiv Peisistratus had the reputation of being a strong supporter of the people and had distinguished himself in the war against Megara; he wounded himself, and persuaded the people that his political opponents had done it, with the result that they voted him a bodyguard on the proposal of Aristion. With the assistance of these 'club-bearers' he rose against the people and seized the Acropolis in the thirty-second year after the legislation
2 of Solon, which was the Archonship of Komeas. It is said that when Peisistratus asked for the bodyguard, Solon opposed him, claiming to be wiser than some and braver than others; he said he was wiser than those who did not realise that Peisistratus was aiming at tyranny, and braver than those who kept silent although they knew it. When he failed to persuade his hearers, he placed his arms in front of his door, saying that he had done all he could to help his country—he was already a very old man—and insisted that the other citizens should do the
3 same. Solon's appeal fell on deaf ears, and Peisistratus

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seized power, and ran the state more like a private citizen than a tyrant. However, when the tyranny had not yet had time to take root the groups led by Megacles and Lycurgus combined to expel him in the Archonship of Hegesias, which was the sixth year after he first took
 4 power. In the twelfth year after this Megacles was hard pressed by dissensions, and opened negotiations with Peisistratus; having agreed that Peisistratus would marry his daughter, he brought him back by a primitive and very simple trick. Having spread a rumour that Athena was bringing Peisistratus back home, he found a tall beautiful woman called Phye, whom Herodotus says came from Paiania, but others say was a Thracian flower girl from Kollytos, dressed her as Athena, and brought her into the city with Peisistratus. Peisistratus rode on a chariot with the woman beside him, and the inhabitants fell to the ground and accepted him with awe.

xv Peisistratus returned to Athens for the first time in this way. He was expelled for a second time in about the seventh year after his return; he did not keep his position for a long time, but, being afraid of both groups because he did not wish to treat Megacles' daughter as his wife,
 2 retired abroad. First he joined in the foundation of a place called Rhaecelus near the Thermaic Gulf, and then moved to the area around Mt. Pangaeus. He grew wealthy there and hired mercenaries, and so came to Eretria and made his first attempt to recover the tyranny by force in the eleventh year after his expulsion. He received wide support, and in particular that of the Thebans, Lygdamis of Naxos, and the *hippeis* who controlled affairs in Eretria. After winning the battle of
 3 Pallene, he took Athens, disarmed the people, and established his tyranny on a firm basis. He also took
 4 Naxos and established Lygdamis as tyrant. He disarmed the Athenians in the following way. During a review of the people in full armour at the Theseum, he began to address the crowd, and spoke for a short while. When they said that they could not hear him, he told them to

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come up to the gate of the Acropolis where he would be more audible. While he continued his speech, a group who had been specially detailed for the purpose collected the people's weapons and locked them in the buildings of the Theseum, near by; when they had finished, they
 5 signalled to Peisistratus. When he had concluded his speech, he told the crowd not to be surprised or alarmed by what had happened to their weapons; they should go home and look after their private affairs—he would take care of the state.

xvi [That, then, was how Peisistratus' tyranny was first established, and those were the vicissitudes it passed
 2 through.] As noted above, Peisistratus ran the state moderately, and constitutionally rather than as a tyrant. He was benevolent, mild and forgiving to those who did wrong, and moreover he advanced money to the bankrupt to further their work so that they could make a
 3 living as farmers. He had two motives for doing this; he did not want them in the city, but scattered in the country, and if they had enough to live on, and were busy with their own affairs, they would neither want to meddle with affairs of state nor have the time to do so.
 4 The working of the land increased his revenues, for he
 5 took a ten per cent tax on produce. He also had the same motive for establishing the magistrates of the demes and for travelling round the country frequently, inspecting and settling disputes: it made it unnecessary for the people to come into the city and neglect their work.
 6 It was on one of these circuits that there occurred the incident of the farmer on Mt. Hymettus and the land later called 'tax-exempt'. Peisistratus saw someone working an area that was all stones, and, being surprised, told his attendant to ask what the land produced. 'Aches and pains,' the farmer replied; 'Peisistratus ought to take his ten per cent of the aches and pains too.' The man made the reply not knowing that he was speaking to Peisistratus, while the latter was delighted at his frankness and industriousness, and exempted him from all taxation.

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7 Peisistratus did not in general impose any heavy burdens on the people during his rule, but always preserved peace abroad and at home, with the result that it was often said that his reign was a golden age—for when his sons later took over his position their rule was much more
8 severe. The most important facet of all those discussed was that he was naturally inclined to support the common people and was benevolent. It was his aim to govern in accordance with the laws, and not to claim any superior position for himself. He was once summoned for murder before the Areopagus; he appeared in person to make his defence, but his accuser panicked and failed to
9 put in an appearance. This is why he remained in power for a long time, and when expelled recovered his position easily. He was supported by the majority of both nobles and the common people; he attracted the former by his association with them, and the latter by the assistance he gave them in their personal affairs; he was liked by
10 both. Athenian laws about tyranny were mild at the time, and in particular the law about the establishment of a tyrant, which ran as follows: 'This is the law and traditional practice of the Athenians; any man who attempts to establish, or aids in the establishment of, a tyranny shall lose his citizenship together with his family.'

xvii Peisistratus, then, grew old in office, and fell ill and died in the Archonship of Philoneos, having lived for thirty-three years since he first set himself up as tyrant, and having ruled for nineteen of those years; for the
2 remainder he was in exile. From the dates it is manifestly absurd to suggest, as some do, that Peisistratus was loved by Solon, and was general in the war against Megara for possession of Salamis; their ages make it impossible if one calculates each man's life and the date of his death.

3 After Peisistratus' death, his sons ruled, and conducted affairs in the same way. He had two sons by his citizen wife, Hippias and Hipparchus, and two by his Argive wife, Iophon and Hegesistratos, who was also called Thet-
4 talos. Peisistratus had married Timonassa, the daughter

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of an Argive from Argos called Gorgilos; she had previously been married to Archinos, the Ambraciot, who was of the family of the Cypselids. This was the origin of Peisistratus' friendship with Argos; Hegesistratos brought 1,000 men to fight with him at Pallene. Some say that Peisistratus married her during his first exile, others while he was in power.

xviii Their position and age meant that the state was run by Hipparchus and Hippias; Hippias was the older, a natural politician and a wise man, and he presided over the government. Hipparchus was fond of amusements, and interested in love affairs and the arts—he was the man who sent for Anacreon and Simonides and their
2 associates and the other poets. Thettalos was much younger, and violent and outrageous in his behaviour, which was the cause of all their troubles. He fell in love with Harmodius, and when his love was not returned, far from restraining his anger, he gave vent to it viciously; finally, when Harmodius' sister was to carry a basket in the procession at the Panathenaia, he stopped her, and insulted Harmodius as effeminate. Hence Harmodius and Aristogeiton were provoked to their plot, in which
3 many took part. At the time of the Panathenaia, when they were watching for Hippias on the Acropolis (for it so happened that he was receiving the procession while Hipparchus despatched it), they saw one of the conspirators greet Hippias in a friendly way. They thought that they were betrayed. Wishing to achieve something before they were arrested, they went down into the city, and, not waiting for their fellow conspirators, killed Hipparchus as he was organising the procession by the
4 Leokoreion; thus they spoiled the whole attempt. Harmodius was killed immediately by the guards, but Aristogeiton was captured later, and tortured for a long time. Under torture he accused many nobles who were friends of the tyrants of complicity. At first enquiries had been unable to find any trace of the plot, for the story that Hippias had disarmed those in the procession and searched them for daggers is not true, for they did

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not carry weapons in the procession at that time—it was
 5 a later innovation of the democracy. The democrats say
 that Aristogeiton accused the friends of the tyrants
 deliberately in order to involve them in impiety and
 weaken their faction if they killed their friends who were
 innocent; others say that he was not making it up, but
 6 did reveal those who were in the plot. Finally, when,
 despite all his efforts, death eluded him, he promised that
 he would implicate many others; having persuaded
 Hippias to give him his hand as a pledge, he reviled him
 for giving his hand to the murderer of his brother. This
 angered Hippias so much that his fury overcame him,
 and he drew his dagger and killed him.

xix After this the tyranny became much more severe; in
 avenging his brother, Hippias had killed or exiled many
 2 people, and was distrusted and hated by all. About three
 years after the death of Hipparchus, Hippias tried to
 fortify Munichia because of his unpopularity in the city
 of Athens; he intended to move his residence there, but
 while this was going on he was expelled by Cleomenes,
 the Spartan king, because the Spartans were repeatedly
 receiving oracles instructing them to end the tyranny at
 3 Athens. The reason was this. The Athenian exiles, who
 were led by the Alcmeonids, could not bring about their
 return unaided; a number of attempts failed. One of
 these unsuccessful attempts involved the fortification of
 Leipsudrion, a point over Mt. Parnes; there they were
 joined by some supporters from the city, but the place
 was besieged and taken by the tyrants. This was the
 origin of the well-known drinking song about the disaster
 which ran:

Alas, Leipsudrion, betrayer of friends, what heroes
 you destroyed, men brave in battle and of noble
 blood; then they showed the quality of their families.

4 Having failed, then, in all other attempts, the Alc-
 meonids contracted to rebuild the temple at Delphi, and
 in this way they obtained plenty of money to secure the
 support of the Spartans. Whenever the Spartans con-
 sulted the oracle, the priestess instructed them to free

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Athens; finally she persuaded them, although they had
 ties of hospitality with the Peisistratids.* The Spartans
 were swayed no less by the friendship between the
 5 Peisistratids and the Argives. First, they sent Anchimolos
 with an army by sea. He was defeated and killed
 because Kineas the Thessalian came to the help of the
 Athenians with a thousand cavalry. The Spartans were
 angered by this, and sent their king, Cleomenes, with a
 larger force by land; he defeated an attempt by the
 Thessalian cavalry to prevent his entry into Attica, shut
 up Hippias inside the so-called Pelargic wall, and be-
 6 sieged him with Athenian help. While he was conduct-
 ing the siege, it happened that the sons of the Peisistra-
 tids were captured as they attempted to slip out of the
 city secretly. After their capture, the Peisistratids agreed,
 in return for the children's safety, to hand over the
 Acropolis and leave with their own property within a
 period of five days. This was in the Archonship of
 Harpaktides when they had held the tyranny for about
 seventeen years after the death of their father; the whole
 period including their father's reign had lasted forty-nine
 years.

