ARISTOTLE

ON THE

CONSTITUTION OF ATHENS

TRANSLATED AND ANNOTATED

BY

E. POSTE, M.A.

FELLOW OF ORIEL COLLEGE, OXFORD; EDITOR OF ELEMENTS OF ROMAN LAW BY GAIUS

AND OTHER WORKS.

SECOND EDITION

TO WHICH ARE ADDED SOME NEW READINGS

IN PARALIPÆME LOST

London
MACMILLAN AND CO.
AND NEW YORK
1892

All Rights Reserved
Richard Clay and Sons, Limited,
London and Bungay.

First Edition, 1891; Second, 1892.

HISTORY I
# TABLE OF CONTENTS

## EPOCHS OF EVOLUTION

### I

Ch. 1—3.—LIMITED MONARCHY or OLIGARCHY
from Theseus to Drakon—b.c. 752, Decennial Archons—b.c. 682, Annual Archons—b.c. 632, Kulon seizes the Acropolis, his followers surrender and are massacred by Megakles the Alkmaionid.  

<table>
<thead>
<tr>
<th>Ch.</th>
<th>EPOCHS OF EVOLUTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-3</td>
<td>LIMITED MONARCHY or OLIGARCHY</td>
<td>1-5</td>
</tr>
</tbody>
</table>

### II

Ch. 4.—TIMOCRACY—b.c. 621, Drakonian Constitution  

### III

Ch. 5—12.—TIMOCRACY—b.c. 594, Solonian Constitution—Cancellation of Debts—Abolition of slavery for insolvency—Appeal from sentence of Magistrates—Classification of citizens by amount of property—Supremacy of Areopagus—Election followed by sortition the mode of appointing Magistrates—Senate of 400—System of weights, measures, and values  

<table>
<thead>
<tr>
<th>Ch.</th>
<th>EPOCHS OF EVOLUTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-12</td>
<td>TIMOCRACY—b.c. 594, Solonian Constitution—Cancellation of Debts—Abolition of slavery for insolvency—Appeal from sentence of Magistrates—Classification of citizens by amount of property—Supremacy of Areopagus—Election followed by sortition the mode of appointing Magistrates—Senate of 400—System of weights, measures, and values</td>
<td>8-21</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

## IV

<table>
<thead>
<tr>
<th>Ch. 13—19. — AUTOCRACY</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 13. — Three factions, the Plain, the Shore, the Mountain</td>
<td>21</td>
</tr>
<tr>
<td>Ch. 14—16. — B.c. 565, Usurpation of Peisistratos</td>
<td>22—23</td>
</tr>
<tr>
<td>Ch. 17. — B.c. 527, Death of Peisistratos</td>
<td>28</td>
</tr>
<tr>
<td>Ch. 18. — Harmodios and Aristogeiton</td>
<td>29</td>
</tr>
<tr>
<td>Ch. 19. — B.c. 510, Expulsion of Hippias</td>
<td>31</td>
</tr>
</tbody>
</table>

## V

<table>
<thead>
<tr>
<th>Ch. 20—22. — DEMOCRACY — B.c. 508, Kleisthenic Constitution — Ten Tribes, each composed of three Tettues — Ten Demes in each Tribe — Two, three, or four Demes in each Tettus — Senate of 500 — B.c. 490, Marathon</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 22. — Ostracism — B.c. 484, Discovery of silver mines at Laurium — Construction of a fleet</td>
<td>37</td>
</tr>
</tbody>
</table>

## VI

<table>
<thead>
<tr>
<th>Ch. 23—24. — ARISTOCRACY — B.c. 480, Salamis</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 23. — Areopagus recovers supremacy</td>
<td>40</td>
</tr>
<tr>
<td>Ch. 24. — Aristeides persuades the commons to depend for subsistence on the public revenues and to reduce their independent allies to the position of tributaries</td>
<td>42</td>
</tr>
</tbody>
</table>

## VII

<table>
<thead>
<tr>
<th>Ch. 25—28. — DEMOCRACY</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 25—26. — B.c. 462, Ephialtes and Themistokles overthrow the Areopagus</td>
<td>44—47</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 27</td>
<td>Perikles completes the extinction of the Areopagus—b.c. 432, Peloponnesian War—Payment of 6,000 jurors</td>
<td>47</td>
</tr>
<tr>
<td>Ch. 28</td>
<td>Succession of Demagogues—Apology for Theramenes</td>
<td>49</td>
</tr>
</tbody>
</table>

**VIII**

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 29—33</td>
<td>OLIGARCHY—b.c. 411, Sicilian disaster</td>
<td>51—60</td>
</tr>
<tr>
<td>Ch. 29—32</td>
<td>Council of 400</td>
<td>51—59</td>
</tr>
<tr>
<td>Ch. 33</td>
<td>Ruling body of 5,000</td>
<td>60</td>
</tr>
</tbody>
</table>

**IX**

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 34</td>
<td>DEMOCRACY—b.c. 410, Victory at Kuzikos—Return of fleet to Athens—b.c. 406, Sea-fight at Arginoussai—Condemnation of victorious commanders</td>
<td>60—63</td>
</tr>
</tbody>
</table>

**X**

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 35—37</td>
<td>OLIGARCHY—b.c. 405, Defeat at Aigospotami—Athens taken by Lusandros—Thirty tyrants</td>
<td>63—67</td>
</tr>
</tbody>
</table>

**XI**

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 38—41</td>
<td>DEMOCRACY</td>
<td>67—78</td>
</tr>
<tr>
<td>Ch. 38—40</td>
<td>b.c. 403, Thrasuboulos seizes Phule—Pausanias, the Spartan King, restores democracy—Assassination of oligarchs</td>
<td>67—74</td>
</tr>
<tr>
<td>Ch. 41</td>
<td>Recapitulation</td>
<td>74</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

FINAL CONSTITUTION

Ch. 42.—Enrolment on civic list and military training of youth .................................................. 78—81

LEGISLATURE.

Ch. 43—45.—Legislative functions of Senate—Sessions of Ecclesia ........................................... 81—87

ADMINISTRATION AND JURISDICTION

Ch. 46—49.—Administrative functions of Senate—Financial, Naval, Military, Architectural, Eleemosynary ................................................................. 87—94
Ch. 50—54.—Minor Magistrates—Arbitrators ................................................................. 94—104
Ch. 55—59.—Nine Archons, their functions, spectacular and judicial .................................................. 104—121
Ch. 60.—Sacred olives ........................................................................................................ 121—122
Ch. 61.—Military officers ........................................................................................................ 122—124
Ch. 62.—Salaries .................................................................................................................. 124—125

JUDICATURE.

Ch. 63.—Heliaia .................................................................................................................. 125—127

APPENDIX ......................................................................................................................... 129

INDEX ................................................................................................................................. 169
ARISTOTLE

ON THE

CONSTITUTION OF ATHENS
ARISTOTLE’S

CONSTITUTION OF ATHENS

1. [\textsuperscript{1} The impeachment of the Alkmaionidai by Muron for the treacherous massacre of Kulon’s accomplices at the altars where they sought protection, was heard by a tribunal of three hundred judges,\textsuperscript{2}] who took an oath over victims to deliver righteous judgment, and had aristocratic qualifications.\textsuperscript{3} The

\textsuperscript{1} Square brackets indicate that the words they inclose are supplied by the translator. In this instance the source of the supplementary words is Plutarch’s life of Solon.

\textsuperscript{2} A bad system of judicature seems to have been an original vice of the Athenian constitution.

\textsuperscript{3} 'Αριστίνδην is not employed by Aristotle, as a newspaper critic thinks, to express qualification by birth. In \textit{Pol.} 2, 11, 9 and 6, 7, 3 it impliedly denotes qualification by merit, \textit{i.e.} by character, or public esteem, or distinction acquired in the discharge of high office. Qualification by birth is oligarchical, \textit{Pol.} 6, 4, 3. It is true that the constitution at the period in question was oligarchical; but, if we trust the term employed, these particular judges were selected, at a period of rapid social evolution, without exclusive regard to caste.

B
charge of sacrilege was found true; the bones of the guilty dead were disentombed and cast beyond the borders of Attica; the living clan were condemned to perpetual exile, and the city was subsequently purified from the pollution by Epimenides the Cretan.

2. After this there were feuds between the nobles and the commons for many years. The constitution was thoroughly oligarchical, the poor with their wives and children were in servitude to the rich under the title of clients and hektomori, or payers of a sixth,\(^1\) for such was the portion of the produce of the land belonging to the rich which was paid as rent by the cultivators. A few proprietors owned all the soil,\(^2\) and the cultivators with their wives and children were liable to be sold as slaves on failure to pay their rent. Debtors, too, as a guaranty of their obligations, were liable, as late as the times of Solon, to forfeit their freedom on failure to satisfy the usurers. Solon was the first champion and pro-

\(^1\) Such is the explanation of Plutarch. Boeckh thinks that five-sixths of the produce was paid as rent.

\(^2\) But see note to ch. 12 and the Appendix, page 150, where it is explained that the lessor was often merely a usurer to whom the land had been nominally sold with a condition of retransfer on repayment of the price. The lessee or mortgagor was the true proprietor, and the nominal rent was really the interest on a loan.
tector of the commonalty. The chief grievance and source of their bitterness against the constitution was their exclusion from ownership of the soil,¹ but this was not their only motive of discontent, for they enjoyed scarcely any political rights.

3. Before Drakon, the constitution of the state was as follows: There were archons or supreme magistrates, elected in accordance partly with aristocratic, partly with oligarchical qualifications, originally for life, afterwards for ten years. The most exalted and ancient of these were the king, the polemarch, and the archon, specifically so named.² Of highest antiquity was the king, and the next in date was the polemarch, created to supply the generalship in which some of the kings were wanting, which caused Ion to be invited from abroad in some epoch of danger. The archon was a later institution. The date of the first archon is placed by most authors in the reign of Medon, by others in that of Akastos; and by way of proof, the latter quote the oath which the archons take to govern as was done in the days of Akastos, words which show that he was king when certain political functions passed from the

¹ Or, reading with Kaibel and Wilamowitz: τὸ δουλεύειν, their liability to servitude.
² The archon eponumos, or archon who gave his name to the year.
royal house of the Kodridai to the hands of the archon. Either hypothesis assigns the origin of the archonship to nearly the same epoch.\(^1\) Evidence that the archon was of later origin than the two other offices may be seen in the fact that the archon, unlike the king and polemarch, takes no part in the oldest religious ceremonies,\(^2\) which also shows that the higher rank of the archon belongs to a recent era and is due to a modern enlargement of his attributes.

The institution of the Thesmothetai belongs to a much later time, when archon, king, and polemarch only held office for a year. Their function was to commit the ordinances\(^3\) to writing, and keep records of them to ensure their enforcement against transgressors. The office of the Thesmothetai, accordingly, was never more than annual. So much for the comparative antiquity of these magistracies.

The nine archons were not all originally assembled in a single residence. The king occupied what is now called the Boukolion, near the Prutaneion, and

\(^1\) Reading μικρὸν γίγνεται τὸ διαλλάσσου τοῦ χρόνου, or something equivalent.

\(^2\) See chapters 56, 57, 58.

\(^3\) As there were no written laws before Drakon, the written Thesmia of the text must have been decisions of judges or magistrates.
a surviving trace of his habitation may be noticed in the fact that at the present day this is the spot where the king-archon's wife meets and weds Dionusos. The archon occupied the Prutaneion, the polemarch the Epilukeion which was formerly called the Polemarcheion, but when rebuilt and decorated by the Polemarch Epilukos changed its name to Epilukeion. The Thesmothetai occupied the Thesmotheteion, and this edifice in Solon's time was made the joint residence of all the archons.

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

The Council of the Areopagites had the duty of watching over the observance of the laws; they administered all the most important political business, punishing and fining without appeal all who violated the law. The qualifications for the archonship were partly aristocratic, partly oligarchical; and the Areopagus consisted of those who had held the office of archon. Accordingly the Areopagites are the only officials in the present day that hold office for life.

1 At the Anthesteria or Dionysian festival in February.
2 Supposed to have been about ninety in number, i.e. ten years of ex-archons.
4. Such in outline was the first constitution after the monarchy. Not long after Kulon's attempt to make himself tyrant, when Aristaichmos was the archon who gave his name to the year, Drakon came on the scene as legislator, and gave the following form to the political constitution. Sovereign power was already\(^1\) wielded by the class of persons capable of providing their own equipment for war. Their suffrage elected the nine archons and the treasurers from those who possessed a property qualification of not less than ten\(^2\) minas, free from all encumbrances: the minor magistracies from the class who furnished their own arms: the generals and hipparchs or commanders of cavalry from those of the class registered as owning not less than one hundred minas free of encumbrances, who were parents of legitimate children above the age of ten. It was the duty of the prutaneis\(^3\) to require from the generals and hipparchs on the conclusion of their

---

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

2 Perhaps an error of the copyist for 100.

3 Reading τούτους δ' ἔδει διεγγυᾶν (not διεγγυᾶσθαι, for which Kenyon admits there is no room) τοὺς πρυτάνεις, καὶ τῶν στρατηγῶν καὶ τῶν ἵππαρχος τοὺς ἔνοις, μέχρις εὐθυνῶν, ἐγγυηθήσεται τέταρας κ.τ.λ. with Van Leeuwen and Paton. Διεγγυᾶν denotes
command bail for their appearance till they had rendered their accounts, taking from each officer four sureties of the same class respectively as his own. A senate of 401 was appointed by casting of lots out of the whole body of citizens. To cast lots for this and other offices appointed by lot a citizen had to be over thirty years of age, and was not capable of a second tenure of office before it had passed by rotation through all the citizens, after which he was again admitted to take a part in the sortition. A member of the 401 who failed to attend in his turn at a session of the senate or commons had to pay a fine of three drachmas if he was a Pentakosioiomedimnos, of two drachmas if a Hippeus, of one drachma if a Zeugites.