CLEISTHENES

xx After the fall of the tyranny, there was a struggle
 between Isagoras the son of Teisander, who was a
 supporter of the tyrants, and Cleisthenes, who was of the
 family of the Alcmeonids. When Cleisthenes lost power
 in the political clubs, he won the support of the people
 2 by promising them control of the state. The power of
 Isagoras waned in turn, and he called in Cleomenes
 again, for he had ties of friendship with him. He per-
 suaded him to 'expel the curse', for the Alcmeonids were
 3 thought to be amongst those accursed. Cleisthenes
 retired into exile, and Cleomenes arrived with a few men
 and expelled seven hundred Athenian families as being
 under the curse. Having done this, he tried to dissolve
 the *Boule* and to put Isagoras and three hundred of his

* A collective name for the sons (and descendants) of Peisistratus.

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friends in control of the city. The *Boule* resisted and the people gathered; the supporters of Cleomenes and Isagoras fled to the Acropolis. The people surrounded them and besieged them for two days; on the third they let Cleomenes and all those with him go under a truce, and recalled Cleisthenes and the other exiles. The people had taken control of affairs, and Cleisthenes was their leader and champion of the people, for the Alcmeonids had been the group probably most responsible for the expulsion of the tyrants and had stirred up trouble for them for much of the time. Even before the Alcmeonids, Kedon had attacked the tyrants, and therefore his name also figures in the drinking songs:

Pour a draught also for Kedon, boy, and do not forget him, if it is right to pour wine for brave men.

xxi The people trusted Cleisthenes for these reasons. At that time, as their leader, in the fourth year after the overthrow of the tyranny which was the Archonship of Isagoras, he first divided all the citizens into ten tribes instead of the earlier four, with the aim of mixing them together so that more might share control of the state. From this arose the saying 'No investigation of tribes' as an answer to those wishing to inquire into ancestry. 3 Then he established a *Boule* of 500 instead of 400, fifty from each tribe; previously there had been 100 from each. His purpose in not splitting the people into twelve tribes was to avoid dividing them according to the *trittues* which already existed; there were twelve *trittues* in the four old tribes, and the result would not have been a mixing. He divided Attica into thirty sections, using the demes as the basic unit; ten of the sections were in the city area, ten around the coast and ten inland. He called these sections *trittues*, and placed three into each tribe by lot, one from each geographical area. He made fellow demesmen of those living in each deme so that they would not reveal the new citizens by using a man's father's name, but would use his deme in addressing him. Hence the Athenians use their demes as part of their names. He set up demarchs with the same functions

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as the previous *naukraroi*, for the demes took the place of the *naukrariai*. Some of the demes he named after their position, others after their founders, for not all were still connected with a particular locality. He left the citizens free to belong to clan groups, and phratries, and hold priesthoods in the traditional way. He gave the tribes ten eponymous heroes selected by the Delphic oracle from a preliminary list of a hundred.

xxii [These changes made the constitution much more democratic than it had been under Solon.] A contributory factor was that Solon's laws had fallen into disuse under the tyranny, and Cleisthenes replaced them with others with the aim of winning the people's support; these included the law about ostracism. It was in the fifth year after this constitution was established in the Archonship of Hermokreon, that they formulated the oath which the *Boule* of 500 still take today. At that time they selected the *strategoi* by tribes, one from each; the Polemarch was the overall commander of the army. Eleven years later, in the Archonship of Phainippos, the Athenians won the battle of Marathon. This made the democracy so confident that after a further two years had passed they first used the law of ostracism; it had been passed from a suspicion of those in power, because Peisistratus had started as leader of the people and *strategos*, and become tyrant. The first to be ostracised was one of his relations, Hipparchus, the son of Charmus, of Kollytos; it was the desire to expel him which was the primary motive of Cleisthenes in proposing the law. With the customary forbearance of the democracy, the people had allowed the friends of the tyrants to continue to live in Athens with the exception of those who had committed crimes in the civil disorders; their leader and champion was Hipparchus. In the year immediately following, the Archonship of Telesinos, they cast lots for the nine Archons by tribes from the five hundred previously elected by the demesmen; this first happened then after the tyranny; all their predecessors were elected. In the same year, Megacles, the son of Hippocrates, from

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6 Alopeke was ostracised. For three years they ostracised the friends of the tyrants, the original purpose of ostracism, but in the fourth year they also removed anyone else who seemed to be too powerful. The first man to be ostracised who was not connected with the tyranny was Xanthippus, the son of Ariphron.

7 Two years later, in the Archonship of Nikodemos, when the mines at Maroneia were discovered and the city had a surplus of one hundred talents from their exploitation, some recommended that the money should be distributed to the people. Themistocles prevented this; he did not say for what he would use the money, but recommended that a talent should be lent to each of the hundred wealthiest Athenians. If the people approved of what it was spent on, the expenditure should be borne by the state; if not, they should recover the money from those who had borrowed it. The proposal was approved on these terms, and he had a hundred triremes built, one by each man. This was the fleet in which they fought the barbarians at Salamis. Aristides, the son of Lysimachus, was ostracised at this time.

8 Three years later, in the Archonship of Hupsichides, because of Xerxes' expedition, they recalled all those who had been ostracised; for the future they decreed that those who had been ostracised should not live nearer to Athens than Geraistus or Scyllaeum under penalty of losing their citizenship for good.

THE AREOPAGUS

xxiii Up to this point the city went on growing and developing its democracy by gradual stages, but after the Persian wars the Areopagus became strong again and ran the city, not because it was voted the position but because it had been responsible for the battle of Salamis. When the *strategoï* did not know how to handle the situation, and ordered each man to see to his own safety, the Areopagus provided each person with
2 eight drachmae and embarked them in the ships. For this reason the Athenians respected the Areopagus, and were well governed at this time. At the time they

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paid attention to military training, were respected by the Greeks, and took the hegemony at sea despite the Spartans.

people party?

3 The champions of the people at this period were Aristides the son of Lysimachus and Themistocles the son of Neocles, the latter with the reputation of being an expert in military matters, the former a clever politician and an outstandingly just man; therefore they employed the one as a general and the other as a political adviser.

4 These two men worked together over the rebuilding of the walls of Athens despite their differences, but Aristides was the instigator of the defection of the Ionians from the Spartan alliance, when he seized the opportunity offered by the disgrace of the Spartans caused by the behaviour
5 of Pausanias. Hence he was the man who assessed the first list of contributions to be paid by the cities two years after the battle of Salamis, in the Archonship of Timosthenes. He also gave the oath to the Ionians 'to have the same enemies and friends', in the ratification of which they dropped the lumps of iron into the sea.

xxiv Athens' confidence increased and she built up a significant financial reserve; Aristides recommended them to seize the hegemony and to live in the city rather than the countryside; there would be a livelihood for all, some on expeditions, others on garrison duty, and others in government; in this way they would hold
2 the hegemony. The people agreed, took control, and treated their allies more tyrannically except for the peoples of Chios, Lesbos and Samos; they used them as guards of the empire, and so allowed them to retain their own constitutions and such possessions as they had.

3 The result was also affluence for the masses, as Aristides had suggested. More than twenty thousand men earned their living as a result of the tribute, the taxation and the money the empire brought in. There were six thousand *dikastai*, sixteen hundred archers, and twelve hundred cavalry, and five hundred members of the

Boule. There were five hundred guards in the docks and fifty others on the Acropolis; offices in the city occupied up to seven hundred men, and up to seven hundred were employed abroad. In addition to them, when later they were at war, there were two thousand five hundred hoplites and twenty guard ships and other ships to carry the tribute employing two thousand men selected by lot. There were also those maintained by the state at the Prutaneion or as orphans, and the guards of the prison. All these people were paid from public funds.

EPHIALTES

xxv The people were supported in this way. For about seventeen years after the Persian wars the constitution remained the same under the guidance of the Areopagus, although it was gradually deteriorating. Then, with the increase of the power of the masses, Ephialtes the son of Sophonides became champion of the people; he had a reputation for incorruptibility and justice in public life. He launched an attack on the
 2 Areopagus. First, he removed many of its members on charges of administrative misconduct. Then, in the Archonship of Konon, he stripped it of all its additional powers including the guardianship of the constitution; he distributed them among the *Boule*, the *Ekklesia* and
 3 the *dikasteria*. He was aided in the reforms by Themistocles, who was a member of the Areopagus, but was facing a charge of treason with Persia. Because Themistocles wanted the Areopagus to be ruined, he told Ephialtes that they were intending to arrest him, and told the Areopagus that he would lay information against certain persons who were plotting to overthrow the constitution. Then he took a group selected by the Areopagus to the place where Ephialtes was, ostensibly to show them a meeting of the conspirators, and talked with them seriously. Ephialtes was so alarmed when he saw this that he took refuge at an altar dressed in a suppliant's
 4 single garment. Everyone was amazed at what happened, and there followed a meeting of the *Boule* at which

Ephialtes and Themistocles made accusations against the members of the Areopagus. They repeated these accusations before the *Ekklesia* until they succeeded in depriving them of their power. . . . * Ephialtes also died shortly afterwards, murdered by Aristodikos of Tanagra.

xxvi The Areopagus lost its supervisory powers in this way. In the years which followed, the enthusiasm of the demagogues led to an increasing absence of control in political life. It happened that at this time the better citizens were without a leader, for their principal spokesman, Cimon the son of Miltiades, was rather young and had only recently entered public life, and in addition to this the masses had been decimated in war. † Military service at that period depended on the citizen rolls, and the *strategoi* in charge were militarily inexperienced but respected for the achievements of their ancestors; the result was that two or three thousand of the men on any expedition were killed, and the better men from both the upper classes and the mass of the
 2 people were decimated. In their administration the Athenians did not pay the same amount of attention to the laws as they had done in earlier periods; they made no innovation affecting the selection of the nine Archons, except that in the sixth year after the death of Ephialtes they decided to admit *zeugitai* to the preliminary selection of those from whom the nine Archons would be selected by lot. The first member of this class to be Archon was Mnesitheides; all previous Archons had been *hippeis* or *pentakosiomedimnoi*, while the *zeugitai* had held only the ordinary offices, unless any of the legal restrictions had
 3 been disregarded. Four years later, in the Archonship of Lusikrates, the thirty justices were re-established who
 4 were known as the magistrates of the demes. Two years

* A surprising *kai* ('and' or 'also') preserved in the papyrus suggests that a clause or sentence is missing; it may have contained an account of the death of Themistocles.