The Council of the Areopagus was guardian of the law, and watched to see that it was obeyed by the magistrates. Any one who thought himself wronged could impeach a magistrate before the Areopagus, appealing to the law that he contended the act of the magistrate who exacts or takes bail; διεγγυάσθαι, passive, is to give bail; middle, to become bail. In neither voice in this context could it have a meaning. Van Herwerden's text requires the less probable version: until the fathers had rendered their accounts, these children were placed under the control of the prutaneis and the ex-generals and ex-hipparchs, and superintended by four curators taken from the class to which their fathers belonged.
was violated. The personal freedom of a debtor, as already mentioned, was pledged as a security of his debt, and possession of the soil was monopolized by a few.

5. The narrowness\(^1\) of the constitution and the oppression of the many by the few ended in an outbreak of war between the nobles and commons. As the disruption proved persistent, after they had been long divided into hostile camps, they concurred in a joint election of Solon to act as mediator and dictator and reconstructor plenipotentiary of the state, a work for which he had shown some fitness in the elegiac poem which begins:—

"My eyes are opened, and I see with anguish the plight of this old Ionian land," in which poem he endeavours to calm their resentments,\(^2\) champions each party in turn against the other, appeals to the reason of both, and finally urges them to join in uprooting the causes of dissension.

Though his genius and fame placed him among the first of his age, in fortune and estate \(^3\) Solon belonged to the middle class. For this besides other

---

\(^1\) Reading τοιαύτης δὲ τῆς συντάσεως οὖσης ἐν τῇ πολιτείᾳ.
\(^2\) Reading καταπραγματεύει.
\(^3\) For πράγματα in the sense of possessions, compare Plutarch, *Demetrios*, ch. 31: οἶόμενος τὰ πράγματα διαδόχως ἀρχεῖν πλείον.
authorities we have his own testimony in the verses where he tells the wealthy not to be over-grasping:—

"Still, ye great, the mighty pantings within your bosom. Feed\(^1\) not so high the over-dieted and riotous steed, your over-weening spirit; for neither my compeers nor the humblest ranks will tolerate the present yoke."

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

6. Armed with absolute power, Solon emancipated the commons for the present and for the future by forbidding usurers to take the body of a borrower as a guaranty of a loan: he enacted various new laws, and cancelled all existing debts, whether owed to private persons or to the state, by what is called his disburdening ordinance because it released the commons from their load of obligation.

This has been made by some the occasion of an imputation on his honour. After resolving to publish the ordinance Solon divulged his plan to some of his friends, and, as his democratic admirers assert, was by them made the unwitting accomplice of a fraudulent scheme; as his detractors allege, became a party to a fraud. They borrowed money with which

\(^1\) Reading ὅν [νόν] πολλῶν ἁγαθῶν κ.τ.λ. and τρέφεσθε.
they bought up vast tracts of land, and shortly afterwards, on the abolition of all existing debts, became millionaires, and this, according to the story, was the origin of some of the territorial magnates, supposed to be of immemorial antiquity.\(^1\) However, it is easier to believe the story of his panegyrists: for what is the likelihood that a man, so just and so superior to personal interests that, when he might by bribing the support of either faction have continued tyrant, he dared to offend them both, preferring to personal aggrandisement the glory of saving the state, what is the likelihood that such a man should soil his honour for a paltry pecuniary gain? That despotism was placed within his reach by the troubles which afflicted his country [and was deliberately declined,] his poems in many places declare and is admitted by all historians. The imputation, then, may be regarded as calumnious.

7. He determined a form of constitution and enacted laws which superseded all the ordinances of Drakon, except such as related to murder. They were inscribed on three-faced pyramids revolving on pivots and placed in the colonnade of the court of the king-archon. All the citizens swore to obey them, and when the archons took their oath on the

\(^1\) Plutarch calls it a very painful incident, and mentions the names of Konon, Kleinias, and Hipponikos.
stone altar in the market they used to vow to dedicate a golden statue of their own size\(^1\) if they ever infringed them, an oath which survives to the present day. Solon obtained an enactment that his laws should continue in force for a century, and this was the form of the constitution which they established. According to their possessions the citizens were divided, as formerly, into four classes, denominated Pentakosiomedimnoi, Hippeis, Zeugitai, and labourers. Pentakosiomedimnoi, Hippeis, and Zeugitai were eligible to magistracies. They alone could discharge the functions of archons, treasurers, sale commissioners, prison commissioners, financial board; the magistracies allotted to each of these classes being proportionate in importance to the amount of their census. The labourer class was only admitted to perform the duties of the ecclesia or assembly of the commons and the law courts or Heliaia.\(^2\) The class of Pentakosiomedimnoi was formed of those whose land produced annually in solids and liquids combined, i.e. in corn, wine, or oil.

\(^1\) Supplying ἰσομέτρητον from Plutarch.

\(^2\) This name by some accident does not occur in the original text, but owing to the combination at Athens of executive and judicial functions it is too convenient a term, as expressing judicature pure and simple in contrast with the judicial functions of magistrates, to be neglected by a translator.
500 medimni (6000 gallons). The equestrian class was formed of those who produced 300 medimni; or, as some say, of those whose revenues enabled them to maintain a mounted soldier. For proof they point to the name of the class, and to the votive offerings of olden times. For there is a statue in the Acropolis bearing this inscription: "Anthemion, son of Diphilos, offered this statue to the gods when he left the labouring class and joined the knights"; and by him stands a horse indicating the knightly service of his order. It is more likely, however, that this class, like the Pentakosiomedimnoi, was defined by the amount of their annual produce. The Zeugitai were composed of those whose total produce in liquids and solids amounted to 200 medimni. Those whose income was less than this formed the labouring class, and were ineligible to any magistracy. Whence at the present day, when a person wants to draw lots for any public office and is asked to what class he belongs, he never names the labourers.

8. Magistrates were to be appointed by lot from a number of groups elected by vote, each tribe electing a group. To fill the nine archonships each tribe elected ten by vote, and from the forty thus

1 The medimnus was regarded as equivalent to a drachma (9½d.) in average value.
selected nine were taken by lot. So at the present day, from each of the ten tribes ten are selected by lot, and from the hundred thus obtained nine are selected by a second casting of lots. Evidence that sortition from groups possessing the property qualification was the mode of selection may be found in the law still in force ordaining that treasurers shall be selected by lot from a group taken out of the Pentakosimiemedimnoi. Such, then, was Solon's mode of selecting the archons. In earlier times the Areopagus summoned the candidates before it and decided of itself with full authority who were fittest for the various archonships, and appointed them for a year.

The citizens were divided into four tribes, as of old, and there were four tribal kings. Each tribe was divided into three Trittues, or ridings, and twelve Naucraries. The Naucraries were presided over by Naukrraroï, whose functions were the col-

1 Reading κὰκ τοῦτων ἀπεκλήρουν—the technical term for sortition out of a larger class. Cf. υἱεὶς ... μόνοι δικαζεθο' ἡμῶν διὰ τί; ὡτε ἐλάχετε, εἰς ἀπεκληρώθη. Demos. Aristogeiton, 778.

2 The names of the tribes: Geleontes or Teleontes, Hoplites, Aigikoreis, Argadeis, which seem to signify priests, warriors, goatherds, artisans, suggest that originally the four tribes may have been four castes; but if so, they must have changed their nature in prehistoric times.
lection and expenditure of the public revenue; and many extant but abrogated laws of Solon authorise their levy and expenditure of the local funds.

The senate consisted of 400, each tribe contributing 100.

The duty of guarding the laws was still entrusted to the Areopagus, which already possessed the function of protector of the constitution, and controlled almost every department, certainly the most important branches, of the public administration. It called lawbreaking magistrates to account, punished and fined without appeal, paid the fines into the treasury without naming the offence for which they were imposed, and tried conspirators against the government, a function entrusted to them by a law of Solon which prescribed the mode of impeachment. Observing moreover that in the factions that frequently troubled the country some of the citizens, if left to themselves, loved their ease too much to fulfil their public duties, by way of a spur to these people he enacted a curious law, that failure to take up arms with one side or other in civil strife should be punished by infamy and forfeiture of political rights.

9. Such was his mode of appointing to the

1 Reading with Kenyon's third edition: θέντος νόμον εἰσαγ-γελίας. For this proceeding see Appendix.
highest offices. Most people agree in thinking the three following the most democratic features of his legislation: first and most effective the abolition of the power of lenders to require the borrower to pledge his personal freedom as a guaranty of any loan¹; second, the power of any citizen to prosecute any person who committed a criminal offence²; third, what is said to be the main foundation of the present strength of the commons, the appeal from the decision of any magistrate to the judgment of the people in the Heliaia. For the absolute freedom with which the people vote as jurors makes them absolute masters of the state; besides which, the draughtsmanship of the laws, far from simple or lucid—witness the laws of inheritance and female successors—inevitably gave birth to litigation, and gave the final arbitration of all questions, whether political or civil, to the jurors. Some believe that

¹ Besides the body of the debtor, Athenian law exempted his arms and agricultural implements from being taken in distress or execution.

² Reading γράφεσθαι or τιμωρεῖσθαι. In civil suits only the interested person could be plaintiff, though he might obtain the assistance of advocates (συνήγοροι): but criminal prosecutions could be instituted by any citizen. The metoikos, with the assistance of his prostates or patron, could prosecute when he was himself the object of a criminal offence, but could not, like a citizen, avenge the wrong of another.
Solon intentionally introduced obscurity into the law to enable the commons to use their judicial power for their own political aggrandisement. It is more likely that the obscurity was due to inability to frame rules directing the most salutary course in general terms; for the practices of modern law courts\(^1\) are not so safe an index of Solon's intentions as the general character of his statesmanship.

10. So much for the popular aspect of his laws. Before his legislation he ordained the abolition of all debts, and subsequently enlarged\(^2\) the dimensions of measures, weights, and coins. He superseded the Pheidonian measures by the Euboic system on a larger\(^2\) scale, and made the mina, which used to contain seventy-three drachmas, contain 100. . . .

---

\(^1\) What kind of practices are referred to we may learn from Isokrates, who complains in the *Areopagitika* that the jurymen sought by their decisions in the Heliaia to secure impunity for fraud in their own private transactions, and points out that the consequent destruction of credit was more disastrous to the poor than to the rich. The transfer of the litigation of the islanders to Athens must have tended to the demoralisation of the Heliasts. Justice was inevitably tainted, and judicial tribunals degraded to instruments of ruining patriots and rewarding traitors. Xenophon, *Polity of Athens*.

\(^2\) If, with Van Leeuwen, we read μεγα for μειγω, instead of "enlarged" and "on a larger scale" we must say "reduced" and "on a smaller scale"; but the rest of the section remains unintelligible.
11. After thus modelling the constitution, Solon was interviewed about his laws, and harassed with constant questions and criticisms; and being unwilling either to recast his ordinances or to live among those whom he had offended, he went to Egypt, partly with mercantile designs, partly to see a foreign land; and announced that he should stay abroad at least ten years,\(^1\) saying he thought the written laws required obedience from the people, not interpretation by their author. He found, too, that he had not only made enemies of many of his friends by the abolition of debts, but had alienated both political parties by disappointing their expectations. The commons had expected that the land would be equally divided, the nobles that the old system would be restored. He disappointed these hopes, and when he might have conspired with either party and perpetuated his dictatorship, chose to brave their common animosity and save his country by salutary legislation.

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

"I made the commons strong enough to be safe from oppression. Office I neither wrested from them nor put into their hands. The powerful and rich I also fenced against spoliation."

\(^1\) Reading with Van Leeuwen: εἰτῶν ὡς οὐχ ἦξει δέκα ετῶν.
orders I threw an ample shield, nor suffered either
to trample on the other’s rights.”

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

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

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

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

Other verses describe the cancellation of debts,

1 Reading οἱ δ᾽ ἐφ᾽ ἀρπαγαίσιν ἄλλως ἑλπίδ᾽ εἴχον ἀφνεάν.
2 Reading ἄλλα δ᾽ ἄν μάτην ἰερδον.
3 We learn, however, elsewhere that Solon limited the
amount of land that one person might possess. Pol. 2, 7, 6.
and mention the slaves whom his disburdening ordinance emancipated:—

"... I call to bear her testimony to my plea the mighty mother of Kronos and the Olympian deities, a witness unimpeachable, dark-vestured earth, in many of whose fields I overthrew the mortgage pillars,¹ a goddess then in bondage, now dis-enthralled. To Athens, their holy fatherland, I gave back many citizens; some sold into slavery by just or unjust doom, some forced and poverty-stricken exiles, whose tongue had forgotten the trick of forming Attic sounds through many wanderings, others at home in shameful bondage trembling at the humours of a lord before I gave them freedom. These exploits in part by force, in part by persuasion I accomplished, and kept my promise, and wrote on tablets equal laws for high and low, and formulas fit for every controversy.² If the rod of

¹ This shows, in correction of chapter 4, that there were plenty of small proprietors, though their lands were deeply mortgaged. If it were not so, it would be strange that there is no explanation how the evil, the monopoly of the soil, was remedied, as it appears to have been. For the mortgage pillars see Appendix.

² The mention of euthudikia suggests to a student of Roman or early English law some revolution in the code of procedure whereby the prosecution of rights was facilitated. The original list of forms of action at Rome and Westminster was very
power which I held had been wielded by the unwise or ambitious, he would not have controlled the storm of passions. If I had willed what either of the antagonists demanded ... this land had been widowed of many habitants. But I confronted mischief from every quarter, turning swiftly like a wolf assailed by many hounds.”

In other verses he rebukes both classes of complainants:—

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

“Another man,” says he, “placed in my position would not have held the factions, nor reposed until meagre and, as civilization advanced, failed to comprehend all the questions of right that new circumstances created. At first they received a strained application to these cases by means of certain recognized fictions; but when this remedy was found to be inadequate, each new ground of action was allowed to be prosecuted by the simplest and most natural formulas that could be invented. Some such change seems to have taken place at Athens under the auspices of Solon. The preceding line, reminding us of the Roman fiction (Gaius, 4 § 37), which extends to peregrinus the remedies of and against civis Romanus, suggests that Solon may, dispensing with fiction, have extended to the unprivileged orders the rights under the civil and criminal code of the Eupatridai.