† The historical order of events is very confused here; see the Commentary.

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later, in the Archonship of Antidotos, because of the large size of the citizen body, it was enacted, on the proposal of Pericles, that those whose parents were not both citizens should not themselves be citizens.

- xxvii After this, Pericles became one of the leaders of the people, first becoming famous when he was a young man and prosecuted Cimon at his *euthuna* as *strategos*. With Pericles, the state became still more democratic; he deprived the Areopagus of some of its powers and turned the state particularly towards naval power, with the result that the masses had the courage to take more into their own hands in all fields of government. Forty-eight years after the battle of Salamis, in the Archonship of Puthodoros, the Peloponnesian War broke out; during this the citizens were shut up inside the city walls, and grew accustomed to earn their living by military service, and decided, partly consciously and partly through the force of circumstances, to run the state themselves.
- 3 Pericles introduced pay for those serving in the *dikasteria* as a political move to counter the effects of Cimon's wealth. Cimon possessed a kingly fortune, and not merely performed his public liturgies magnificently but also maintained many of the members of his deme, for any member of the deme of Lakiadai who wished could come to him every day and receive adequate maintenance, and all his estates were unfenced so that anyone who wished could help himself to the fruit.
- 4 Pericles' wealth was not adequate to match such liberality, and Damonides of Oia, who was thought to have suggested most of Pericles' measures, and was later ostracised for this very reason, suggested to him that since he could not match Cimon in private resources, he should give the people what was their own; Pericles accepted his advice, and arranged pay for the *dikastai*. Some say that the quality of *dikastai* declined, since it was always the ordinary people rather than the more respectable who took care to ensure that their names were included in the ballot for places on the juries. This was also the beginning of corruption of the *dikastai*, the

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first instance being Anytus after he was *strategos* at Pylos; he had been accused over the loss of Pylos, but bribed the court and was acquitted.

- xxviii Throughout the period of Pericles' ascendancy the state was run reasonably well, but after his death there was a marked decline. It was then that the people first got a leader who was not approved by the respectable citizens; before this the leaders had always come from this class. The first leader of the people was Solon, and he was followed by Peisistratus, both of them aristocrats of good family. After the fall of the tyranny there was Cleisthenes, an Alcmeonid, and he had no opponent after the expulsion of Isagoras and his supporters. Then Xanthippus was the leader of the people and Miltiades leader of the aristocrats; then came Themistocles and Aristides. After them, Ephialtes led the people and Cimon the wealthier classes; then Pericles led the people while Thucydides, a relative by marriage of Cimon, led the other group. After the death of Pericles, Nicias, who died in Sicily, was the leader of the upper classes, while Cleon the son of Cleainetus led the people. The latter appears to have corrupted the people more than anyone else by his violence; he was the first to shout when addressing the people, he used abusive language, and addressed the *Ekklesia* with his garments tucked up when it was customary to speak properly dressed. After them, Theramenes the son of Hagnon was leader of the other group, while the leader of the people was Cleophon the lyre-maker who introduced the two-obol payment. This was paid for some time and then was abolished by Kallikrates of Paiania; he first promised to add a third obol to the distribution. Both these last two politicians were later condemned to death, for, even if the people are deceived for a while, they tend later to hate those who have induced them to follow an unsuitable course of action. After Cleophon there was an unbroken series of demagogues whose main aim was to be outrageous and please the people with no thought for anything but the present.

- 5 The best leaders in Athens after the early period seem to have been Nicias, Thucydides and Theramenes. Almost everyone agrees that Nicias and Thucydides were not only true gentlemen and good politicians, but also that they looked after the city like fathers. There is some dispute about Theramenes because he happened to live at a time of political turmoil. If one avoids a superficial judgement, he does not appear to have destroyed all constitutions, as hostile assessments suggest, but to have supported all so long as they did nothing illegal; he was capable of taking part in politics under all forms of government—the mark of a good citizen—but refused to support and hated regimes which disregarded the law.

THE FOUR HUNDRED

- xxix To resume, as long as the fortunes of war were reasonably evenly balanced, the democracy was preserved, but when after the disaster in Sicily the Spartan side gained a considerable advantage because of their alliance with the king of Persia, the Athenians were forced to change their democracy into the regime of the Four Hundred. Melobios delivered the speech introducing the resolution, and Puthodoros of the deme Anaphlustos drafted the motion. The decisive consideration in winning over the majority of the people was the belief that the king of Persia would be more likely to make a military alliance with them if their government was
- 2 oligarchic. The decree of Puthodoros ran as follows: the people should choose another twenty men from those over forty years of age to join the emergency committee of ten already in existence; they should take an oath to formulate such measures as were in the best interests of the state, and should make proposals for its safety; anybody else was at liberty to make proposals so that
- 3 they might select the best of all the suggestions. Kleitophon added a rider to the proposal of Puthodoros, to the effect that those chosen should search out the traditional laws passed by Cleisthenes when he established the democracy, in order that they might assist their delibera-

- tions; the reasoning was that Cleisthenes' constitution was not democratic but similar to that of Solon.
- 4 The first proposal of the committee when selected was that it should be obligatory for the Prytanies to put to the vote all proposals which related to the safety of the state; then they suspended the statute of indictment for illegal proposals and all impeachments and summonses so that any Athenian who wished could make proposals about what was being discussed. If anyone punished, summonsed or brought before a court anyone for doing so, he should immediately be indicted and brought before the *strategoi*, and they should hand him over to the Eleven for execution.
- 5 After these preliminaries, they laid down the following principles: all money accruing to the state was to be spent on the war and nothing else; nobody was to receive pay for any office for the duration of the war except the nine Archons and the Prytanies of the period, who should receive three obols each per day. The rest of the administration for the duration of the war should be put in the hands of those Athenians best qualified in person and property to serve the state, up to a total of not less than five thousand. They should have the power to make treaties with whomsoever they wished. The people should elect ten men from each tribe over forty years old who should in their turn select the five thousand under an oath taken on unblemished sacrificial victims.
- xxx These were the proposals which the chosen committee put forward. When they had been passed, the Five Thousand chose a hundred of their own members to draw up the constitution. The proposals which were
- 2 drafted and put forward by them ran as follows. The *Boule* is to consist of men over thirty years of age on a yearly basis without pay. From their number should come the *strategoi*, the nine Archons, the *hieromnemon*, the commanders of the tribal hoplite and cavalry units, the cavalry commanders and the commanders of garrisons, as also the ten Treasurers of the treasury of Athena and the other gods, the twenty *Hellenotamiai*, who were also

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to take charge of all the other sacred funds, ten in charge of sacrifices and ten overseers. All these officials should be chosen from a larger group elected from the *Boule* in office at the time. All other offices should be filled by lot by men not members of the *Boule*; the *Hellenotamiai* who actually handled the finances should not sit in the *Boule*.

- 3 Four *Boulai* should be established for the future from the specified age group, and one section, selected by lot, should act as the *Boule*; the other citizens should be allocated among the sections. The hundred on the drafting committee should divide themselves and the others as equally as possible into four sections, cast lots between the sections, and the term of office of a *Boule*
- 4 should be one year. The members of the *Boule* were to take whatever decisions seemed best to them both to ensure the preservation of Athens' financial resources and their use for necessary purposes, and in other fields. If they wished to discuss a matter with a wider group, each member could call in an associate of his own choosing from the same age-group. The *Boule* should meet once every five days unless more frequent meetings were
- 5 felt to be necessary. The nine Archons were to handle the drawing of lots for the *Boule*, while five men selected by lot from the *Boule* should count votes, and one man should be selected by lot from them each day to put motions to the vote. The five selected by lot should also cast lots among those who wished to address the *Boule* in the following order of precedence: first priests, second heralds, third embassies, fourth any other persons. The *strategoi* should have the right of addressing the *Boule* on matters of war without having to draw lots for precedence. A member of the *Boule* who failed to attend at the Bouleuterion at the appointed hour was to be fined a drachma per day's absence unless he had obtained permission to be away from the *Boule*.
- 6

xxxI They drafted the above constitution for the future, and put forward the following interim proposals. There should be a *Boule* of four hundred according to tradition, forty from each tribe to be chosen from a group previous-

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ly elected by their fellow tribesmen from those over thirty years old. The *Boule* was to appoint the office-holders and draft the oath which they were to take, and take such measures as seemed beneficial about the laws, the

- 2 *euthunai* and other matters. They were to observe such laws as might be passed in the constitutional field, and might not change them or enact others. The *strategoi* for the moment were to be selected from all the Five Thousand; when the *Boule* had been established and had held an inspection in full armour, it was to select ten men as *strategoi* and a clerk for them, and those selected were to hold office for the following year with full powers, and
- 3 consult the *Boule* if they needed to. They were to choose one cavalry commander and ten commanders of the tribal cavalry units; in the future the *Boule* were to choose these officers according to the proposals. Neither they nor anyone else might hold any other office more than once except for membership of the *Boule* or being a *strategos*. For the future, the hundred men are to allot the Four Hundred among the four sections so that they may take part when the citizens join the rest in membership of the *Boule*.*

xxxII The hundred men chosen by the Five Thousand drafted these proposals. When they were enacted by the main body under the presidency of Aristomachos, the *Boule* of the year of Kallias' Archonship was dissolved on the fourteenth day of Thargelion before finishing its year of office, and the Four Hundred took office on the twenty-second of the same month. The democratically selected *Boule* for the next year ought to have taken office

- 2 on the fourteenth of Skirophorion. So the oligarchy was established in the Archonship of Kallias, about a hundred years after the expulsion of the tyrants; the main instigators of it were Peisander, Antiphon and Theramenes, who were well born and had the reputation of being out-
- 3 standing in intelligence and judgement. When this constitution was established, the Five Thousand were only nominally chosen; the Four Hundred, together with the

* The sentence is obscure, and may be corrupt.

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ten *strategoi* with full powers, entered the Bouleuterion and ruled the city. They sent a proposal of peace to the Spartans on the basis that each side should retain what it held. When the Spartans refused unless Athens surrendered her maritime power, they abandoned the proposal.

xxxiii The constitution of the Four Hundred lasted about four months, and Mnasilochoi of their number was Archon for two months in the Archonship of Theopompos, who was Archon for the remaining ten months. When the Athenians were defeated in the sea battle near Eretria and the whole of Euboea revolted except for Oreus, they were more incensed by the disaster than any previous defeat, for Euboea was of more service to them than Attica at the time; they therefore overthrew the Four Hundred, and handed over the conduct of affairs to the Five Thousand who provided their own armour, passing a decree that there should be no pay for office.

2 Those most responsible for the overthrow were Aristokrates and Theramenes; they did not agree with what was being done by the Four Hundred, for they decided everything themselves, and referred nothing to the Five Thousand. The constitution at this time appears to have been a good one, for they were at war, and power belonged to those who provided their own armour.

DEMOCRACY RESTORED

xxxiv The people shortly overthrew the Five Thousand. In the seventh year after the overthrow of the Four Hundred, which was the Archonship of Kallias from Angele, the battle at Arginusae was fought. Thereafter, first the ten *strategoi* who won the battle were all condemned by a single vote, although some had not been present at the battle and others had been rescued by other ships; the people had been misled by those who were enraged by what had happened. Then, when the Spartans were willing to surrender Decelea and make peace on the basis of the status quo, some were in favour, but the people rejected the proposal; they were deceived by

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Cleophon who came into the *Ekklesia* drunk and wearing his breastplate, and prevented peace being made. He said he would not permit it unless the Spartans
2 surrendered all the cities they had taken. Their mistake was brought home to them shortly afterwards; in the next year, the Archonship of Alexias, they lost the battle of Aegospotami, as a result of which Lysander became master of the city and established the Thirty in the
3 following way. The peace terms specified that the Athenians should be governed by their ancestral constitution; on this basis the democrats tried to preserve the democracy, while the nobles who belonged to the political clubs and the exiles who had returned after the peace wanted an oligarchy. Those who did not belong to any political club, but were in other respects admirable citizens aimed at establishing the ancestral constitution; among them were Archinos, Anytus, Kleitophon, Phormisios and many others, and their leader was Theramenes. Lysander sided with the oligarchs, overawed the people, and forced them to vote an oligarchy into power on the proposal of Dracontides of Aphidna.

THE THIRTY AND THE TEN

xxxv So the Thirty were established in the Archonship of Puthodoros. When they had secured their power in the city, they disregarded the proposals which had been passed about the constitution except for appointing five hundred members of the *Boule* and the other magistrates from a group previously elected from the thousand,* and choosing ten colleagues to govern the Peiraeus, eleven guards for the prison and three hundred whip-bearers as their attendants; in this way they controlled the city.

2 At first they behaved with restraint towards the citizens, and pretended to be aiming at the ancestral constitution; they took down from the Areopagus the laws of Ephialtes and Archestratos about the members of that body, repealed disputed laws of Solon, and abolished the power of the *dikastai*; they claimed to be correcting the

* Perhaps corrupt; see Commentary.

constitution and removing ambiguities. For example, they made it legal for a man to leave his property to anyone he wished without restraint, abolishing the irritating provisos 'unless he be of unsound mind, incapacitated by age, or under the influence of a woman'; their aim was to eliminate opportunities for informers.

3 They made other similar reforms. They carried these measures at an early stage, and they got rid of the informers and the wicked mischief-makers who flattered the people to their disadvantage. The people were delighted, thinking they made these changes for the best of motives.

4 When the Thirty had tightened their grip on the city, there was no type of citizen they did not attack. They killed those remarkable for wealth, family or reputation, aiming to remove any potential threat and to lay their hands on their property. After a short time they had killed no less than fifteen hundred men.

xxxvi The city was being undermined in this way, and Theramenes was angry at what was happening; he urged the Thirty to stop behaving so outrageously, and to give the best citizens a share in government. They opposed him at first, but when stories of Theramenes' proposals leaked out, and the people supported him, they were afraid that he might become the people's champion and overthrow their regime; they therefore compiled a list of three thousand citizens who were to receive a share

2 in the government. Theramenes attacked this move too, firstly because in aiming to share power with the respectable element they restricted it to three thousand as if virtue were restricted to a body of this size, and secondly on the grounds that they were attempting two totally conflicting things, to base their regime on force and yet create a regime weaker than those it ruled. The Thirty disregarded these criticisms, but postponed publication of the list of the Three Thousand for a long time, and kept the names of those who had been chosen secret; when they did decide to publish it, they cut out some who had been included and included others who had not been on the original list.

xxxvii When it was already winter, the Thirty led a military expedition against Thrasybulus and the exiles who had seized Phyle, and were defeated; they therefore decided to disarm the citizens and kill Theramenes. This they achieved by laying two laws before the *Boule* and ordering their approval. The first gave the Thirty full power to execute any citizen whose name was not included on the list of the Three Thousand. The second deprived of all rights under the present constitution anyone who had taken part in the destruction of the fort at Eëtioneia or had acted in any way in opposition to the Four Hundred who had established the previous oligarchy. Theramenes had done both, with the result that when the laws were passed he lost his citizen rights, and the Thirty had the

2 power to execute him. After Theramenes had been executed, they disarmed all except the Three Thousand, and the savagery and wickedness of their regime increased considerably. They sent an embassy to Sparta which specified charges against Theramenes and asked for help; the Spartans sent Kallibios as harmost, and about seven hundred men who garrisoned the Acropolis.

xxxviii The exiles from Phyle then seized Munichia, and defeated an attempt by the Thirty and their adherents to dislodge them. The men from the city returned after the battle, met in the Agora the next day, and deposed the Thirty and elected ten citizens with full powers to bring the war to an end. After taking office, they did nothing to further the purpose for which they had been chosen, but sent to Sparta for help and to borrow money.

2 Those who had full citizen rights were angry at this, and the Ten were afraid that they might be overthrown; therefore, with the aim of terrifying the people (in which they were successful), they seized one of the most outstanding citizens, called Demaretos, and executed him. The result was that they had firm control of affairs with the backing of Kallibios and the Spartan garrison and also that of a number of the Athenian *hippeis*, for some of them were particularly keen that the exiles from Phyle should not return to Athens.

DEMOCRACY FINALLY RESTORED

3 The group which held the Peiraeus and Munichia gradually gained the upper hand in the war as the whole people went over to their side, and so the men in the city deposed the Ten who had first been elected, and chose another ten men with the reputation of being outstanding citizens; it was under them that the reconciliation was arranged and the democracy returned, and they worked enthusiastically to this end. Their main leaders were Rhinon of Paiania and Phaullos of Acherdos; they were negotiating with the men in the Peiraeus before Pausanias arrived, and after he had come joined in supporting
4 the return of the exiles. The peace and the end of the hostilities was brought about by Pausanias, the Spartan king and the ten mediators who later came from Sparta at his request. Rhinon and his friends were commended for their goodwill towards the democracy, and, although they had taken office under an oligarchy, they underwent their *euthuna* under a democracy; however, nobody brought a single complaint against them—neither the men who had stayed in the city nor those who had returned from the Peiraeus. On the contrary, because of what he had done Rhinon was immediately elected *strategos*.

xxxix The reconciliation was brought about in the Archonship of Eukleides on the following terms. Those of the Athenians who had remained in the city and wished to leave should live in Eleusis, where they should retain full citizen rights, have complete self-government and enjoy
2 their incomes. The temple was to be common to both sides, under the traditional control of the Kerukes and the Eumolpidai. Those living at Eleusis were not allowed to visit the city of Athens, nor were those living in Athens allowed to visit Eleusis, with the exception for both sides of the celebration of the Mysteries. The people at Eleusis were to contribute to a defence fund from their revenues
3 like the other Athenians. If any of those leaving the city took over a house at Eleusis, they were to do it with the

agreement of the owner; if agreement proved impossible, each was to select three assessors, and the owner was to accept the price they fixed. Any inhabitants of Eleusis acceptable to the new settlers were to live with them
4 there. Those wishing to move out to Eleusis had to register within ten days of the swearing of the reconciliation oaths if they were in the city at the time, and move out within twenty; those abroad at the time had the same periods from the moment when they returned to
5 Athens. Nobody living at Eleusis could hold any office in the city of Athens until he had been registered as having moved his residence back to the city. Homicide trials in cases where someone had killed or wounded a person with his own hands were to be conducted in
6 accordance with traditional practice. There was to be a total amnesty covering everyone except the Thirty, the Eleven and the ten governors of the Peiraeus;* even they were to be immune from prosecution once they had submitted to the *euthuna*. The *euthuna* for the governors of the Peiraeus was to be held before the citizens of the Peiraeus, while those who had held office in the city were to appear before citizens with taxable property there. On this basis those who wished to could leave the city. Each side was to repay separately the money which it had borrowed for the war.

xl After the conclusion of a settlement along these lines, those who had fought with the Thirty were afraid, and many intended to move out of the city, but put off registration until the last moment, as men always do. Archinos saw the number involved, and cancelled the remaining days for registration because he wished to keep them in the city; many were compelled to remain, much against their will until they recovered their con-
2 fidence. This was a sound move by Archinos, as was his later indictment of Thrasybulus for illegal proposals

* The sentence has been emended in the light of the difficulty of maintaining the existence of two boards of ten; the unemended text runs: 'the Thirty, the Ten, the Eleven and the Governors of the Peiraeus'; see Commentary.

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when the latter tried to give citizenship to all who had had a part in the return from the Peiraeus although some were manifestly slaves. A third good move was when he seized one of the returned exiles who was attempting to disregard the amnesty, brought him before the *Boule*, and persuaded them to execute him without trial. He argued that their actions would show whether they intended to preserve the democracy and stand by their oaths: if they let the man go, they would encourage others, while if they executed him, they would establish an example for all. This is just what happened, for after his execution nobody ever again tried to flout the
 3 amnesty. The Athenians appear to have handled their affairs, both private and public, as well and with as much statesmanship as any people ever have shown in a similar situation. They not only refused to entertain any charges based on previous events, but they also repaid as a state the money which the Thirty had borrowed from the Spartans for the war, although the agreement had specified that the men of the city and those of the Peiraeus should repay their debts separately; they felt that this ought to be the first step in restoring unity and concord in the state. In other states the democrats, far from making contributions themselves in similar circumstances, redistribute the land. Athens was reunited with
 4 Eleusis in the third year after the oligarchs moved there, in the Archonship of Xenainetos.