2 Reading οὐκ ἐν κατέσχε θυμόν.
he had churned the butter from the milk; but I made myself a wall between two armed hosts."

13. The motives that induced him to spend some years in foreign travel have been stated. After his departure, though the agitation had not subsided, four years passed without disorder. The fifth year after his legislation (590 B.C.) discord prevented the appointment of an archon; and the same thing happened again five years after (586 B.C.). Subsequently, after a similar interval (582 B.C.), Damasias being elected archon continued two years in office, till he was deposed by violence; after which, in view of their dissensions, they resolved to elect ten archons, five from the Eupatridai, three from the Agroikoi or rustics, two from the Demiourgoi or artisans; and they held office during the year (580 B.C.) after the expulsion of Damasias. It is clear that the archonship was at that time the highest magistracy, for this was always the subject of their quarrels. The state was still out of joint in all its members: some were aggrieved at the abolition of debts, which had reduced them to poverty; others were unreconciled to the constitutional changes which had diminished their power; others were inflamed by rival ambitions. They formed three parties: the Shore, led by Megakles the Alkmaionid, were considered to advocate a tem-
pered constitution: the Plain, led by Lukourgos, were oligarchical; the Mountain were led by Peisistratos, supposed to be a strong partisan of democracy. The last party found allies in those who were ruined by the abolition of debts and joined them under the promptings of poverty; and all those whose purity of descent was questionable and who joined them from fear; who indeed had good grounds for their apprehension, for after the overthrow of the tyranny the list of citizens was severely sifted, ¹ because many persons were supposed to be enjoying the rights of citizens without due qualification. The names of these parties were derived from the regions which they cultivated.

14. An ardent democrat by reputation, and covered with distinction in the Megarian war (565 B.C.), Peisistratos gave himself many wounds, made the people believe they were inflicted by the adverse faction, obtained the grant of a body-guard on the motion of Aristion, and by the aid of these mace-bearers, as they were called, overpowered the govern-

¹ Apparently with less unpleasant consequences than were apprehended, for Aristotle elsewhere relates that, after the expulsion of the usurpers, Kleisthenes converted many metoikoi, both of the foreigner and freedman class, into citizens. Politics 3, 1. Diapophisis, ch. 42, was the municipal vote subject to appeal to the Heliaia, on a claim of citizenship.
ment and seized the Acropolis in the Archonship of Komeas (560 B.C.), in the thirty-second year from Solon’s legislation. It is related that when Peisistratos asked for a body-guard Solon, opposing the measure, said he was wiser than some of his countrymen and braver than others; wiser than those who could not see that Peisistratos meant to make himself tyrant, braver than those who saw it, and held their tongues. As he found his words fell on deaf ears, he piled his arms before his door and said he had done all that a weak old man could do to save his country, and called upon others to do their duty likewise. His exhortations were ineffectual, and Peisistratos once master of the state behaved more like a statesman than a tyrant. Before, however, he had established his power on a secure basis, he was overthrown by a combined effort of Megakles and Lukourgos in the archonship of Hegesias (555 B.C.), in the sixth year after he had seized the sceptre. Four years after, on getting worsted by the antagonist faction, Megakles again opened negotiations, and having made Peisistratos promise to marry his daughter, restored him to the throne of Athens by a device that shows the extreme credulity of primitive times. After disseminating a rumour that the goddess Athena herself was restoring

1 Reading with Thompson: τετάρτη for δωδεκάτη.
Peisistratos, he found a large-limbed and beautiful woman named Phue, an Athenian, according to Herodotos, of the Paianian deme, a Thracian, according to others, by profession a florist, residing at Coluttos; dressed her in the habiliments of the goddess, and conducted her with Peisistratos to Athens. Peisistratos drove into the town in a chariot, the woman stood by his side as a warrior beside a charioteer, and the people of the city received them with adoration and stupefaction.

15. Such was the manner of the first restoration. After a second expulsion, which took place seven years after his return, his second domination being shortened by his refusal to cohabit with the daughter of Megakles, which exposed him to the hostility of both factions, and ended in his flight from Athens, he at first collected the villagers of the Thermaian bay in a town at Rhaikelos, but afterwards left it for the region of Pangaios. Hence, having procured funds and hired soldiers, he proceeded to Eretria, and, eleven years after his flight, began operating for the recovery of his throne, in which he was assisted by many allies, and in particular by the Thebans and Lugdamis of Naxos and the knights that ruled Eretria. Victorious in the field of Pallene, he re-entered Athens, disarmed the citizens, and established his power on a strong foundation. Then he sub-
dued Naxos, where he made Lugdamis ruler. His disarmament of the Athenians was accomplished by a stratagem. Reviewing the army in the Theseion or grove of Theseus, he began to harangue the troops in a feeble voice, and on their saying they could not hear him, he asked them to move up the hill near the porch of the Acropolis, where he could make them hear better; and while he proceeded with his oration his satellites seized their arms, locked them in the rooms near the Theseion, and when the work was done, made a signal. Peisistratos finished his harangue, and then told his audience what had happened to their arms, begging them not to be astonished or frightened, but to go and mind their private business, and leave him to superintend affairs of state.

16. Such were the circumstances of the seizure of absolute power by Peisistratos, and the vicissitudes which his rule experienced. His administration, as before mentioned, was temperate, and showed the statesman rather than the tyrant. His judgments were humane and mild, and recognized the circumstances that extenuate crime. He advanced capital to poor cultivators, enabling them to earn their subsistence\(^1\) by rural occupations. Herein his motive

\(^1\) Reading ὅτε διατρέφεισθαι γεωργούσια with the second edition of the papyrus.
was twofold: to disseminate the population about the country away from the metropolis; and by moderate well-being and absorption in agriculture to extinguish in them the wish and the leisure to influence public affairs. Moreover, his revenue depended on the due cultivation of the land, for he levied a tax of the tenth of the produce. Accordingly he instituted local judges for the demes, and used to go in person on circuit through the land to inspect its condition, and to judge in civil suits in order to prevent the necessity of their flocking to the metropolis and neglecting agriculture. It was on one of these itinerant circuits that Peisistratos is said to have had his adventure with the cultivator of a farm on Humettos, called afterwards the untaxed field. He saw a man turning the soil where there was little but rock,¹ and wondering what made it worth his while, sent his attendant to ask what crop it was that the soil produced. Lots of toil and trouble, was the answer, and of this toil and trouble Peisistratos pockets a tenth. The peasant did not know to whom he was speaking; but Peisistratos, pleased with his industry and humour, granted the land immunity from all taxation. The commons had an easy time in all respects during his reign, for he was pacific in policy, and avoided quarrelling with his

¹ Reading with Wessely: παντελῶς for παντάλφ.
neighbours; which caused the saying that the tyranny of Peisistratos was a return of the golden age and reign of Kronos. Afterwards the insurrection against his sons produced a much harsher despotism. The ascendancy of Peisistratos was chiefly due to his democratic and philanthropic spirit. In all his acts he respected the law, and assumed no privilege as ruler. On one occasion he was summoned before the Areopagus on a charge of murder, and made appearance to stand his trial, but the prosecutor was frightened, and made default. This was the cause that prolonged his reign and the reason why, when expelled, he had not much difficulty in recovering his throne. His usurpation had the assent of the majority both of the nobles and the commons. The former he conciliated by social intercourse, the latter by pecuniary aid; and nature had endowed him with the arts of charming all ranks of society. Even in Athens at that epoch the laws against attempts at tyranny were far from truculent; and the one that most directly applies was in these terms: This is ancient Athenian law: If any one attempt to over-

1 Speaking of the safeguards of tyranny Aristotle says in terms which recall the text before us: ἔτι δὲ δεῖ τοὺς μὲν γνωρίμοις καθομιλεῖν τοὺς δὲ πολλοὺς δημαγωγεῖν, Pol. 8, 11, 33. A few lines after he mentions the incident of Peisistratos appearing to a summons to stand his trial before the Areopagus
throw the government and make himself tyrant, or help another to make himself tyrant, he and his house shall be deprived of the franchise.

T7. Peisistratos retained his power to an advanced age, and died a natural death in the archonship of Philoneos (527 B.C.), thirty-three years after he first became ruler, of which he spent nineteen at the helm of state and fourteen in exile. It is an absurd fable that in his youth he was beloved by Solon and commanded in the war with Megara for the possession of Salamis (about 600 B.C.). Their age at those periods refutes this, if from the length of their lives and the date of their death we calculate the date of their birth. After the death of Peisistratos his sons kept possession of supreme power, and pursued their father’s policy. He had two by his Attic wife, Hippias and Hipparchos, and two by his Argive wife, Iophon and Hegesistratos, surnamed Thessalos. For Peisistratos married Timonassa, daughter of Gorgilos, a noble Argive, and widow of the Ambraciot Archinos, one of the Kupselid clan. This alliance was the origin of his friendly relations with Argos, and procured him the assistance of 1000 Argives, brought to his aid at the battle of Pallene by his son Hegesistratos. Some say he married Timonassa during his first exile, others during his first tenure of power.
18. The rules of inheritance\(^1\) and superiority of age gave Hippias and Hipparchos the succession to the sovereignty; but Hippias being the elder, and by natural character a statesman, always occupied with high and serious interests, exercised the functions of government. Hipparchos was youthful in spirit and devoted to the god of love and the muses, and it was at his invitation that Anakreon and Simonides and other poets visited the Attic court. Thessalos, much their junior, was overbearing and profligate, and this was the origin of all the catastrophes that ensued. He conceived a passion for Harmodios, and because his intimacy was repudiated was filled with resentment, which he manifested on several occasions. When the sister of Harmodios was chosen to carry one of the sacred baskets on her head at the Panathenaic procession, Thessalos caused her to lose the office by accusing her brother of effeminacy. This exasperated Harmodios and Aristogeiton, and led them to conspire with a small band of associates

\(^1\) The word \(\delta\zeta\omega\mu\alpha\) apparently denotes a title to succession (ch. 23, n. 3). In monarchic times political titles to succession were probably the same as those that governed inheritance in the civil law. But it is not clear what titles would be valid in later days in the case of descendants of a usurper: and the word \(\delta\zeta\zeta\omega\mu\alpha\rho\alpha\) may perhaps have displaced some reference to \(\delta\chi\rho\zeta\zeta\omega\mu\alpha\rho\alpha\)—strongholds—possession of which would secure the sons in the succession to their fathers' throne.
to assassinate the usurpers. When the Panathenaic festival had begun, as they were waylaying Hippias with hostile intentions on the Acropolis, where he was performing the initiatory sacrifice while the procession was marshalled by Hipparchos, they saw one of the conspirators in close conversation with Hippias. Thinking the plot was betrayed and resolving to attempt something before they were arrested, they hurried down from the citadel, began the attack before their accomplices were ready, and slew Hipparchos, who was directing the procession by the Leokoreion. Thus they ruined their chances of success: Harmodios was slain on the spot by the body-guards, and Aristogeiton after being captured was subjected to a long course of torture. Under torture he informed against many persons of illustrious birth who were friends of the tyrants. For at first they could get no clue to the conspirators, and the story that Hippias marched the members of the procession to a distance from their arms, and then detected the conspirators by the daggers they carried is a fiction; for marching under arms was not then the custom, but was introduced afterwards in the times of the republic. In accusing the despots' friends, democratic-minded writers say that Aristogeiton intended to weaken\(^1\) the tyrants and stain

\(^1\) Reading with the second edition \(\alpha \theta \varepsilon \nu \varepsilon \iota \varsigma\) for \(\delta \gamma \nu \nu \varepsilon \varsigma\).
them with bloodguiltiness by causing them to put to death persons who were loyal to them and innocent of crime; others say that he made no false charges, but betrayed persons who were really guilty. At last, finding himself unable, do what he might, to goad them to put him out of his torment, he promised to betray many others, and made Hippias grasp his right hand by way of pledge, and then poured all his scorn upon him for grasping the hand of his brother's murderer, and so infuriated Hippias that, losing all self-control, he killed him with his own hand with a stroke of his sword.

19. These events exacerbated the despotism. Desire to avenge his brother and memory of the many whom he had put to death or driven into exile infused into the mind of Hippias suspicion and bitterness against all the world. About the fourth year after the death of Hipparchos the dangers of the metropolis induced him to fortify Mounuchia, intending to make it his residence. While engaged on this work he was driven from his throne by Kleomenes, the Spartan king, in obedience to Delphic oracles, which persistently commanded the Lakonians to aid in liberating Athens. Of this pressure from Delphi the following is the explanation: The exiles under the leadership of the Alkmaionids could not by their unaided efforts recover their
native land, but met with constant disaster. Not to mention other misadventures, Leipsudrion, on the flank of Mount Parnes, which they fortified, and where their garrison was joined by partisans from Athens, fell by storm into the hands of the tyrants, a catastrophe commemorated in one of their drinking songs: "Woe, woe is me, Leipsudrion, betrayer of thy friends! What gallants fell beneath thy walls the foremost in the fray and noblest of the land, who proved that day of what sires they came!" Unsuccessful in all their other enterprises, they contracted to rebuild the temple at Delphi, [and with lavish expenditure of their ample revenues performed the work with greater magnificence than the specifications stipulated\(^1\)] in reward for which they were helped by the Delphic priestess\(^2\) in obtaining military aid from Sparta. Whenever the Lacedaemonians consulted the oracle she enjoined them to aid in the deliverance of Athens, and at length\(^3\) induced them to undertake the task, although they were united by bonds of hospitality with the Peisistratidai. A second and equally potent motive for the enterprise was their jealousy of the friend-

\(^{1}\) So apparently we must supply from Herodotos one of the links in the chain of causation.