XLII That final reconciliation happened subsequently. When the people regained power they established the constitution which is still in force, in the Archonship of Puthodoros. . . . * It was just that the people should take control because they had secured their return by their
 2 own efforts. This was the eleventh change of constitution. The first was the modification of the original constitution when Ion and those with him came to Athens; it was then that the Athenians were first divided into the four tribes and established the tribe kings. The second change, the first after this which had the status of

* There must be something missing here; see Commentary.

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a constitution, was under Theseus, and moved the state a little away from absolute monarchy. After this came the constitution of the time of Draco, under which the Athenians first had written laws. The third change after the period of dissension came under Solon; it sowed the seeds of democracy. The fourth was the tyranny under Peisistratus. The fifth, after the fall of the tyranny, was the constitution of Cleisthenes, which was more democratic than that of Solon. The sixth came after the Persian wars, when the Areopagus had over-all control. For the seventh, which followed this one, Aristides showed the way, but Ephialtes brought it to completion by depriving the Areopagus of power. Under this constitution the city made innumerable mistakes under the guidance of the demagogues because of their control of the sea. The eighth was the establishment of the Four Hundred, while the ninth followed it with the return of the democracy. The tenth was the tyranny of the Thirty and the Ten. The eleventh came after the return from Phyle and the Peiraeus; it has lasted to the present day with ever-increasing power being assumed by the people. They have made themselves supreme in all fields; they run everything by decrees of the *Ekklesia* and by decisions of the *dikasteria* in which the people are supreme. For the judicial powers of the *Boule* have passed to the people, which seems a correct development, for a small number are more open to corruption by bribery or favours than a large.

3 At first the Athenians declined to institute pay for attendance at the *Ekklesia*. When attendance was poor, and the Prytanies had tried many devices to encourage citizens to come so that the people might ratify proposals by their vote, payment of one obol was instituted as a first move on the proposal of Agurhios; Herakleides of Clazomenae, who was called 'the king', raised it to two obols, and Agurhios made it three.

THE PRESENT CONSTITUTION

XLII The constitution of the present day is as follows. Full citizenship belongs to men both of whose parents were

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- citizens, and they are inscribed on the list with their fellow demesmen when they are eighteen years old. When they are being registered, the members of the deme vote under oath first on whether they appear to have reached the legal age, and if they do not, they are returned to the status of children, and secondly on whether a man is free and born as the laws prescribe. If they decide that he is not free, he appeals to the *dikasterion*, while the demesmen select five of their number as accusers; if it is decided that he has no right to be registered as a citizen, the city sells him into slavery, but if he wins his case, the demesmen are required to
- 2 register him. Then the *Boule* reviews those who have been registered, and if it is decided that a man is younger than eighteen, the demesmen who registered him are fined. When the Ephebes have been approved, their fathers meet by tribes and choose under oath three members of the tribe over forty years old whom they consider best and most suitable to take charge of the Ephebes, and from them the people elect one for each tribe as guardian, and they elect a controller from the
 - 3 rest of the citizen body for all of them. These men take the Ephebes, and after visiting the temples they go to the Peiraeus and take up guard duties, some at Munichia and others at Akte. The people also elect two trainers for them, and two men to teach them to fight in armour, and to use the bow, the javelin and the catapult. The guardians receive a drachma each for their maintenance, and the Ephebes four obols. Each guardian receives the allowances for the members of his tribe and buys what is necessary for them all centrally (for they live together by tribes), and takes care of everything else for them.
 - 4 This is how they spend the first year of their training. At the beginning of the second, at a meeting of the *Ekklesia* held in the theatre, they demonstrate to the people their knowledge of warfare, and receive a shield and spear from the city. For the year thereafter they patrol the
 - 5 countryside and man the guard posts. For their two years service they wear the military cloak, and are exempt from all duties. They cannot prosecute or be

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prosecuted so that there may be no reason for their leaving their post; the only exception is to deal with matters of inheritance or an *epikleros*, or to take up a priesthood hereditary in a man's family. After this two years, they join the main citizen body.

- XLIII That is how citizens are registered and Ephebes trained. The holders of all routine offices in the state are selected by lot except for the treasurer of the military funds, the controllers of the Theoric Fund and the supervisor of the water supply. These are elected, and hold office from one Panathenaic festival to the next. All military officials are also elected.
- 2 The *Boule* of 500 members is selected by lot, 50 from each tribe. Each tribe acts as Prytany in an order decided by lot, the first four for thirty-six days each, the last six for thirty-five, for they work by a lunar year.
 - 3 The Prytanies eat together in the Tholos at the city's expense, and summon meetings of the *Boule* and *Ekklesia*; the *Boule* meets every day except for holidays, the *Ekklesia* four times in every prytany. They publish the
 - 4 agenda and place for each meeting of the *Boule*, and also draw up the agenda for the *Ekklesia*. In each prytany the *Ekklesia* meets for one plenary session, in which there must be a vote on whether all office-holders have performed their duties well; there must also be discussions of the corn supply and the safety of Attica; those who wish to bring impeachments do so at this meeting, lists of confiscated property are read out, and also claims to inheritances and to marry *epikleroi*, so that nobody
 - 5 may be ignorant of any unclaimed estates. In the sixth prytany, in addition to the business already discussed, they put to the vote the question of whether an ostracism should be held, and hear accusations against informers, whether Athenians or metics (with a limit of three of each), and allegations against anyone who has
 - 6 failed to fulfil an undertaking made to the city. The second meeting must hear petitioners, and anyone who wishes may appear as a suppliant on any subject he chooses, private or public, and address the people on it.

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The other two meetings deal with other matters, amongst which the law prescribes the consideration of three motions about sacred matters, three concerning heralds and embassies, and three about secular matters. On occasions they also consider matters without a preliminary vote. Heralds and ambassadors report to the Prytanies first, and despatches are delivered to them.

- XLIV One man is picked as chairman of the Prytanies by lot, and holds office for a night and a day; he cannot preside for longer, nor can the same man serve twice. He holds the keys of the sanctuaries where the treasure and the public records are kept; he holds the city's seal, and must remain in the Tholos with one third of the Prytanies
- 2 selected by him. When the Prytanies summon a meeting of the *Boule* or *Ekklesia*, he casts lots for nine chairmen, one from each tribe except the one supplying the Prytany; he casts lots again among the nine for the man who will actually preside, and he hands over the agenda
 - 3 to them. The nine take over, and are responsible for good order, put forward topics for discussion, assess the voting, and control everything else. They also have the right to adjourn the meeting. An individual may not preside at a meeting more than once in a year, nor be one of the nine chairmen more than once in each prytany.
 - 4 They elect *strategoi*, cavalry commanders and other military officers in the *Ekklesia* in accordance with the will of the people; the elections are held on the first meeting after the sixth prytany when the omens are favourable. There must also be a preliminary resolution to hold the elections.
- XLV In former times the *Boule* had powers of punishment by fine, imprisonment or execution. Once when the *Boule* had handed Lusimachos over to the public executioner and he was already sitting waiting for the sentence to be carried out, Eumelides of Alopeke saved him, saying that no citizen ought to be executed without

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a vote of the *dikasterion*. When the *dikasterion* heard the case, Lusimachos was acquitted and was nicknamed 'the man who escaped the rod'. The people deprived the *Boule* of all powers of fine, imprisonment or execution, and passed a law that if the *Boule* condemned a man or punished him, the *Thesmothetai* were to bring the condemnations or punishments before the *dikasterion* and their decision should be final.

- 2 The *Boule* conducts the investigations into the conduct of the great majority of the magistrates, particularly those who handle money; their decision is not final, but subject to appeal to the *dikasterion*. Private citizens can bring a charge of acting illegally against any officeholder they wish; he has a right of appeal to the *dikasterion* if condemned by the *Boule*. It also considers the credentials of the following year's *Boule* and of the nine Archons; in the past, their decision was final, but now there is a right of appeal to the *dikasterion* for those disqualified.
 - 4 In these matters, then, the *Boule* does not have the final decision, but it holds a preliminary discussion on everything that is to come before the people, nor can the people vote on anything that has not been previously discussed by them and put on the agenda by the Prytanies. Anyone who violates this law is liable to a prosecution for an illegal proposal.
- XLVI The *Boule* is in charge of the completed triremes, the tackle stores and the ship sheds, and builds new triremes or quadriremes, whichever the people vote to construct, and tackle and ship sheds for them, but the people elect the naval architects for the ships. If the *Boule* do not hand them over to the new *Boule* completed, they cannot receive the usual reward, for they receive the reward under the next *Boule*. The triremes are constructed under the supervision of a board of ten members of the *Boule*.
- 2 The *Boule* inspects all public buildings, and if it decides that someone has committed an offence, it reports him to the people, and hands him over to the *dikasterion* if they find him guilty.

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- XLVII The *Boule* also joins the other magistrates in most areas of the administration. First, there are ten Treasurers of Athena, one picked by lot from each tribe; in accordance with Solon's law (which is still in force) they must be *pentakosiomedimnoi*, but the man picked by lot holds office even if he is very poor. These officers take over in front of the *Boule* the image of Athena and the Victories, and the other ceremonial equipment and the money.
- 2 Then there are the ten *poletai* picked by lot, one from each tribe. They let out all the public contracts, sell the right to work the mines, and let the rights of collecting taxes with the treasurer of military affairs and those in charge of the Theoric Fund; this is done in front of the *Boule*. They confirm the position of anyone elected by the *Boule*, and matters concerning mining leases which have been sold, both those where rights of exploitation have been sold for a period of three years and those where special agreements cover a period of ten years. They sell the property of those exiled by the Areopagus and of other exiles before the *Boule*, and the nine Archons confirm the transaction. They list on whitened boards taxes sold for a period of a year with the name of the buyer and the price. They hand the boards over to the *Boule*.
 - 3 They list separately on ten boards those who have to pay their instalments every prytany, on three boards those who have to pay three times a year, and on a separate list those who pay once a year in the ninth prytany. They also list the properties and houses confiscated and sold in the *dikasterion*, for they are responsible for their sale. The price of a house must be paid in five years, of land in ten; these payments are made in the ninth prytany.
 - 4 The King Archon produces a list of the leases of the sacred estates on whitened boards; they are leased for a period of ten years, and the rent is payable in the ninth prytany. For this reason a great deal of money is collected in this prytany. Lists of the payments due are deposited
 - 5 with the *Boule*, and the state secretary keeps them; when a payment is due, he takes from the pigeon holes the list of those whose payments are due on this particular day, and whose entry must be cancelled after payment,

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and hands it over to the Receivers; the other lists are stored separately so that nothing may be prematurely cancelled.