\(^{2}\) Reading with Wyse χρησμόν for χρημάτων.

\(^{3}\) Reading ἐστι τελευτῶσα προὺτρεψε.
ship of the Peisistratidai with Argos. First they sent Anchimolos by sea, and on his defeat and death, which were due to the arrival of Kineas the Thessalian to reinforce the tyrants with 1000 cavalry, they were highly exasperated, and despatched Kleomenes the king with more powerful forces by the mainland. He defeated the Thessalian cavalry who attempted to hinder his passage of the frontier, shut up Hippias in the Pelasgic fortress ¹ and besieged him there in concert with the Athenians. While the siege proceeded, the children of the Peisistratidai, attempting a secret exit, were captured. This led to a capitulation: in return for the restoration of their children, and permission to remove what they could of their property in a five days' interval, the Peisistratidai surrendered the Acropolis to the Athenians in the archonship of Harpaktides (511-510 B.C.), after exercising despotic power for a period of seventeen years from their father's death, or forty-nine years from the commencement of his reign.

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

¹ The old acropolis.
to his side the populace, to whom he offered sovereign power. Isagoras was now worsted in the contest, and again invoked the aid of Kleomenes, who was united to him by ties of hospitality, and persuaded him to banish from Attica the persons tainted with the Kulonian pollution, a class which included the Alkmaionids. Then Kleisthenes with a few others fled the country, and Kleomenes exiled 700 Athenian families as polluted by sacrilege. Next he tried to dissolve the Senate and make Isagoras with 300 of his partisans ruler of the state; but when the Senate resisted and the commons assembled in its defence, Kleomenes and Isagoras had to retreat to the Acropolis. After standing a siege for two days, Kleomenes with his soldiers was suffered to depart under a truce, and Kleisthenes with his confederates was recalled. Thus the sovereign power fell into the hands of the commons with Kleisthenes for leader and champion; for the chief credit of the expulsion of the usurpers belongs to the Alkmaionids whose feuds with them had been incessant. Earlier than the Alkmaionid attempts to oust them was that

1 Perhaps for πρώτειον we should read πρώτερος. Compare: μηδεὶς υμῶν θαυμάσῃ διότι φεύγου τὴν δίκην πρώτερος λέγω τοῦ διώκοντος, Isokrates, Kallimachos.
of Kedon, who is commemorated in the drinking song: "Fill our cups, boy, for a toast to Kedon; fill them full, if the good deserve remembrance in our wine."

21. Such were the reasons the commons had for trusting Kleisthenes. Leading them and having their support, in the archonship of Isagoras (508 B.C.), in the fourth year after the fall of the tyranny he began his reforms by distributing the population into ten tribes instead of four, breaking up the old groupings in order to extend the possession of the franchise: whence revisers of the list of the ancient clans were instructed to pay no attention to the modern division into tribes.\footnote{The text is enigmatical and the translation conjecture.} Next he formed the Senate of 500 instead of 400, taking 50 instead of 100 from each tribe. In fixing the number of tribes his reason for rejecting a system of twelve was to keep his new sections from any coincidence with the old cleavage into twelve trittues which tri-sected the former tribes, and thus secure complete novelty for his rearrangement of the population. The land as an aggregate of units, called townships or demes, was divided into thirty sections called trittues or ridings, [which again fell into three groups,] ten trittues being urban, ten inland, ten maritime; and of these trittues three, determined
by lot, went to form a tribe, with the condition that each tribe included one trittus of every group. Municipal privileges were extended to all residents in the deme or municipality; and to prevent novelty of franchise being betrayed by the foreign sound of a father's name, Kleisthenes instituted the official style of describing an individual that prevails in the present day, i.e. by specifying his deme instead of his father. The forty-eight naukraries were superseded by [100] demes, and demarchs were created with the functions exercised by the old naukraroi. The demes received their names from their founders, or, if these were irrecoverably buried in oblivion, from natural features of the locality. The organization of clans, phratries, and priesthoods was allowed to continue unaltered. The tribes were named after ten heroes solemnly

1 If, as Herodotos informs us, each tribe contained ten demes, the trittues must have contained a variable number of demes; some three, some four, some perhaps two. Then a tribe might be thus composed: an urban trittus of three demes, an inland trittus of three demes, and a maritime trittus of four demes; or thus: an urban trittus of four demes, an inland trittus of four demes, and a maritime trittus of two demes, and so on. The demes of one trittus seem to have been contiguous, though the trittues of one tribe were scattered over different parts of Attica.

2 Such seems the meaning, but if so, the text requires emendation.
sanctioned by the Delphic oracle out of one hundred
selected by popular vote.¹

22. These changes made the constitution much
more democratic than it had been after the reforms
of Solon. His laws fell into desuetude in consequence
of the usurpation, and Kleisthenes enacted new² ones
with the express purpose of increasing the ascendency
of the commons, as for instance the law respecting
ostracism. In the eighth³ year after the reform
of Kleisthenes, in the archonship of Hermokreon
(501 B.C.), the Senate of 500 was first required to
take the oath which is still administered, and the
custom was begun of filling the office of general by
electing one for each tribe, while the whole army
remained under the command of the polemarch.
Twelve years afterwards they were victorious at
Marathon, when Phainippos was archon (490 B.C.).
Two years after that, emboldened by success, the
commons applied for the first time the law of
ostracism which they had enacted as a safeguard
against the great, taking a lesson from the career of
Peisistratos, who had been a general and the

¹ The names of the tribes were: Erechtheis, Aigeis, Pandi-
onis, Leontis, Akamantis, Oineis, Kekropis, Hippothoontis,
Aiantis, Antiochis.
² Reading καυνοῦς δ’ ἄλλους with Kaibel-Wilamowitz.
³ Reading ὄρθιον with Kenyon.
champion of the masses before he usurped despotic power. The first person ostracized was one of his relatives, the son of Charmos, Hipparchos of Coluttos, at whom the law was originally aimed by Kleisthenes, who wished to procure his exile. For the tyrants' partisans who had taken no guilty part in the disorders 1 had been permitted, with the customary leniency of the commons,2 to remain in Athens; and the head and front of that party was Hipparchos. The next year, when Telesinos was eponumos (487 B.C.), they for the first time after the expulsion of the tyrants 3 appointed the nine archons by lot, taking one from each tribe out of candidates previously selected by demic vote from the penta-cosiomedimnoi.4 Before that, the archons had been definitively selected by vote. The same year they ostracized Megakles, son of Hippokrates, of Alopeke. Thus for three years it was only the

1 Reading συνεξαμάρτοιεν (not συνεξαμαρτάνοιεν, which Van Herwerden mistakenly ascribes to me, but which would have an obscure and unsuitable meaning).
2 Seems to refer to the statement in ch. 16.
3 Reverting to the mode instituted by Solon, ch. 8.
4 The reading is uncertain. The translation adopts the suggestion of J. W. Headlam that πεντακοσίων should be changed to πεντακοσιομεδίμνων. If we retain πεντακοσίων, we may suppose that there were ten demes to a tribe, and that each deme nominated five.
partisans of the tyrants at whom the law was originally aimed who were ostracized; but after the fourth year the blow fell on any others who seemed too powerful. The first man unconnected with the tyrants who suffered the fate was Xanthippos, son of Ariphron (486 B.C.). The third year after this, when Nikomedes was archon (484 B.C.) the mines at Maroneia\(^1\) were discovered, and their working gave the state a revenue of 100 talents, while some politicians advised the people to divide the money among themselves, Themistokles dissuaded them: he did not disclose the destination of the funds that he contemplated, but asked them to lend one talent apiece to one hundred of the richest citizens. If the commons afterwards approved of the object on which they were spent, they should debit the state with the cost; if not, they should call in the capital and dispose of it at their pleasure. He obtained the funds on these conditions, and built the hundred triremes, each borrower furnishing one, with which they fought against the barbarian the battle of Salamis. The same year they ostracized Aristeides, the son of Lusimachos (484 B.C.). The fourth year after this, in the archonship of Hupsechides (July, 481—July, 480 B.C.), they recalled all the persons they had ostracized, because Xerxes

\(^1\) Otherwise called Laurion.
was on his march against Greece; and named Geraistos,¹ and Skullaion,² as the east and west limits beyond which in future any ostracized person must reside, on penalty of forfeiting for ever his rights of citizenship.

23. Up to this epoch the growth of the state in power was accompanied step by step by a corresponding growth of its democratic character. But after the Median war the council of Areopagus recovered strength and ruled the state, not that any law conferred the hegemony on them, but because the aristocratic party had the credit of the victory at Salamis. For when the generals had despaired of the country and proclaimed a sauvé qui peut, the Areopagus raised funds, gave every man eight drachmas (6s. 6d.), and induced them to man the ships. In consequence of this public service the title of the Areopagus to ascendancy was admitted by the Ekklesia³, and public affairs were admirably administered during the following epoch. For they acquired the art of war, made their name honoured throughout the Hellenic world, and possessed them-

¹ The south point of Euboia.
² The east point of Argolis.
³ Reading with Blass παρεξώρονν αὐτῆς τῷ ἀξιωματι. ἀξίωμα in political theory means the grounds of a claim to rule, the title to political power. ἀξιωματα δὲ δὴ τοῦ τε ἄρχειν καὶ ἄρχεσθαι ποῦ ἐστι καὶ πόσα; Plato, Laws 3,690.
selves of the sovereignty of the sea with the consent of Lakedaimon. At this time the leaders of the commons were Aristeides, son of Lusimachos, and Themistokles, son of Neokles; the latter credited with skill in the arts of war, the former with state-manship and pre-eminent integrity; which characters made their countrymen employ the one as general the other as counsellor. The rebuilding of the walls of Athens was their joint work, though they were otherwise at feud. The detachment of the Ionians from alliance with Sparta was due to the counsels of Aristeides, who seized the opportunity afforded by the discredit cast on the Lako-nians by the conduct of Pausanias. He too originally apportioned, two years after the battle of Salamis, in the archonship of Timosthenes (478 b.c.), the contribution to be paid by the islanders: and it was he who [as representative of Athens at the confederacy of Delos] swore that Athens would have the same friends and enemies as the Ionians, on the occasion when the oaths were solemnised by sinking masses of metal in the sea.¹

¹ Plutarch, in his life of Aristeides, § 25, whether to illustrate his patriotism or his cynicism is not clear, says that he afterwards counselled his countrymen to break this oath, and invoked on his own head whatever curses ought to light on Athens for violating so solemn a compact. He quotes Theophrastos as saying that the so-called justice of Aristeides was
24. Subsequently, when lofty thoughts filled every bosom and wealth was accumulating, Aristeides advised them to put vigour into their hegemony, to leave their country occupations and fix their domicile in the city. Sustentation, he promised, would be provided for all, either as soldiers or sailors in active service, or as troops in garrison or as public servants; and then they could advance their supremacy. They followed his advice, and, administering the empire of the sea reduced their allies to the position of vassals, except the Chians, Lesbians, and Samians, whom they kept as satellites of their power, and permitted to retain their own constitutions and to rule their own dependencies; and they amply provided for the sustentation of the masses by the method which Aristeides indicated; for in the end the public revenues the taxes and the tributes of the allies gave maintenance to more than 20,000. There were 6,000 dicasts or jurors, 1,600 archers, 1,200 cavalry, 500

confined to his relations with his own countrymen. In the time of honest Aristeides the contributions of the allies towards the war against Persia amounted to 460 talents. As an effect of the increased vigour which he recommended, they amounted in the time of Alkibiades to 1,300 talents, expended by Athens as her private revenue.

1 Who, however, were not paid for their services before the time of Perikles.
senators, 500 soldiers of the dockyard garrison, 50 city guards, 700 home magistrates, 700 foreign magistrates, 2,500 heavy armed soldiers (this was their number at the beginning of the Peloponnesian war) [4,000 sailors manning] 20 guardships, 2,000 sailors appointed by lot, manning 10 tribute-collecting ships, and in addition to these the Prutaneion, the orphans, the gaolers; and all these persons were maintained at the expense of the national treasury.\footnote{Accordingly the number supported by the public funds equalled what is estimated to have been the total number of full-grown male citizens in the palmy days of Athens. The twelve phratries, according to Pollux, were each divided into thirty clans, and each genos or clan into thirty families. This makes 10,800 families, agreeing with a statement in Xenophon’s \textit{Memorabilia}, iii. 6, 14, that Athens contained upwards of 10,000 families (oikiai). Allowing two full-grown men to a family, there were 20,000 of this category. Adding 10,000 metoikoi, or domiciled foreigners, we obtain 30,000 freemen; adding 110,000 women and children, we get 140,000 free inhabitants; adding 400,000 slaves, we obtain a total of 540,000 persons. After the fall of Greece the population of Attica declined. In 133 B.C., it is estimated that we must divide the free population by six, the slaves by three; that of the former there were about 23,000, of the latter about 115,000, making a total of 138,000. Even this is more than double the population of modern Attica (about 60,000). See F. Hermann, \textit{Greek Antiquities}, § 98. From Thucydides 2, 13, it has been calculated that there were as many as 30,000 citizens at the beginning of the Peloponnesian war. In the next century B.C. there can hardly have been more than 25,000.}
25. The sustentation of the commons was thus secured. About seventeen years following the Median war was the period during which the country continued under the ascendancy of the Areopagus, though the aristocratic features of the polity were gradually on the wane. When the masses had grown more and more preponderant, Ephialtes, son of Sophonides, reputed incorruptible in his loyalty to democracy, became leader of the commons, and began to attack the Areopagus. First, he put to death many of its members by impeaching them of offences committed in their administration.\(^1\) Afterwards, in the archonship of Konon (462 B.C.), he despoiled the council itself of all its more recently-acquired attributes, which were the keystone of the existing constitution, and distributed them among the Senate of 500, the Ecclesia, and the courts of law. In this work he had the co-operation of Themistokles,\(^2\) who was himself an Areopagite, but expecting to be impeached for treasonable correspondence with Persia. Desiring the immediate ruin of the council, Themis-

\(^1\) The informal way in which the Areopagus had recovered its attributes would facilitate these proceedings.