- XLVIII There are ten Receivers, one picked by lot per tribe; they take the lists, and in front of the *Boule* in its chamber erase the record of the money that has been paid, and return the records to the state secretary. If anyone fails to pay an instalment, his name is recorded there, and he has to pay double the arrears under penalty of imprisonment. The *Boule* has the legal right to exact the money
- 2 or imprison the defaulter. On one day they receive all the payments and divide the money among the magistrates, and on the next they bring a record of their actions on a board and read it out in the chamber. They also pose the question in the *Boule* whether anyone knows of any malpractice by a magistrate or a private citizen in the division; if anyone is suspected, there is a vote on the case.
 - 3 The members of the *Boule* select ten of their number by lot as auditors to check the accounts of the magistrates
 - 4 every prytany. They also select by lot one man from each tribe for the *euthuna* and two assistants for each of them. They are required to sit each market-day* by the statue of the eponymous hero of their tribe, and if anyone wishes to bring a charge, whether of public misdemeanour or private malfeasance, against any of those who have undergone the *euthuna* in the *dikasterion* within three days of that hearing, he records on a whitened board the names of the accuser and the defendant, the charge, and the fine which he considers suitable, and
 - 5 hands it to the representative of his tribe. The latter takes it and reads it, and if he considers the charge justified, he hands a private suit to the deme justices who prepare cases for the relevant tribe for the courts, while if it is a public offence, he reports the matter to the *Thesmothetai*. If the *Thesmothetai* take it over, they reopen the examination

* The word translated as 'market-day' may not be the correct restoration of a damaged part of the papyrus, but no convincing alternative has yet been suggested.

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of this man before the *dikasterion*, and the decision of the jury is final.

XLIX The *Boule* also reviews the horses, and if a man appears to have a good horse but to be maintaining it badly, deprives him of his maintenance allowance. Horses which cannot keep up, or will not remain in line but run away, are branded with a wheel on the jaw, and are disqualified. They also review the mounted skirmishers to find who seem to be suitable for this, and anyone they vote against loses his horse. They also review the infantry attached to the cavalry, and anyone voted
2 against loses his pay. The cavalry are enrolled by a board of ten elected by the people for this purpose; the names of those enrolled are handed to the cavalry commanders and the commanders of the tribal cavalry units who receive the list and bring it before the *Boule*. They open the document in which the names of the cavalrymen are recorded, and erase the names of those previously enrolled who swear that they are prevented by physical disability from serving as cavalry. Then they call those newly enrolled, and if anyone swears that he is physically or financially incapable of serving, they dismiss him. Those who do not take this oath are subject to a vote by the *Boule* as to their suitability for cavalry service; if they are approved, they are enrolled, if not they are dismissed.

3 The *Boule* used to take decisions about the models and the robe, but this is now done by a *dikasterion* selected by lot, for it was felt that the *Boule* was swayed by personal feelings. The *Boule* joins the treasurer of military affairs in supervising the making of the statues of Victory and the prizes for the Panathenaia.

4 The *Boule* also reviews the incapable; for there is a law that anyone with property of less than three minae who suffers from a physical disability which prevents his undertaking any employment should come before the *Boule*, and if his claim is approved he should receive two obols a day subsistence from public funds. There is a treasurer selected by lot to handle this.

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5 The *Boule* also cooperates with the other magistrates in most of what they do.

L Those then are the areas of administration handled by the *Boule*.

A board of ten are also selected by lot to take care of the sanctuaries; they are given thirty minae by the Receivers, and repair the temples most in need of
2 attention. There are ten city commissioners, of whom five hold office in the Peiraeus and five in the city itself. They see that the girls who play the flute, the harp or the lyre are not hired for more than two drachmae; if more than one man wishes to hire the same performer, they cast lots, and allocate her to the winner. They ensure that the dung collectors do not deposit dung within ten stades of the walls, and see that no building either obstructs or has balconies overhanging the streets; they also prevent the construction of waste pipes with outfalls from above into the street, or windows with shutters opening into the road. With assistants provided by the state, they remove the corpses of those who die in the streets.

LI Ten superintendents of the markets are selected by lot, five for the Peiraeus and five for the city. They are required by law to supervise goods for sale to ensure that
2 merchandise is pure and unadulterated. Ten inspectors of weights and measures are similarly selected, five for the city and five for the Peiraeus to ensure that honest
3 weights and measures are used by those who are selling. There used to be ten commissioners in charge of the corn supply, picked by lot, of whom five were allocated to the Peiraeus and five to the city, but there are now twenty for the city and fifteen for the Peiraeus. They ensure first that there is no sharp practice in the selling of unprepared corn in the market, secondly that the millers should sell their barley flour at a price corresponding to that of unmilled barley, and thirdly that the bakers should sell loaves at a price corresponding to the price of wheat, and containing the full weight which the

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commissioners have laid down as the law requires them
4 to do. They also pick by lot ten commissioners of trade to supervise trading and ensure that two-thirds of the corn imported is brought to the city.

LII The Eleven whose duty it is to take care of prisoners are selected by lot. They execute thieves, kidnappers and brigands who confess their guilt, while if they deny the charge, they bring them before the *dikasterion*, and if they are acquitted let them go, and if not put them to death after their trial. They report to the *dikasterion* land and houses listed as belonging to the city, and hand over to the *poletai* any that is judged to be public property. It is also part of their duties to bring summary indictments before the *dikasterion*, though the *Thesmothetai* also introduce some similar indictments.

2 Five men are picked by lot to introduce cases which are to be settled within a month, each of whom covers two tribes. Cases falling in this category include failure to pay a dowry which is owed, failure to repay a loan made at an interest of a drachma per mina, or a loan of capital made to finance the opening of a business in the market; prosecutions for assault, cases involving friendly loans, cooperative ventures, slaves, animals, trierarchies
3 and banking matters. These officials introduce within the month cases of these classes, while the Receivers handle cases involving tax-farming, with the power to make a final decision in cases up to ten drachmae; they refer the remainder to the *dikasterion* for settlement within the month.

LIII The Forty are picked by lot, four from each tribe, and other suits are brought before them. They used to be a board of thirty, and travel round the demes to try cases, but after the tyranny of the Thirty their numbers were
2 increased to forty. They can make the final decision in cases involving up to ten drachmae, but anything above that they hand over to the Arbitrators. These officials then take the case, and if they cannot bring about a settlement, give a decision; if the decision satisfies both

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sides and they accept it, the case is ended. If one party appeals to the *dikasterion*, the Arbitrators place the depositions, the challenges and the relevant laws in boxes, one for each side in the case, seal the boxes, add the decision of the Arbitrator written on a tablet, and hand everything over to the four members of the Forty who handle
3 the cases of the tribe of the defendant. They take them over, and bring the case before the *dikasterion*, cases of less than 1,000 drachmae before a jury of 201 members, those over 1,000 before 401 jurors. At the hearing it is forbidden to use laws, challenges or depositions other than those used in front of the Arbitrator and sealed in
4 the boxes. The Arbitrators are men in their sixtieth year; their age is known from the Archons and the eponymous heroes. There are ten eponymous heroes for the tribes, and forty-two for the age-groups; the Ephebes' names are recorded together with the Archon under whom they were enrolled and the eponymous hero of the previous year's Arbitrators; this used to be done on whitened boards, but they now use a bronze plaque which is set up in front of the chamber of the *Boule* by
5 the statues of the eponymous heroes. The Forty take the list under the name of the last of the eponymous heroes, and allot to those on the list the cases for arbitration and cast lots to decide which each will decide. The man selected is required to arbitrate as directed, for the law provides that if any man fails to serve as an Arbitrator when his age-group is performing this duty he shall lose his citizen rights, unless he happens to hold public office that year or to be abroad; only these categories are exempt.

6 Information can be laid before the Arbitrators as a body if anyone is wronged by an individual Arbitrator, and the penalty laid down by law for anyone condemned under this procedure is loss of citizen rights;
7 there is a right of appeal. They also use the names of the eponymous heroes for military service; when they send an age-group on campaign, they publish a notice saying that the groups from one Archon and eponymous hero to another are called up for service.

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- LIV The following offices are also filled by lot: five commissioners of roads, whose duty it is to employ the slaves
 2 provided by the city to repair the roads. Ten Auditors and ten assistants for them, to whom all those who have held public office must submit their accounts; this is the only body which audits the accounts of those subject to the *euthuna* and submits the results to the *dikasterion*. If they detect anyone who has been guilty of embezzlement, the jury condemns him for theft of public money, and he is sentenced to pay ten times the amount stolen; if they demonstrate that anyone has taken bribes and the jury convicts him, they assess the size of the bribe, and again he pays ten times this amount. If they condemn him for maladministration, they assess the amount, and this is what he pays as long as he pays up before the ninth prytany; if not, the sum is doubled. Fines of ten times the amount involved in the offence are not doubled.
- 3 They cast lots for the officer called Clerk to the Prytanies, who is in charge of the documents, keeps the decrees which have been passed, checks the transcription of everything else, and attends meetings of the *Boule*. In earlier days this official was elected, and they used to elect the most famous and reliable men; their names are recorded on the inscribed texts of alliances, and grants of *proxenia* and citizenship; now they are
 4 selected by lot. They also pick another man by lot to look after laws; he attends the *Boule* and also checks all
 5 transcriptions. The people elect the clerk whose duty it is to read out documents in the *Ekklesia* and *Boule*, and this is his only duty.
- 6 Ten sacred officials are elected who are called 'those in charge of expiation'; they make sacrifices ordered by oracles, and if good omens are required they see to it
 7 with the prophets. Another ten religious officials are selected by lot, called 'those in charge of annual rites'; they offer certain sacrifices and are in charge of all four-yearly festivals except for the Panathenaia. The four-yearly festivals are: 1. the mission to Delos (which is also celebrated every six years); 2. the Brauronia; 3. the

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- Heracleia; 4. the Eleusinia; 5. the Panathenaia; none of these festivals occurs in the same place. The Hephaistia was added to the group in the Archonship of Kephisophon.
- 8 An Archon is appointed for Salamis and a demarch for the Peiraeus by lot; they celebrate the Dionysia in each place, and appoint the *choregoi*. In Salamis the name of the Archon is recorded.
- LIV The holders of the above offices are selected by lot, and their duties are those listed above. As to the so-called nine Archons, I have already described their original ways of appointment; to-day, six *Thesmothetai* and their secretary and also the Archon, the King Archon and the Polemarch are appointed by lot from each tribe in
 2 rotation. Their qualifications for office are checked first in the *Boule* of 500, except for the secretary, whose qualifications are checked only in the *dikasterion* as happens for other office holders—for all officials, whether selected by lot or elected, have their qualifications checked before they take up office; the nine Archons have to go before both the *Boule* and the *dikasterion*. In the past a man who was disqualified by the *Boule* could not hold office, but now there is an appeal to the *dikasterion*, and the final decision is taken there.
- 3 When they are checking qualifications, they ask first: 'Who is your father, and what is your deme? Who was your father's father, and who was your mother, and her father and his deme?' Then they ask whether the candidate is enrolled in a cult of Apollo Patroos and Zeus Herkeios, and where the shrines are, then whether he has family tombs and where they are; whether he treats his parents well, pays his taxes, and has gone on campaign when required. When these questions have been asked, the candidate is required to call witnesses to his
 4 answers. When he has produced the witnesses, the question is put: 'Does anyone wish to bring any charge against this man?' If an accuser appears, the accusation and defence are heard, and then the matter is put to the vote by a show of hands in the *Boule* or a ballot if the

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hearing is in the *dikasterion*. If no one wishes to bring an accusation, the vote is held immediately. In former times, only one ceremonial vote was cast,* but now everyone is required to vote on candidates, so that if a criminal has managed get rid of all his accusers it is still in the power
5 of the jurors to disqualify him. After this investigation, the candidates go to the stone on which are the parts of the sacrificial victim, and standing on it they swear to administer their office justly and in accordance with the laws, and not to take bribes in connection with their office, and if they do, to dedicate a golden statue. At this stone also the Arbitrators give their decisions on oath and witnesses swear† to their depositions. After taking the oath the candidates go to the Acropolis, and repeat the same oath there; after that they take up their office.

LVI The Archon, the King Archon and the Polemarch each have two assessors of their own choice, and these men have their credentials checked in the *dikasterion* before they take up their positions, and are subject to the *euthuna* in respect of their tenure.

- 2 As soon as the Archon takes up office, he proclaims that every man shall hold and control until the end of the year such property as he held before he took office.
- 3 Then he appoints for the tragedians three *choregoi* who are the richest of all the Athenians; formerly he appointed five for the comedians, but now the tribes provide for them. Then he receives the *choregoi* appointed by the tribes, those for the men's and the boys' choruses and the comedies at the Dionysia, and for the men's and boys' choruses at the Thargelia; those for the Dionysia are each provided by one tribe, but two tribes combine for the Thargelia, each of the tribes serving in turn. The Archon then arranges exchanges of property, and presents any claims for exemption which may arise if a man claims

* That is, where no charge was brought, a single, formal vote of acquittal was all that was required.

† See note on this translation in the Commentary.

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- either to have performed this liturgy before, or to be exempt on the grounds of having performed another liturgy after which his period of exemption has not yet passed, or not to be of the required age—for the *choregos* of the boys' chorus must be over forty years old. The Archon also appoints *choregoi* for Delos, and a chief of the sacred embassy to take the young people on the
4 thirty-oared vessel. He is also in charge of the procession to Asclepius when the initiated hold a vigil, and the procession at the Great Dionysia. In arranging the latter he is aided by ten assistants who used to be elected by the people and meet the cost of the procession out of their own pockets, but now are picked by lot, one from each tribe, and receive a hundred minae for their expenses.
- 5 The Archon also organises the processions at the Thargelia and to Zeus Soter; he organises the contests at the Dionysia and the Thargelia. These are the festivals which
 - 6 he organises. Some civil and criminal proceedings come before the Archon; he holds a preliminary hearing, and then introduces them into the *dikasterion*. They include cases of illtreating parents, in which the prosecutor is immune from penalty; accusations of offences against orphans, which are brought against the guardians, and of offences against *epikleroi*, which are brought against the guardians and the people living with the *epikleroi*; accusations of mismanaging the estate of an orphan, which are also brought against the guardians; charges of insanity where it is alleged that a man is wasting his substance because he is of unsound mind, and requests for the appointment of officials to divide up property where a person is unwilling to share out what is held in common; requests to constitute or decide a wardship, for production in court, for enrolment as a guardian,
7 and claims to estates and *epikleroi*. He also looks after orphans, *epikleroi*, and widows who declare themselves pregnant after the death of their husbands. He has the power to fine offenders or bring them before the *dikasterion*. He rents out the houses of orphans and *epikleroi* until they are fourteen years old, and takes security for the leases; he exacts maintenance from

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guardians who do not provide it for children in their care.

- LVII These matters are the province of the Archon. The King Archon supervises the Mysteries together with assistants elected by the people, two of whom are elected from the whole citizen body, one from the family of the Eumolpidai, and one from the Kerukes. Secondly he has charge of the festival of Dionysus called the Lenaia, which involves a procession and contest. The King Archon and his assistants jointly arrange the procession, but the contest is in his hands alone. He also arranges all torch-races and virtually all the traditional sacrifices.
- 2 Cases of impiety come before him and disputes over priesthoods. He also decides all disputes about religious matters which arise between the clans or the priests; all cases of homicide come before him, and he it is who proclaims the exclusion of an individual from customary
 - 3 ceremonies. Charges of murder or wounding where a man deliberately kills or injures someone are heard before the Areopagus, as are cases of poisoning which result in death, and cases of arson; these are the only cases decided by that body. Charges of unintentional homicide, conspiracy to kill, and the killing of a slave, metic or foreigner are heard by the Court of the Palladion. Where a man admits to having killed someone but claims that his action was lawful, as for example if he caught an adulterer in the act, or killed unwittingly in war or in the course of the games, the case is heard in the Delphinion. If a man has retired into exile in a situation where reconciliation is possible and is then accused of killing or wounding someone, his case is heard in the
 - 4 court of Phreatto, and he pleads his case from a boat anchored near the shore. Except for cases brought before the Areopagus, all these cases are tried by Ephetai selected by lot; the case is brought before the court by the King Archon, and the hearing is held in a sacred area out of doors; during the case the King Archon does not wear his crown. At all other times the defendant is excluded from all sanctuaries, and is even barred by law

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from the Agora, but for the trial he enters the sacred area and makes his defence. When the offender is not known, the proceedings are held against 'the guilty party'. The King Archon and the Tribal Kings also proceed against inanimate objects and animals.

- LVIII The Polemarch makes the sacrifices to Artemis the huntress and to Enualios, and arranges the funeral games in honour of those who have fallen in war, and makes the
- 2 offerings to Harmodius and Aristogeiton. He hears only private suits which involve metics, tax-exempt metics and proxenoi; it is his duty to take them and divide them into ten groups, and to assign by lot one group to each of the ten tribes, and the jurors of the tribe must then bring
 - 3 them before the Arbitrators. The Polemarch himself introduces cases where a man is accused of disregarding his patron or not having one, and also cases involving inheritance and epikleroi of the metics; in other respects, the Polemarch performs for the metics the same duties as the Archon performs for citizens.
- LIX The Thesmothetai are responsible first for announcing the days on which the dikasteria will sit, and then for allotting the magistrates to the courts; the latter bring
- 2 cases to court as the Thesmothetai direct. They bring impeachments and motions for the deposition of magistrates before the Ekklesia, and they introduce all accusations brought in the Ekklesia, indictments for illegal proposals and accusations of having proposed laws against the interests of the state, indictments against the chairmen or president, and the euthunai of the strategoi.
 - 3 They hear cases where the prosecutor has to make a deposit, including charges of wrongly claiming citizen rights, or using bribery to this end, which arises when a man uses bribery to escape a charge of wrongly claiming to be a citizen, charges of malicious prosecution, bribery, false entry in the lists of state debtors, falsely witnessing a summons, failure to erase the name of a debtor who has paid, non-registration of a debtor, and adultery.
 - 4 They also introduce the investigations into the credentials of all candidates for office, the appeals of those

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- whose registration has been refused by their demes, and
 5 condemnations sent for confirmation by the *Boule*. They
 also introduce private suits involving trade or the mines,
 and cases where a slave is accused of slandering a free
 man. They allocate courts to the magistrates by lot for
 6 public and private suits. They validate international
 agreements and introduce cases arising under them, and
 also charges of bearing false witness in the Areopagus.
 7 The selection of the jurors by lot is done by all the
 nine Archons together with the secretary of the *Thesmo-*
thetai, each handling his own tribe.

LX Such then is the position of the nine Archons.

- Ten commissioners are also selected by lot to run the
 games, one from each tribe. When they have passed the
 preliminary examination, they hold office for four years,
 and they organise the procession at the Panathenaia, the
 musical contest, the athletics and the horse races, and
 they arrange the making of Athena's robe and the vases
 for prizes in conjunction with the *Boule*; they also give
 2 olive oil to the athletes. This oil comes from the sacred
 olives, and the Archon collects three-quarters of a pint
 per tree from the owners of the land in which they grow.
 In the past the city used to sell the fruit, and if anyone
 dug up or cut down one of the sacred olives, he was tried
 before the Areopagus and the penalty for those found
 guilty was death. Ever since the owner of the land has
 paid the contribution of oil, the law has remained in
 force, but the penalty has been allowed to lapse. The oil
 is now levied as a tax on the property, not collected from
 3 the trees themselves. The Archon collects the oil due in
 his year of office, and hands it over to the Treasurers for
 storage on the Acropolis; he is not allowed to take his
 seat in the Areopagus until he has handed over the full
 amount to the stewards. At other times the stewards keep
 the oil on the Acropolis, but at the time of the Pana-
 thenaia they measure it out to the commissioners of the
 games, who give it to the winning contestants. The prizes
 for those who win the musical contests are of silver and
 gold, for those who win the contests in manliness, shields,

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but for those who win the athletic events and the horse
 races, olive oil.