\(^2\) Doubts, based on chronology, which for this period of history is uncertain, have been cast on the accuracy of this anecdote. I leave the question to be settled by future historians.
tokles warned Ephialtes that it was going to arrest him; and told the Areopagus that he would show them a band of traitors in the act of conspiring against the state.\(^1\) Whereupon he conducted a committee of the council to the abode of Ephialtes to show them the gang assembling, and held them in earnest conversation on the spot. When Ephialtes saw them he was panic-struck, and fled clad in nothing but his tunic to the altar, and sat there to the general amazement of the spectators. Subsequently Ephialtes and Themistokles kept accusing the Areopagus before the Senate of 500, and again before the commons, till finally they stripped it of all its principal functions. The assassination of Ephialtes by the instrumentality of Aristodikos of Tanagra followed not long after. Such were the circumstances of the overthrow of the Areopagus.

26. After this the degradation of the constitution proceeded without intermission from the eagerness of politicians to win popular favour; and at the same time there happened to be no organizer of the aristocratic party, whose head, Kimon, the son of Miltiades, was too young\(^2\) for some years to enter

\(^1\) The proceeding imputed to Themistokles seems to be an instance of the form of public action called Ephegesis, for an explanation of which see the Appendix.

\(^2\) Weil proposes ἐνεὰνεπον, i.e., somewhat supine.
political life; besides which, their ranks were much devastated by war. Expeditionary forces were recruited by conscription; and as the generals had no military experience and owed their appointment to the reputation of their ancestors, each expedition entailed the sacrifice of 2,000 or 3,000 lives, chiefly of the noblest sons of Athens, whether belonging to the wealthy classes or to the commons.

Although in every department of political life obedience to the constitution was relaxed, yet the mode of electing the nine archons partly by vote was not abrogated; but six years after the death of Ephialtes it was enacted that a contingent of Zeugitai as well as of the two higher classes should be elected by vote to cast lots for the archonships, and the first Zeugites who held office was Mnesticheides (457 B.C.). Before him all the archons were either Pentakosiomedimnoi or Hippeis, and the Zeugitai were only appointed to minor magistracies, unless from time to time a deme broke the law.¹

Five years after, when Lusikrates was archon (453 B.C.), the thirty local judges² for the demes

¹ The words ὑπὸ τῶν δήμων seem to show that ὑπὸ τῶν δικαστῶν, which some have wished to alter, is the right reading in ch. 22.

² The word δικαστῆς here denotes not, as usually, the juror of the Heliaia, but a magistrate invested with jurisdiction.
were revived (ch. 16); and three years after, in the archonship of Antidotos (451 B.C.), on the motion of Perikles, a law was passed in consequence of the rapid multiplication of citizens, that no child should be qualified by birth for record on the civic roll unless both its father and its mother possessed the franchise.

27. After this, under the leadership of Perikles, who had already signalized himself in his youth by impeaching the accounts rendered by Kimon of his generalship, the constitution became still more democratic. He despoiled the Arcopagus of some remaining functions. It was principally he who impelled the country to make itself sovereign of the sea, and led the masses, elated by success, to grasp an ever-increasing monopoly of power. Forty-nine years after the sea-fight at Salamis, in the archonship of Puthodoros (432—431 B.C.), the Peloponnesian war began to run its course; and it was during this period that the commons, shut up in the metropolis and habituated by military service to live on public

This was not due to the fact that in trivial matters the Forty pronounced final judgment without the aid of a jury, and as if they themselves were jurors, but because the original meaning of the word dikastes in oligarchical times was the president of a tribunal. Thus the fragment of a Drakonian law says: \( \text{δικάζω} \ \text{δὲ} \ \text{τοὺς} \ \text{βασιλέας}, \ \text{τοὺς} \ \text{δὲ} \ \text{ἐφέτος} \ \text{διαγνώνα.} \) For the functions of the Forty, see ch. 52.
funds, resolved, in part by choice in part by con-
straint,\(^1\) to discharge the functions of executive in
person. Pay for service in the law-courts was
originated by Perikles, bidding by this measure for
the gratitude of the commons against the bid which
Kimon was enabled to make by his superior wealth.
For Kimon, with the revenues of a king, besides
discharging his public duties with magnificence,
maintained many of his municipality at his own
expense, keeping open house for all the deme of
Lakiadai; and left all his orchards unfenced so
that anyone who liked might go in and eat his
fruit. As he could not compete in such liberalities,
Perikles followed the counsel of Damon, son of
Damonides of Oia, reputed to be his political adviser
(for which reason he was afterwards ostracized), and
as his own means were inadequate, made a present
to the masses of what was already their own, by
establishing the system of payment for service in the
law-courts; the first step, as some think, in their
deterioration, as the lower stratum were always more
eager to cast lots for the function than people of
position. After this followed the practice of bribing

\(^1\) The commons may be said to have adopted a political
career partly by constraint, because they found that, in conse-
quence of the siege, the necessaries of life were unattainable,
unless they received payment for performance of functions as
jurors, ekklesiasts, or magistrates.
the jurors, an invention of Anutos after his command at Pulos; for when he was impeached for the loss of Pulos he bribed the chamber of jurymen and was acquitted.

28. So long as Perikles continued leader of the commons the management of public affairs was tolerable, but after his decease it much deteriorated. Now for the first time the commons adopted for their leader a man held in no esteem by honest citizens. In older times the chiefs of the commons were without exception men of respectable character. The most ancient of the list was Solon, the next Peisistratos, both of high birth and high distinction. After the fall of the despotism, Kleisthenes, a member of the Alkmaionid clan, succeeded and encountered no rival leader of the opposition after the exile of Isagoras. Subsequently the commons were led by Xanthippos, the higher orders by Miltiades. Then followed Themistokles and Aristteides, after them Ephialtes headed the commons, Kimon, son of Miltiades, the richer classes. Lastly Perikles represented the commons, and Thoukudides, related by marriage to Kimon, the opposition. After the death of Perikles the aristocratic party were led by Nikias, who died in Sicily, the popular party by Kleon, son of Kleainetos. He appears to have been by his incitations a most effective corrupter of the
commonalty. He was the first to bellow and scold on the tribunal, and made speeches in the garb of a working man,\(^1\) while the others had always regarded decorum. After these the one party were led by Theramenes, son of Hagnon, the commons by Kleophon, the musical instrument maker. He was the first who presented the populace with the theorikon, or two obols to pay for a seat at the theatre, and for a time had the credit of the dole,\(^2\) but was eventually outdone and supplanted by Kallikrates of Paiania, who increased the largess by another obol. Both these politicians were subsequently put to death, for generally when the masses have been misguided they learn in time to hate the authors of disgrace or disaster. From the epoch of Kleophon, without any intermission, the leadership passed successively to whoever was most reckless in courting the adhesion of the populace by sacrificing permanent interests to some immediate gratification. The most respectable of the Athenian statesmen in modern times were Nikias, Thou-

\(^1\) Or with his robes fastened or tucked up as if he were engaged in some manual labour.

\(^2\) As if the text was: διαδίδομενης ἕιδοκιμεν, or something equivalent. It is not certain that the dole in question is to be identified, as the English assumes, with the theorikon. It may be distinct from that as well as from the pay of the Ekklesiasts and Heliasts.
kudides, and Theramenes. About Nikias and Thoukudides people are nearly unanimous that they were men of honour and statesmanlike in their views, and ruled the state as a father rules a household. As to Theramenes, who lived in revolutionary times, opinion is more divided. According to the verdict of dispassionate judges, instead of being a traitor and renegade as his traducers allege, and having a hand in the overthrow of every form of constitution, he supported every form so long as its adherents were law-abiding, and he was ready to take a part in public life under any form, as patriotism enjoins; but so soon as the conduct of the partisans of any government became unconstitutional, he was ready to oppose them and incur their hatred.

29. As long as victory in the war hung in doubtful scales the constitution continued democratic, but when the Sicilian disaster gave a clear superiority to the Lakedaimonioi Athens was obliged, in order to obtain the assistance of Persia, to abandon democracy and substitute in its place the rule of the 400. The

1 The doctrine of non-abstention from political life, whatever the form of government, was not always recognised at Athens. After the fall of the 400, Demophantus, if we believe Andokides, passed a decree that any one who had held office under the 400 might be killed with impunity; and every citizen had to take an oath that if he had the chance he would do the deed with his own hand.
orator who prepared the public mind for the change was Melobios, the framer of the decree Puthodoros, son of Poluzelos, the cause of its adoption by the commons, their belief that the Persian king would be more easily induced to become their ally if their government were converted into an oligarchy. The effect of the bill of Puthodoros was as follows: The commons should elect, to take part with the existing ten probouloi, twenty other persons from the body of citizens more than forty years old, who, after taking an oath to propose the measures which they believed to be most expedient for the state, should draw up a plan for the salvation of the country; all others who wished should be entitled to make any written suggestions, in order that the commons, having all the projects before them, might adopt the best. So far Kleitophon agreed with Puthodoros, but to assist the commons in coming to a wise conclusion, he wished further to commission the constitution-framers to search out the old laws enacted by Kleisthenes when he founded the democracy, in the idea that the Kleisthenic constitution was no democracy, but something like the polity of Solon. The board when elected first brought in a bill making it compulsory on the prutaneis to put every proposition on the salvation of the country to the vote: next abolished all indictments for unconstitutional
motions, all impeachments of treason before the Senate or Ecclesia, and all citations on like charges before any magistrate; in order to encourage all Athenians to offer what advice they chose on the existing dangers; and enacted that whoever on the ground of such counsels fined any one or cited him before a magistrate, or brought him before a criminal court should be liable to information, and to be taken for summary process before the strategoi, who should deliver him to the eleven prison commissioners to be put to death. Next they enacted the following fundamental ordinances: It should not be lawful to spend the public revenue on any object but the conduct of the war; that during the war all magistracies should be unsalaried except the nine archons and the prutaneis,

1 This action was treated by the orators as a palladium of democracy. Alluding to this crisis Demosthenes says: ἀκούω δ' ἔγγει καὶ τὸ πρῶτον οὐτοῦ καταλυθῆναι τὴν δημοκρατίαν, παρανόμων πρῶτον γραφῶν καταλυθεῖσσαν, καὶ τῶν δικαστηρίων ἱκύρων γεγονότων. Timokrates, 154. For more on this action see ch. 40. For eisangelia, prosklesis, apagoge see Appendix.

2 Endeixis, the term used in the text, was the technical name of a public action brought against atimos for exercising functions only lawful to epitimos, e.g., holding office, speaking in the senate or ekklesia, suing in the Heliaia, appearing in the market-place. It was not initiated by summons: the penalty was in most cases death. But sometimes, as in the text, the word has a more general significance.
who should receive three obols (4½d.) a day. That absolute power should be committed to the citizens most able to serve the country by their persons and their substance, forming a body of not less than 5,000, so long as the war continued, with authority to make treaties with any foreign state; and, finally, that ten men above forty years of age chosen from each tribe should compose a catalogue of the 5,000, after swearing an oath solemnized with the sacrifice of full-grown victims.¹

30. Such were the ordinances of the thirty probouloi. As soon as they were ratified, the 5,000 elected out of their own body 100 persons, who were commissioned to construct the charter of the constitution. They framed and promulgated the following platform: A council should hold office for a year, consisting of persons more than thirty years old and unsalaried. These should include the generals, the nine archons, the hieromnemon,² the

¹ Oaths had various degrees of solemnity. An oath of the most solemn form was one sworn over full-grown victims. Another was one by the head of the swearer's children. In civil causes the evidence of a party was inadmissible except by consent, and the formula of the oath was prescribed by the party who was willing to accept the evidence of his adversary.

² The sacred recorder sent with the pulagoras or deputy to the Amphictuonic council.
taxiarchs,1 the hipparchs,2 the phularchs,3 the commandants of fortresses, the ten treasurers of the sacred treasures of Athena and the other gods, the Hellenotamiai,4 the twenty treasurers of the other secular treasures who had charge of the funds, the ten hieropoioi,5 and the ten epimeletai.6 That all these officials should be appointed [by the council]7 by a double election; that is, by election from a number previously elected out of the members of the council. All other magistrates should be appointed by lot, and not from the body of the councillors. The Hellenotamiai, who handled the funds, should not form part of the council.8 In

1 The ten commanders of the tribal quotas of infantry.
2 The two commanders of cavalry.
3 The ten officers of the tribal quotas of cavalry.
4 The officers who collected the contributions of the smaller Greek states towards the war against Persia.
5 The inspectors of sacrifices.
6 Of what department does not appear. Curators of the Dionysia and the Mysteries are mentioned in chs. 56, 57.
7 The electors of these officials are not named; but from the next chapter it appears that at the outset, at all events, all magistrates were to be appointed by the council.
8 This seems to mean that, though selected from the 400 potential councillors, they were not to be admissible to the actual council of 100. Their functions must have been precarious after the Sicilian disaster, and were doubtless terminated by the downfall of the naval empire at Aigospotamoi.
the future four councils should be formed of members more than thirty years old, and cast lots for precedence in tenure of office; and, at every new sortition the groups should be formed of new combinations.¹ That the 100 members of the constituent board should divide themselves and the [300]² others into four groups, equal in weight³ as well as number, and cast lots to determine which should first hold office for a year. The council should take such measures as should seem to them best for the conservation and expenditure of the revenue and all other purposes; and if they should desire to deliberate in greater numbers, each councillor should join to himself any associate whom he chose under the same condition of age. The sessions of the council should be for five days at a time with intervals of five days,⁴ unless more frequent sessions should be necessary. The sortition of the council

They are not heard of after the restoration of democracy in the archonship of Eukleides, B.C. 403.

¹ Reading νείμαι δὲ δὲι ἀλλος πρὸς τὴν λήξιν ἐκάστην. The rule was doubtless a precaution against cabals.

² The end of the next chapter shows that 400 was contemplated as the permanent number of the council.

³ The superlative, ὡς ἰσοῖρα, shows that political weight and strength were to be considered. There could be no difficulty in securing absolute numerical equality.

⁴ Or, perhaps, once in four days.
should be superintended by the nine archons; their votings by five tellers taken by lot from the council, one of whom should be chosen by lot every day to be chairman and put questions to the vote. The five tellers should admit by decision of lot any persons who wished to have audience of the council, giving the first appointments to religion, the second to heralds [from states at war], the third to embassies [from states at peace], the fourth to any other business. Military matters should be introduced by the generals for debate as occasion required without casting lots. Non-attendance of a councillor at the council chamber at the appointed hour should entail a fine of a drachma per day, unless permission of absence should have been previously obtained.

31. This constitution was intended for future times: the following was intended to come into immediate operation. A council of 400 were to govern according to ancient precedent, forty of whom were to be selected from each tribe, out of a larger number previously selected by tribal voting from citizens above thirty years of age. The council was to appoint magistrates, formulate the oath they were to swear, and deal with the laws, with the accounts to be rendered by magistrates on laying down office, and all other matters as they might deem expedient. They were to observe the constitutional laws that
should be enacted and not abrogate or alter them. On this occasion they were to elect the generals from all the 5,000. Soon after its assumption of office, and after a review of the army, the council were to appoint a board of ten commanders with a secretary, who were to have autocratic power for the coming year, consulting the council when occasion required. The board should appoint one hipparch and ten phularachs; subsequently the appointment of such officers was to be made by the council according to the terms of the constitution.\(^1\) As to all other officials except councillors and generals, it should not be lawful for any of the 400 or any other person to discharge the duties of any high office more than once. When once the 400 had been formed into four groups for sortition, on subsequent occasions, to prevent the old members when on the council a second time from having the same colleagues, the constituent board of 100 should see that they were distributed so as to form new combinations.\(^2\)

32. Such was the constitution framed by the constituent board of 100 who were chosen for the purpose by the 5,000; and as soon as it had received

\(^1\) i.e., by a double election from members of the council, ch. 30.

\(^2\) Reading εἰς δὲ τὸν ἄλλον χρόνον, ὅταν νεμηθῶσιν οἱ τετρακώσιοι εἰς τὰς τέταρτας λήξεις, ἵνα μὴ τοῖς αὐτοῖς γίνηται μετὰ τῶν αὐτῶν βουλευέων, ἄλλως διανεμῶντων αὐτοὺς οἱ ἐκατον ἄνδρες.
ratification by the people on the question being put to their vote by Aristomachos, in the archonship of Kallias (July 412—July 411 B.C.), on the 14th of Thargelion or May, a month before it had completed its year of office, the senate of 500 was relieved of its functions; and the council of 400 assumed the reins of government on the 22nd of Thargelion. The senate of 500, selected by lot as successors to the last, would have entered on their office on the 14th of Skirophorion or June. Such was the mode in which the oligarchy was set on foot in the archonship of Kallias, about 100 years after the fall of the tyranny, principally by the agency of Peisandros, Antiphon, and Theramenes, men of illustrious birth and in high esteem for wisdom and justice. As soon as the government was established, the selection of the 5,000 proved to be nugatory, for the council of 400, with the ten autocratic commanders, entered the council chamber and took upon themselves the business of government. They sent an embassy to Lakedaimon with overtures to end the war on the basis of uti possidetis: but, as Sparta declined unless Athens abdicated the sovereignty of the sea, they had at last to abandon the project of pacification.

1 See ch. 55 where ὀμοσταί is opposed to ἐιδικὰ. It perhaps implies that several concessions had been made before the negotiators felt compelled to make a stand.
33. Four months was about the duration of the rule of the 400; and Mnasilochos, one of their number, was archon for two months of the year (411 B.C.), named after Theopompos, who was eponumos for the remaining ten. The defeat at the sea-fight of Eretria, followed by the revolt of the whole island of Euboia with the exception of Oreos, affected the Athenians more painfully than any previous disaster; for the products of Euboia were actually more important to them than those of Attica. Accordingly they deposed the 400, gave supreme power to the 5,000 citizens qualified by military service, and passed a decree that no magistracy should be salaried. The principal authors of the revolution were Aristokrates and Theramenes, discontented with the conduct of the 400, because they assumed authority to decide every question of themselves without asking for the sanction of the 5,000. Then followed, as is recorded, a period of excellent administration. It was a period of war, and military capacity was [not unnaturally] the title to political power.

34. Their rule was soon terminated by the restoration of democracy.\(^1\) In the sixth \(^2\) year after

\(^1\) On the return of the fleet from Samos after the victory of Kuzicos.

\(^2\) Reading with Kenyon ἐκτρο for ἐβδόμῳ.
the fall of the 400, in the archonship of Kallias of Angele (406—405 B.C.), after the naval victory of Arginousai, two faults were committed: the ten victorious generals were condemned to death collectively by a single vote, though some had taken no part in the action, and others, after the sinking of their own ships, owed their lives to being rescued by their neighbours.\footnote{The text betrays haste and want of revision. Only eight generals were indicted, and all of these had taken part in the engagement. Though eight were condemned only six were executed.} To this injustice the commons were impelled by orators who misdirected their indignation.\footnote{When he wrote this, did Aristotle remember that the principal instigator of the impulsive Demos was, if Xenophon speaks truly, the politician whose career he has defended, Theramenes?} Secondly, when the Spartans offered to evacuate Dekeleia and make peace on the basis of uti possidetis, though pressed by some of their counsellors to assent to the overtures, the majority followed the evil counsel of Kleophon, who came into the assembly intoxicated, wearing a breastplate, and said he would allow no peace to be made unless the Spartans surrendered all the cities they had occupied in the course of the war. Having acted unwisely in that conjuncture, no long time elapsed before they repented their rashness. The
very next year, in the archonship of Alexias, they were defeated in the sea-fight at Aigospotamoi, of which the sequel was the capture of Athens by Lusandros (16th Mounuchion or April), and the domination of the Thirty Tyrants. This came to pass in the following manner. One of the terms on which peace was concluded was that the ancient constitution should be re-established. By the construction they put upon these words the democrats tried to maintain the democracy; those who had been members of the political clubs or had returned from exile on the conclusion of peace desired to establish an oligarchy; and others who had been unconnected with the clubs though they belonged to families of distinction, desired to re-establish the old constitution.\(^1\) To this party

\(^1\) Instead of the word whose ambiguity gave occasion to dispute, we ought to have here a term defining precisely the meaning which the centre, if we may employ the language of continental politics, gave to the word ancient. The popular party, or left, held the term applicable to the existing constitution. The moderates, or centre, as appears from the next chapter, would go back to the constitution before Ephialtes; and we are told, ch. 29, that Kleophon, one of them, wished to restore the Kleisthenic polity; though it seems hinted that he mistook its character. The right, or oligarchs, perhaps would not go back beyond the code of Solon for their ideal. In *Pol.* 2, 12, however, Solon is described as the founder of δημοκρατίαν τὴν πάτρων as opposed to oligarchy:
belonged Archinos, Anutos, Kleitophon, Phormisios, and many others, but the principal leader was Theramenes. When Lusandros pronounced in favour of the oligarchical interpretation, the intimidated commons voted *nolens volens* for the re-establishment of oligarchy, adopting the motion of Drakontides of Aphidnai.

35. Owing their elevation to these circumstances, in the archonship of Puthodoros (404—403 B.C.), as soon as the thirty felt secure in their position, they dismissed from their thoughts all the resolutions respecting the character to be given to the administration. They chose 500 councillors and the principal magistrates out of a number previously selected from the 5,000, and associating with themselves ten commissioners of the Peiraeus and eleven prison custodians, and surrounded with 300 satellites armed with whips, they proceeded to maintain order in the city with a very high hand. At starting their conduct was moderate, and affected to aim at realizing the ancient institutions. The laws levelled by Ephialtes and Archestratos against the Areopagites were dislodged from the court of Areopagus: and the 400 seem to have aimed at something like the polity of Drakon.

1 Reading with Van Leeuwen ἐκ τῶν πεντακισεκαλίων.
2 Reading *πολιτεύμασιν* for *πολίταις*.
3 The promulgation of laws at Athens seems to have been
and some of Solon's ordinances, whose uncertain construction gave arbitrary power to the jurors were cancelled with the express purpose of correcting and illuminating the code. For instance, in order to shut the door against pettifogging and sycophancy, the power of testamentary disposition in the absence of legitimate children was made absolute and relieved of the provisos, a constant source of litigation, relating to madness of the testator, infirmities of age and feminine influence: and other branches of law underwent the same process. During the first period of their rule they really did what they professed, and only put to death sycophants and dishonest and mischievous demagogues; and the public looked on with delight, believing what was done was for the good of the country. As soon, however, as they felt themselves strong in their position, no citizens were safe from the strokes which they aimed even at those prominent by wealth, birth, or rank, from fear of an antagonist or desire of plunder; and no long space elapsed before they had put to death as many as 1,500.

by their record in the offices of the magistrates, Archon, King, Polemarch, &c., by whom they were to be administered. This custom will supply us with a ready-made division to be applied to the classification of judicial proceedings, civil and criminal. See Appendix.
36. When social order was at this low ebb, Theramenes, revolted at the scenes that were being enacted, urged them to end the career of lawlessness and admit honestly disposed citizens to some share of political power.\(^1\) At first they refused to listen, but when his remonstrances reached the public ear and obtained general assent, fearing lest he should put himself at the head of the commons and overthrow the oligarchy, they made a catalogue of 3,000 citizens, professing they were going to give them a share in shaping the destinies of the nation. Theramenes, however, still condemned their measures on two grounds: because while they proclaimed the intention of granting to the well-disposed some influence in public affairs they only enfranchised 3,000, as if that number marked the extreme limit of civic virtue: secondly, because they tried to combine two things that were mutually repugnant, the rule of violence and rule by consent of the governed.\(^2\) These protests were disregarded, and

---

\(^1\) For πράγματα in the sense of supreme power compare: 'Αλεξάνδρου γὰρ, ὑφ’ δὲ τὸ χαρίαν ἦν, ἀποθανότος Νικαιας δὲ τῆς ἐκείνου γυμνῖς ἐπὶ τῶν πραγμάτων γενομένης, καὶ φιλανθρωπίας τῶν Ἀκροκόρων. . . . Plutarch, *Atatos*, 17.

\(^2\) A differentia, according to common ideas, of the king and the tyrant is said, *Pol.* 8, 10, to be, that the king is weaker than his subjects, the tyrant stronger. Applying this principle to the other forms of government the Athenian
the promulgation of the catalogue of the 3,000 was continually postponed, and the names of those they had selected for association in power were kept a secret in their own bosoms, or, if from time to time instalments of the lists were published, they perpetually cancelled names originally introduced and substituted others originally excluded.

37. After winter had set in and Phule had been seized by Thrasuboulos, and the attempt to dislodge him proved unsuccessful, the Thirty determined to disarm the population and disembarrass themselves of Theramenes. This they did in the following manner. They introduced two bills for the assent of the council, one of which gave the Thirty absolute power over the life of any citizen not included in the catalogue of 3,000, while the other excluded from political rights all who had had a hand in destroying the fortress of Eetioneia or opposed the 400, the founders of the last oligarchy. As Theramenes was guilty of both these offences the effect of the ratification of the bills was to exclude him from the franchise, and empower the Thirty to put him to death. His execution was followed by the disarming of all the population except the 3,000, oligarchs probably admitted that an executive more powerful than all the unofficial members of a State is inconsistent with any of the normal types of polity.
and an exacerbation of the crimes and cruelty of the Thirty. They sent an embassy to Lakedaimon with accusations against Theramenes and a request of assistance: in response to which the Spartans sent Kallibios as commissioner to restore order with about 700 troops, who on their arrival occupied and garrisoned the Acropolis.

38. The exiles in Phule afterwards seized Mounuchia and defeated in battle the army of the Thirty who attacked them. The defeated troops effected their return to the city, but in consequence of the disaster assembled the next day in the market-place, declared the Thirty to be deposed, and elected ten citizens with autocratic power to bring the war to a close. When the Ten were established in office they neglected the object which they were commissioned to accomplish, and sent an embassy to Lakedaimon to ask for aid and borrow funds. Rousing thereby the indignation of their countrymen who were invested with the franchise, and fearing to be deposed, in order to overawe the others (an object in which they succeeded) they arrested Demaretos, one of the most distinguished, and put him to death; and continued a reign of terror in which they had the co-operation of Kallibios and the Peloponnesians who were present and a portion of the Equestrian order, for some of these were among the most
resolute in attempting to prevent the return of the exiles from Phule. When, however, the exiles made good their position in the Peiraeus and Mounuchia, and, joined by all the commons from the city, were proving their superior strength, the 3,000 deposed the first appointed Ten, and appointed a second board of the same number, composed of the best and wisest that could be found, under whose tenure of office, and by whose co-operation and strenuous efforts the belligerents were reconciled and democracy was re-established. The most prominent chiefs of the Ten were Rhinon the Paianian and Phatillos the Acherdousian. Before the arrival of Pausanias they negotiated with their countrymen in Peiraeus, and after he arrived were zealous in helping forward the restoration. For the actual conclusion of peace and reconciliation was managed by Pausanias the Spartan King and the ten Reconcilers, who afterwards, in compliance with his request, were despatched from Lakedaimon, Rhinon and his colleagues earned praise for their loyalty to the democracy, and, though elevated to power under an oligarchy and bound to render an account of their trust to a democracy, found no accuser either among those who staid in the city or among those who returned from Peiraeus; and indeed Rhinon was immediately afterwards made a general.
39. Peace was concluded in the archonship of Eukleides (403 B.C.) on the following terms: Every Athenian who during the war staid in the metropolis, if he wishes, may transfer his residence to Eleusis, without losing his franchise or proprietary rights or the enjoyment of his revenues, and invested with autonomous power at Eleusis.\(^1\) The temple of Demeter at Eleusis shall be of common access to both parties under the hereditary custody of the Kerukes and Eumolpidai. The residents at Eleusis shall not visit Athens, and the residents at Athens shall not visit Eleusis, except at the celebration of the Mysteries, greater and lesser.\(^2\) The residents at Eleusis shall contribute from their revenues to the federal fund\(^3\) like the residents in Athens. Any emigrant to Eleusis who takes a house shall first obtain the assent of the owner; if they differ on the terms, each shall choose three valuers, and the price fixed by the valuers shall be paid. Only those Eleusinians whom the residents permit shall remain at Eleusis. The registration of intending emigrants at present in Athens must take place within

---

\(^1\) Reading αὐτοκράτορες Ἀθηναῖς.