- LXI All military offices are also filled by election. There are
 ten *strategoi*, who once were elected one from each tribe,
 but are now elected from the whole people. They are
 allocated by show of hands, one to the hoplites, to
 command on any expedition, and one to patrol Attica
 and to fight any enemy who invades the country; two
 are stationed in the Peiraeus, one in Munichia and one
 in Akte—their duty is to guard the Peiraeus; one is in
 charge of the symmories, and enrolls the trierarchs,
 arranges any exchanges of property for them, and
 introduces cases where there are disputes to the *dikast-*
eria; the remainder are despatched to deal with any
 2 situation that may arise. There is a vote in every prytany
 on their conduct of their office, and if the people vote
 against a man, he is tried in the *dikasterion*, and if
 condemned, the jury assesses the appropriate penalty or
 fine, while if he is acquitted he resumes his position.
 When in command of troops, they have the power to
 imprison anyone for insubordination, to discharge him,
 and to impose a fine, though this last is not usual.
 3 Also elected are ten regimental commanders, one for
 each tribe; they lead their fellow tribesmen, and
 4 appoint the subordinate officers. Two cavalry com-
 manders are also elected from the whole citizen body;
 they lead the cavalry, divided into two units of five
 tribes each. They have the same authority over their men
 as the *strategoi* have over the hoplites, and are likewise
 5 subject to a monthly vote on their conduct. They also
 elect ten tribal commanders, one per tribe, to command
 the cavalry just as the regimental commanders command
 6 the hoplites. They elect a cavalry commander for Lemnos
 7 to command the cavalry there, and a steward for the
 'Paralos' and another for the 'Ammonis'.

- LXII The magistrates chosen by lot were formerly divided
 into two groups, those who, with the nine Archons, were
 selected from whole tribes, and those who were selected

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from the demes in the Theseum. However, when corruption affected the choices of the demes, the selection of the latter officers was transferred to the whole tribe also, except that members of the *Boule* and the guards are still selected by demes.

- 2 The citizens receive the following fees for public services: at ordinary meetings of the *Ekklesia* a drachma, but nine obols for the plenary session; jurors receive three obols, while members of the *Boule* receive five, and the Prytanies a sixth for their maintenance. The nine Archons receive four obols each for maintenance and have a herald and *aulos*-player to maintain, and the Archon of Salamis gets a drachma a day. The commissioners of the games receive their meals in the Prytaneion in the month of Hecatombaion during the Panathenaia, starting from the fourth day of the month. The sacred commissioners to Delos receive a drachma a day from Delos, and the officers sent out to Samos, Scyros, Lemnos or Imbros receive money for maintenance.
- 3 Military offices may be held repeatedly, but no other office may be held more than once, except that a man may sit in the *Boule* twice.

- LXIII The allocation of *dikastai* to the *dikasteria* is conducted by the nine Archons for their respective tribes, and the secretary of the *Thesmothetai* handles the tenth tribe.
- 2 There are ten entrances into the *dikasteria*, one for each tribe, twenty allotment machines, two for each tribe, one hundred boxes, ten for each tribe, and other boxes into which are thrown the tickets of the *dikastai* who have been successful in the ballot. There are two urns by the entrance to each court, and staves equal to the number of *dikastai* required; the same number of ballot balls are thrown into the urns as there are staves, and the balls have letters written on them starting with the eleventh of the alphabet, *A*, the number of letters corresponding with the number of courts to be filled. Those over thirty
 - 3 years of age may sit as *dikastai* as long as they are not public debtors and have not lost their citizen rights. If a

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man who is disqualified sits, information is laid against him and he is brought before the *dikasterion*; if he is found guilty, the jury assess whatever penalty or fine seems to them appropriate, and if it is a fine, he must be imprisoned until he has paid the previous debt on the grounds of which he was indicted and the additional

- 4 fine imposed by the *dikasterion*. Each *dikastes* has a ticket of boxwood with his name, his father's name and his deme written on it, together with one of the first ten letters of the alphabet, those up to K; the *dikastai* of each tribe are divided into ten roughly equal sections under
- 5 the ten letters. The *Thesmothetes* draw lots for the letters which are to be placed by each court, and his servant puts the relevant letter up in each case.

- LXIV The ten boxes stand in front of the entrance for each tribe, and the letters up to K are inscribed on them. When the *dikastai* throw their tickets into the box which has the same letter on it as is on their ticket, the servant shakes the boxes and the *Thesmothetes* draws one ticket
- 2 from each. The man drawn is called the ticket-inserter, and inserts the tickets from the box into the column over which is the same letter as there is on the box. This man is selected by lot to prevent malpractice if the same man should always make the draw. There are five columns of
 - 3 slots in each allotment machine. When the Archon has put the cubes into the machines, he draws lots for each tribe according to the allotment machines. The cubes are bronze, some white, some black; he puts in as many white cubes as *dikastai* are needed, one per five columns, and black cubes in the same proportion. When the Archon takes out the cubes, the herald calls the men who have been selected; the ticket-inserter is included in their
 - 4 number. When a man has been called, he steps forward and draws a ball from the urns, and holds it out with the letter upwards, and shows it first to the presiding Archon. The Archon then puts the man's ticket into the box on which is the letter which is on the ball, so that he shall go to the court which he has drawn by lot, not the one he wishes to sit in, and it may not be possible for anyone to
 - 5 arrange to have the jury he wishes. There are beside the

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Archon as many boxes as there are courts to be manned, each with the letter on it which has been allocated to the relevant court,

- LXV When the *dikastes* has shown his ball to the servant, he goes inside the inner door. The servant gives him a staff of the same colour as that of the court whose letter was the same as the one on his ball, so that he is compelled to sit in the court to which he has been allotted. If he goes into a different court, the colour of the staff gives him
 2 away, for a colour is painted on the lintel of the entrance of each court. He takes his staff and goes into the court whose colour corresponds to his staff and whose letter is the same as that on his ball, and when he enters he receives an official token from the man selected by lot
 3 to distribute them. The *dikastai* then take their seats with their ball and staff having got into court in the manner described above. The ticket-inserters return their tickets
 4 to those who have been unsuccessful in the ballot. The public servants from each tribe hand over the boxes of each tribe, one for each court, in which are the names of the members of each tribe who are sitting in each court. They hand them over to those who have been selected by lot to return them to the *dikastai* in each court, so that they may summon them by using their tickets, and so give them their pay. There are five of these officials.*

- LXVI When all the courts have their requisite juries, two allotment machines are set up in the first court, with bronze cubes on which are the colours of the courts and other cubes on which the names of the Archons are written. Two *Thesmothetai* picked by lot separately put the cubes in the machines, one putting the colours into one machine, the other the names of the Archons into the other. The herald announces whichever magistrate is picked first as allocated to the court which is drawn first, and the second to the second, and so on, so that no magistrate may know where he is to preside but each will preside over the one he draws by lot.

* The number is missing in the text; cf. LXVI,3 and Commentary.

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- 2 When the *dikastai* have arrived and been allocated to their courts, the presiding magistrate in each court draws one ticket from each box, so that he has ten, one from each tribe, and puts these tickets into an empty box, and draws five of these, and of the five drawn one supervises the water clock and the other four the voting, so that nobody may interfere either with the man in charge of the clock or those in charge of the voting, and there
 3 may be no chicanery in these matters. The remaining five of the ten drawn receive instructions detailing how and where the jury will receive their pay in the court itself; this is done separately by tribes after they have fulfilled their duties, so that they may receive it in small groups and not cause trouble because there are a lot of people crowded together.

- LXVII After these preparations, they call the cases. If they are dealing with private cases, they call four, one from each of the categories defined by law, and the litigants take an oath to speak to the point; when they deal with public cases, they summon the litigants, but deal with only one case.
 2 There are water clocks with narrow tubes attached; they pour the prescribed amount of water into them, and this decides the length of time allowed for the speeches. They allow ten measures for cases involving over 5,000 drachmae, with three measures for the supporting speech, seven measures for those up to 5,000, with two for the supporting speech, and five and two for those under 1,000; six measures are allowed for the deciding of disputed claims, and second speeches are not allowed.
 3 The man in charge of the water clock cuts off the flow of water when the clerk is going to read out a decree, law, piece of evidence or contract. If, however, parts of the day's hearing have been allocated to each side, then he does not cut it off, but an equal period of time is allowed
 4 to the prosecutor and the defendant. The standard of division is the length of the day in the month of Poseideon

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The following section of the papyrus is so badly mutilated that the text cannot be reconstructed; the only section of which something may be made is:

... The day is divided into proportionate parts ... for contests where the penalty laid down on conviction is imprisonment, death, exile, loss of citizen rights or confiscation of property. ...

There follows a further mutilated section of papyrus.

- LXVIII The majority of the juries are of five hundred members ... but when it is necessary for public suits to have a jury
- 2 of 1,000, two juries are combined in the *Heliaia*. The votes are cast with tokens of bronze which have a pipe through the middle, half of them pierced and half blocked. At the conclusion of the speeches, those chosen to supervise the voting give each member of the jury two tokens, one pierced and one blocked, showing them clearly to the litigants so that the jury do not receive either two pierced tokens or two blocked ones. Then the designated official takes the staffs, in return for which each *dikastes* when he casts his vote receives a bronze tag with the number three on it, for when he hands it in he receives three obols; this is to ensure that all vote, for no one can receive a tag without voting.
- 3 There are two containers in the court, one of bronze and one of wood; they can be taken apart so that nobody can introduce votes into them fraudulently before the voting begins. The *dikastai* cast their votes in them, the bronze container counting while the wooden is for the vote which is not used. The bronze one has a lid with a hole in it through which only one token can pass, so that
- 4 the same man may not insert two tokens into it. When the jury are about to vote, the herald first asks whether the contestants wish to protest at any of the evidence, for protests cannot be lodged after voting has commenced. Then he makes a second announcement: 'The pierced token for the first speaker, the solid for the second.' The *dikastes* takes the tokens from the stand, holding the pipe

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in the token so that he does not show the litigants which is pierced and which is not; he places the token that counts in the bronze container, and the other in the wooden one.

- LXIX When the voting is complete, the servants take the container which counts and pour out the contents on to a reckoning frame which has as many holes in it as there are votes so that it may be easy to add up the tokens which count, both the pierced and solid ones. Those selected by lot for the task count them up on the board, separating the solid from the pierced, and the herald announces the number of votes cast, the pierced for the prosecutor and the solid for the defendant. Whichever gets more votes wins, while if the votes are equal the
- 2 verdict goes to the defendant. If it is necessary, they then assess a penalty by voting in the same way; for this the *dikastai* return their tags and take back their staffs. Each side is allowed half a measure of water for their speeches at this stage. When the *dikastai* have fulfilled their duties as required by law, they take their fees in the part of the building assigned to them.