\(^2\) Reading with Hude ἐκάτερος.

\(^3\) i.e. to the Peloponnesian confederation. This explanation is due to M. Reinach, author of an elegant French translation of the Papyrus.
ten\textsuperscript{1} days of taking the oath of pacification, their emigration within twenty days: the registration and migration of intending emigrants at present abroad shall be within similar intervals after their return to Athens. No emigrant to Eleusis shall hold any magistracy in Athens before he is again registered as resident in Athens. Trials for homicide in accordance with the ancient laws shall only be held of persons who have killed with their own hand. [Other] past offences shall not be remembered against any one, except against the Thirty and the board of Ten and the eleven prison commissioners and the ten governors of Peiraeus; and not against these if they submit to render an account of their tenure of office. Accounts shall be rendered by those who ruled in Peiraeus to persons rated as resident in Peiraeus, and by those who ruled in Athens to those rated as resident in Athens.\textsuperscript{2} Those who have rendered such accounts shall be permitted forthwith to migrate. The funds borrowed towards the prosecution of the war by either

\textsuperscript{1} Reading δέκα with Van Leeuwen.

\textsuperscript{2} Reading: \textit{ἐν τοῖς ἐν τῷ ἀστεῖ τὰ τιμήματα παρεχομένωι}. There are other instances of a certain qualification being required from jurors. Offences against the Mysteries could only be tried by jurors who had been initiated; and military offences by jurors who had served in the same campaign as the accused. Both the reading, however, and the meaning are open to doubt.
party shall be paid exclusively by the party who borrowed.

40. The terms of the pacification not allaying the fears of those who had fought on the side of the Thirty, many of whom intended to secede to Eleusis, though with natural procrastination they deferred registering to the last days permitted by the law; Archinos, observing how numerous they were and wishing to stop the exodus, suddenly curtailed the time allowed for registration, and thus compelled many to stay in Athens against their will, until at last they discovered that their apprehensions were unfounded. A second measure of Archinos which gained further applause was his impeaching as unconstitutional\(^1\) the proposal of Thrasuboulos to confer citizenship on all who joined in the return from Peiraeius, some of whom were notoriously slaves. On a third occasion, when one of the

\(^1\) Graphe paranomon was an action that belonged to the jurisdiction of the Thesmothetai. It might be instituted against the carrier or proposer of an illegal psephism or law, and could only be brought within a year of the alleged offence. Illegalities might be material or formal. There was a material illegality in a psephism that was contrary to an existing law; in a law that was proposed without a previous proposal of the abolition of any former law with which it was inconsistent. There was a formal illegality in proposing any measure to the ekklesia without previously
returned exiles attempted to violate the amnesty, he arrested him and took him before the Senate, and persuaded them to put him to death without a trial, telling them the hour had come when they must show whether they meant to save the democracy and obtaining a probouleuma of the senate; in advocating a law of which a draft had not been exposed in public near the statues of the tribal heroes; in bringing a law into the ekklesia before it had been examined by a board of nomothetai; in proposing a measure affecting exclusively an individual or a class without previously obtaining permission at an ekklesia where 6,000 voted; in proposing to restore the privileges of the disfranchised (atimoi) or remitting the obligation of a state-debtor without first obtaining from the sovereign assembly a grant of impunity (adeia). A peculiar incident of the graphe paranomon was the suspension of the operation of the indicted psephism or law, if it had been already carried, by the prosecutor making an oath (υπωμοσία) in the assembly that he intended to institute this proceeding. Hence hupomosia, which generally means an application for extension of time or postponement of a trial, acquires the special meaning of a graphe paranomon. A brilliant specimen of a speech for the defence in such an action is the *De Corona* of Demosthenes.  

1 For the proceeding called apagoge, see Appendix. Without a trial means without a trial in the Heliaia: for at this period the Senate had judicature and power of life and death, cp. 45. In the law by which he created the plea or exception (παραγραφή) of Amnesty, Archinos, for obvious reasons, enacted that the accused who pleaded the exception should speak before the prosecutor, Isokrates Callimachos, 9 K. 1: a rule subsequently extended to all exceptions. Meier, 4, 6.
abide by the oaths they had sworn: if they acquitted this offender, they would encourage others to commit the same offence: if they put him to death, all the rest would take warning from his fate. And so it came to pass, the man was put to death, and no one afterwards attempted to violate the amnesty. In various other measures, both public and private, they seem to have shown much virtue and wisdom in the way they faced the disasters which had befallen them. Besides passing the act of amnesty, they paid the debt to Lakedaimon incurred by the Thirty for the purposes of the war out of the public funds, although by the capitulations the two parties, those of the city and those of Peiraeus, were each to meet their own liabilities. They deemed such a step to be an appropriate inauguration of the era of concord, whereas in the history of other states, far from contributing from their own pockets to aid their opponents to pay their debts, we see the commons when victorious enrich themselves by a redistribution of the land of the vanquished. A final reconcilia-

1 It was probably admitted that by the international law of the day the restored democracy was bound to satisfy Sparta for the debts incurred by the de facto government, its predecessor. The generosity of the victorious democrats consisted in their not recovering this expenditure from the defeated oligarchs.

2 Reading with Jos. Mayor ὁμίχλος ὅτι.
tion¹ with those at Eleusis ensued in the third year of the emigration in the archonship of Xenainetos (401 B.C.).

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

The first constitution was that created by the first consolidators of the scattered forces of Attica, Ion and his companions, who were the authors of the aggregation of the demes into four tribes and the institution of the tribal kings.²

The second order of things and the first essentially³

¹ The leaders of the party, as Xenophon informs us, were invited to a conference and massacred; the rest were induced to return to Athens. Hellenika, ii. 4, 43.

² This seems to mean that the integration of the four tribes into a single state and the reduction of certain petty sovereigins to tribal kings was the work of Ion.

³ Reading πρώτη μετὰ ταύτην εἴδος ἔχουσα πολιτείας τάξις, i.e. this was the first form of government specifically different—different in kind—from the primary type. With εἴδος ἔχουσα compare the Aristotelian expression εἴδοποιός διαφόρον. The writer might have said: πρώτη μετὰ ταύτην εἴδοποιόν διαφόραν ἔχουσα.
altered position of sovereign power was the constitution under Theseus, a slight departure from the autocratic type of monarchy.

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

The third type followed after civil dissensions, and consisted of the institutions of Solon, containing democracy in embryo.\(^1\)

The fourth was the usurpation of Peisistratos.

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

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

The seventh the constitution initiated by Aristeides and completed by Ephialtes, when he overthrew the council of Areopagus, signalized in the course of its history, under the evil guidance of demagogues, by many errors on the part of the commons, who rose to supreme power in consequence of Athens acquiring the sovereignty of the sea.\(^2\)

---

\(^1\) In *Politics* 2, 12, Solon is defended against the charge of being responsible for the extreme form of democracy (later writers would have called it ochlocracy) which subsequently arose.

\(^2\) Reading ἐπικρατοῦντος τοῦ πλῆθους διὰ τὴν τῆς θαλάττης ἀρχῆν.
The eighth form of government was the oligarchy of the 400.

The ninth the restored democracy.

The tenth the tyranny of the Thirty and the Ten.

The eleventh, the type which was instituted after the return from Phule and the Peiraieus, and which has continued for the last three-quarters of a century with a constantly augmenting absolutism of the commons.¹ For in every department the commons have assumed supreme and immediate direction,²

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

² Aristotle says, Ethica Nic. 3. 3, that the executive (τὸ προαιρομένον) is the real seat of sovereignty (τὸ ἐγκύρον), and points by way of illustration to the early monarchies. The methods by which the Athenian demos made itself effectively the executive and the immediate director of policy were principally five. 1. The lot by which all offices, except military commands, were distributed, was a security that on an average
partly through the legislature and partly through the judicature, in which they are uncontrolled. The transfer to the commons of the judicial functions that belonged to the senate appears indeed to have been an advantage, for a smaller number is more easily corrupted by greed or partiality. Pay for the performance of legislative functions was at first repudiated, but when it was found that non-attendance of the commons at the ecclesia frequently allowed measures to be carried by the propertied classes, Agurrhios, in order to induce the masses to determine by their votes all matters in issue, began (about 400 B.C.) by bestowing one obol for attendance. Herakleides of Klazomenai surnamed the king all functionaries were mere mediocrities and therefore readily amenable to control. 2. The dokimasia excluded from office all but partizans of democracy. 3. The co-operation of the Senate, itself an ultra-popular body chosen by lot, was necessary to most magisterial functions, ch. 49, and left the functionary little scope for the exercise of independent judgment. 4. The ecclesia in every prutany, that is ten times in the year, considered whether any magistrate should be suspended and impeached for maladministration. 5. The law courts which tried every magistrate at the conclusion of his office were so many popular assemblies in which the demos of the ekklesia re-appeared in the form of from 500 to 1,500 jurors. With all these means of imposing his will upon his servants the demos had fairly made himself in all but appearance administrator as well as legislator.

1 Reading πολλά ψηφιζομένων τῶν ἐπιφανῶν.
doubled the dole, and finally (392 B.C.) the same Agurrhios raised it to three obols.  

42. The present state of the constitution is as follows: Citizenship is a right of children whose parents are both of them citizens. Registration as members of a deme or township takes place when eighteen years of age are completed. Before it takes place the townsmen of the deme find a verdict on oath, firstly, whether they believe the youth to be as old as the law requires, and if the verdict is in the negative he returns to the ranks of the boys. Secondly, the jury find whether he is freeborn and legitimate. If the verdict is against his freedom [or parentage] he appeals to the Heliaia, and the municipality delegate five of their body to accuse him [of servile or alien status]. If he is found by the jurors to have been illegally proposed for the register, the state sells him for a slave; if judg-

1 In later times, ch. 62, it was 9 obols.

2 If both parents were Athenians, the child though illegitimate (nothos) was apparently a citizen, and admissible to the demic register, though perhaps not to a phratry or genos. But in this case the defect might be cured by adoption (ποιήσις, θέμα). At all events it is certain that a citizen could not be sold as a slave. The offspring of an Athenian and a free foreigner would be free, but, after the Periclean law, not a citizen, and could not be made such by adoption, for only Athenians could be adopted. Even he, though rejected by
ment is given in his favour, he must be registered as one of the municipality. Those on the register are afterwards examined by the senate, and if any one is found not to be eighteen years old a fine is imposed on the municipality by which he was registered. After approbation they are called Epheboi or cadets, and the fathers of all who belong to a single tribe hold a meeting, and after being sworn, choose three men of the tribe above forty years of age whom they believe of stainless character and fittest for the superintendence of youth, and out of these the commons in ecclesia select one superintendent for those of each tribe, and a governor of the whole body of cadets from the general body of Athenians. These take them in charge, and after first visiting with them all the temples, march down to Peiraieus, where they garrison Mounuchia and Akte. The commons also elect two gymnastic trainers for them and persons who teach them to fight in heavy armour, to draw the bow, to throw the javelin, and to handle artillery. Each of the ten commanders receives as pay a drachma per diem, and each of the

the demic vote (diapsephisis) was not, it seems, sold as a slave unless he persisted in attempting to get on the civic register, and, on appeal from the verdict of the municipality, was condemned by the Heliaia.

1 The north and south harbours.
cadets four obols. Each commander draws the pay of the cadets of his own tribe, buys with it the necessaries of life for his section, for they mess together by tribes, and purveys for all their wants. The first year is spent in military exercises. The second year the commons meet in the theatre, and the cadets, after displaying before them their mastery of warlike evolutions, are each presented with a shield and spear, and become mounted patrols of the frontier and lodge in the fortresses. They perform garrison service for two years,\(^1\) wearing the equestrian cloak and enjoying immunity from other civic functions. During this period, to guard their military duties from interruption,\(^2\) they can be parties to no action either as defendant or as plaintiff, except in suits respecting inheritance, or heiresses, or successions to hereditary priesthoods. When the two years are completed they fall into the ordinary

---

\(^1\) It is not clear whether these two years included the year spent at Peiraeus or were additional to it. The former is the common view, and agrees with the strictest interpretation of our text. Aischines, however, states that he himself served as peripolos for two years. He therefore would be ephebos for three years. This was perhaps something exceptional.

\(^2\) This clause of the version, which was at first ventured to bridge a lacuna, has since been justified by the discovery of Blass that the true reading of the papyrus is: \(\text{ινα \ μὴ πρόφασες \ γῆ τοῦ ἀπίναι.}\)
body of citizens. So much for registration on the civic roll and the military training of youth.¹

43. All magistrates that have to manage ordinary business are appointed by lot, except the treasurer of the military chest, the disburser of the theatrical dole, and the curator of fountains.² These are appointed by open election, and hold office from Panathenaic festival to Panathenaic festival, i.e. from the first of Hekatombaion, or mid-July, to the middle of the fourth following July. Open election is also—the mode of appointment to military command.

The senate of 500 is appointed by lot, fifty being taken from each tribe. The Prutany or Presidency is held in turn by each tribe in the order determined by lot: the first four prutanies lasting for thirty-six days each, the last six for thirty-five. For the number of days it takes the moon to make twelve revolu-
tions is their measure of the length of the year.³

¹ With this we may compare the two years' course of training of English officers for the line and the scientific corps of the army, at Sandhurst and Woolwich, between the ages respectively of 17 and 23, and 16 and 20.
² Or as Mr. W. Headlam suggests, the minister of finance.
³ Instead of the number of days which it takes the sun to make an apparent revolution, i.e. to return to the same place in the zodiac. Thus their year only consisted of 354 days; and the error was corrected, and the months made to denote the same seasons, by intercalary years of thirteen lunar cycles.
The Prutaneis for the time being mess together in the Tholos or Rotunda, receiving an allowance from the state. They convene the senate and the commons, the senate every day excepting holidays, the commons four times in each prutany. They put out a program of the business to be transacted by the senate each day, and where it has to sit, and another for the ekklesia or assembly of the commons. At the first or stated session the commons vote on the conduct of the magistrates, on the supply of corn, and the defence of the country; they hear impeachments of officials for treason and listen to the recital of the register of confiscations and the list of

or 384 days, when the prutanesies consisted of thirty-eight and thirty-nine days.

1 The Tholos or Skias, the office of the Prutaneis and hall where they dined, is to be distinguished from the adjacent Prutaneion, the place where guests of the state, ambassadors, and distinguished citizens, e.g. priests of Eleusis, descendants of Harmodios and Aristogeiton, or Olympic victors, were entertained at the public expense. Both buildings lay to the north of the Acropolis. K. F. Hermann, Greek Antiquities, § 127.

2 Reading with Kaibel-Wilamowitz, ἐπὶ νου καθίζειν.

3 For ecisangelia, see Appendix.

4 For apographe, see Appendix. The list recited in the assembly may either have been (1) a list of actions proposing the confiscation of certain estates, or (2) a list of estates already confiscated. The latter recital would procure to Demos the satisfaction of knowing how much his revenue was augmented,
suits respecting inheritances and heiresses, so that no inheritance may be vacant without the cognizance of the commons. In the sixth prutany, besides the above-mentioned business, the question is put to the vote whether a case has arisen for applying the power of ostracism; \(^1\) and praejudicia \(^2\) against sycophants are heard, limited to three against Athenians and three against resident foreigners, and impeachments for non-fulfilment of promises made to the state.\(^3\)

The second session is assigned to supplications or

and would intimidate the enemies of his sway making them feel like the companions of Ulisses in the den of Cyclops, The former would give to creditors of the confiscated estates notice to put in their enepiskepsis or claim to be satisfied before the fiscus; and this seems the more probable interpretation.

\(^1\) As we are told that Huperbolos was (B.C. 417) the last victim of ostracism, we might have expected that this institution had disappeared after the archonship of Eukleides, B.C. 403. Indeed, after the Heliaia had functioned for a century and upwards, with the power of sentencing to death for almost any offence, it is hard to conceive that there could exist in Athens any citizen capable of giving umbrage to the democracy. Perhaps, however, the weapon was retained to be used if ever needed.

\(^2\) For probole see Appendix.

\(^3\) The proceeding in this case, founded according to Demosthenes, Leptines, 135, 498, on ancient law, was by eisangelia Timotheos, 67, 1204.
petitions, and gives an opportunity to all persons on depositing an olive branch upon the altar to petition the commons on any matter, whether public or private.

The third and fourth sessions are devoted to other business; and the law directs three audiences to be given to heralds and embassies, three debates to be allotted to religion, and three to secular matters.\footnote{Compare ch. 30; also Aischines, Timarchos §23, ἐπειδὰν τὸ καθάρσιον περιμενεῖθη καὶ ὁ κήρυξ τὰς πατρίους εὑρᾶς εὑξηται, προχειροτονεῖν κελεύει τοὺς προέδρους περὶ λερών τῶν πατρίων καὶ κήρυξι καὶ πρεσβείαις καὶ θύσιον.} Debates are sometimes permitted without previous vote on the probouleuma of the senate.\footnote{Procheirotonia is said by Harpokration to be a vote of the ekklesia whether a matter should be debated, or the probouleuma of the senate adopted as it stood.} Heralds and ambassadors are admitted to audience of the Prutaneis before they are introduced to the commons, and despatches brought by messengers are delivered into the hands of the Prutaneis.

\textbf{44.} A chairman of the Prutaneis is appointed by lot, whose office lasts a night and a day and cannot be held for a longer time nor more than once. He is custodian of the keys of the temples containing the public treasures and the public records,\footnote{These were kept in the Metron or temple of Demeter.} and keeps the public seal, and must stay in the Rotunda.
with a third of the Prutaneis, whom he chooses at will. On every convocation by the Prutaneis of the senate or commons, he appoints by lot nine Proedroi or Presiders, taking one from every tribe except the presiding tribe, and out of these selects by lot a chairman, and delivers to them the program of business for the commons. They receive it and superintend the order of business, propose the questions for deliberation, take the votes, supervise all other proceedings, and have power to dismiss the assembly. The chairmanship of the Proedroi cannot be held more than once a year; the function of Proedros may be discharged once in each prutany. The Proedroi conduct in the ekklesia the election of generals, hipparchs, and other military commanders, subject to the direction of the commons. The Prutaneis of the first prutany after the sixth in which the omens are favourable conduct these elections, which are preceded by a preliminary vote of the senate.

45. The senate in former times had authority to fine and imprison or put to death; but Lusimachos, who had been delivered by its order to be led away by the executioner, and was already bound and on the point of being executed, was rescued by Eumelides.

Reading with Jos. Mayor: ἀπαγαγεῖν παραδούσης τῷ δημίῳ, καταδεδεμένων ἡδη καὶ μέλλοντα ἀποθνήσκειν.
of Alopeke, who said it was not right that any citizen should be put to death except by judgment of a court of law; and on a trial in the Heliaia, Lusimachos was acquitted, and was afterwards surnamed the unbastinadoed. On the same occasion the commons deprived the senate of the power of death, imprisonment, and fine, and passed a law that if anyone should be sentenced or fined by the senate, the sentence or fine should be brought by the Thesmothetai before the Heliaia, and the judgment of the jurors of that court should be final. The judgment upon the administration of most magistrates, particularly of those who handle money, appertains to the senate, but is not final, being subject to appeal to the Heliaia. Any magistrate may be impeached 1 before the senate by a private person for violating the law, but can appeal to the popular court if condemned by the senate. The scrutiny of the qualifications 2 of the senators for the following year and of the nine archons also belongs to the senate. In former times its finding of disqualification was final, but now there is an appeal to the people in the Heliaia. Here, then, the senate has only subordinate authority. It has to pass a previous vote on all motions to be brought before the commons;

1 For eisangelia, see Appendix.
2 For dokimasia, see Appendix.
and without a previous vote of the senate and introduction into the program by the Prutaneis no motion can be put to the vote of the commons, and neglect of either of these requirements renders an orator who carries his motion liable to an indictment\(^1\) for violating the law of procedure.

46. The senate has the supervision of triremes and naval stores and dockyards; and builds new ships, either triremes or quadriremes,\(^2\) as the commons may vote, and provides new stores and dockyards. The choice of naval architects is a business of the commons and made by open voting. If the senate fail to deliver the ships duly finished to their successors they forfeit the donation of a golden crown, which is not received till their successors are in office. They provide for the construction of new triremes by appointing ten ship-builders from the general body of Athenians. The senate is inspector of all public edifices, and if it discovers any offence denounces the offender to

---

\(^1\) For graphe panomemon, see note to ch. 40.

\(^2\) This omission to mention quinquiremes proves, as Mr. Cecil Torr has pointed out, that the treatise before us was published before 325 B.C., when quinquiremes began to be built. Mr. Kenyon had observed that the mention of Kephisophon as archon eponumos in chapter 54 shows that it was written after the year 329–328 B.C. Aristotle died in the year 322 B.C.
the ekklesia, and on a provisional finding\(^1\) of his guilt transmits the case to the Heliaia.

47. The senate is associated with most of the functions of other magistrates. There are the ten treasurers of Athene appointed by lot, one from each tribe, to be taken exclusively from the Pentacosimoedimnoi by Solon’s law which is still in force, but the office is really held by anyone on whom the lot falls, whatever his census. They assume the custody of the statue of the goddess, the Victories, the other works of art, and the treasures; all which are delivered to them in the presence of the senate.

Then there are the ten sale commissioners, appointed by lot, one from each tribe, who lease all the undertakings that are to be leased, and sell the right to work the mines. They ratify in the presence of the senate, conjointly with the treasurers of the military chest and the commissioners of the theatric fund, the grant of the right to collect the taxes to the persons whose tenders are accepted by the senate, and both the leases of mines for a term of three years, and the licences to . . . . . . for three years; and

\(^1\) It is not clear what the proceeding was; perhaps eisangelia. A psephism of Kannonos is mentioned by Xenophon, *Helenica* I. 7, 20, which required a person accused of wronging the state (*ἐὰν τις τῶν Ἀθηναίων δήμου ἄδικον*) to be arraigned in the ekklesia and held by persons on both sides (*διειλημμένος*) while he made his defence.
sell the estates of fugitives from the court of Areopagus, and the property of state debtors, always in the presence of the senate and with the ratification of the nine archons. They register on white tablets the taxes that are sold for a year, with the name of the purchaser and the price to be paid, and deliver the tablets to the senate. They register on ten different tablets the payments to be made in each prutany, and on other tablets the payments to be made three times a year, each instalment on its own tablets, and on other tablets the payments to be made in the ninth prutany. They also record the lands and houses confiscated and sold by direction of the Heliaia and themselves conduct the sale. The prices of houses are to be paid in five years, those of land in ten, and the payments are made in the ninth prutany. The king-archon delivers to the senate, recorded on white tablets, the leases which he has granted of the sacred groves. The leases are for terms of ten years, and these payments also are made in the ninth prutany, so that most revenue

1 At the Areopagus the accuser and accused were both allowed to make two speeches. After the first speech the accused was allowed to withdraw into voluntary exile (δρασκάζειν). His goods were then confiscated. οἱ ποληταὶ πιπράσκοντι τὰς τῶν Ἐκ Ἄρειον πάγου μετὰ τῶν πρῶτον λόγων φυγώντων οὐσίας. Pollux, 8, 99.

Reading τρὶς τοῦ with Kaibel-Wilamowitz.
reaches the treasury at this period. The tablets specifying the payments that are due are deposited in the senate house in the custody of the public slave, and when a money payment is made he hands to the receivers for cancellation only the very coupon\(^1\) payable on the day, and keeps the others back, so that they cannot be cancelled before they are paid.

48. There are ten receivers appointed by lot, one from each tribe. They take the tablets in the senate house in the presence of the senate, cancel the sums that are paid, and restore the tablets to the public slave. They record any default in payment and the senate enforce by imprisonment payment of twice\(^2\) the sum in default, this power being given them by law. On a certain day\(^3\) the receivers receive the money and distribute it to the magistrates: on the following day they bring in a tablet on which the distribution is recorded and deposit it in the senate house. The senate receive any accusation of fraud against magistrates or private persons in connection

---

\(^1\) Reading with Kenyon's second edition: \(\text{αὐτὰ ταῦτα καθ’ ἐκαστὰ τῶν ἐπιστολῶν.}\) Were the coupons called \(\text{ἐπιστολία}\) from some resemblance to panels of an architrave, or were they, as the reading of Kenyon's third edition, \(\text{καθέλων ἀπὸ τῶν ἐπιστολῶν,}\) seems to imply, hung upon, or pigeon-holed in, the architrave?

\(^2\) Reading with Van Leeuwen \(\text{διπλῶν ἀνάγκη.}\) See ch. 54. It is not clear what day is meant.
with the distribution, and vote in condemnation or acquittal.

They also appoint by lot out of their own body ten auditors\(^1\) to audit the accounts of the magistrates in every prutany and ten euthunoi\(^2\) one from each tribe, with two assessors to each. At the period when official accounts are rendered\(^3\) the euthunoi must sit at the statue of the Eponemos hero of each tribe, and if any one chooses within three days from the time when any magistrate has rendered his accounts in the Heliaia to require a further account, civil or criminal,\(^4\) he writes on a whited tablet his own name, that of the accused, the offence he charges, and the penalty he claims, and delivers the tablet to the euthunos. The latter, if on hearing the statement of the facts he is of opinion that the charge is well founded, when the suit is civil, delivers it to the local judges who introduce the suits of the tribe;\(^5\) when it is criminal,

---

1 To be distinguished from the logistai mentioned in ch. 54.
2 It is impossible to translate the names of officials with such exceptional functions. On the precise duties of officials like these, learned conjectures inevitably missed the mark before the recovery of this treatise.
3 Reading with Van Herwerden: ἀναγκαῖον ἐστι ταῖς εὐθύναις.
4 Reading with Gerz: ἀν τε ἰδιαν ἀν τε δημοσίαν.
5 Comparing this passage with τοῖς τὴν φυλήν τοῦ φεύγοντος δικάζοντι, ch. 53, and with τοῖς τὴν φυλήν δικάζοντι, ch. 58, we see that δικάζειν in those two passages expresses the function
inscribes the record in a list for the Thesmothetai. If the Thesmothetai receive it, they bring the accounts of the accused again before the Heliaia, and the judgment of the Heliaia is final.

49. The inspection of cavalry horses is a work of the senate. If a cavalry soldier with an allowance\(^1\) for his horse’s keep starves his horse he is mulcted of the allowance. A horse that cannot gallop or is too refractory to stand still is branded with a circle on the jaw\(^2\) as disqualified. They review the guides and reject incompetent horsemen. They inspect the foot soldiers intended to move with cavalry and reject the unserviceable. The cavalry are levied by ten recruiters elected by the ecclesia. These deliver the recruits to the hipparchs and phularchs, who take them before the senate. There they open sealed tablets which contain the names of the cavalry, cancel the names of those already on the list, who declare on oath\(^3\) that they are disabled by of the magistrate, not of the juror; and that if plaintiff and defendant belonged to different tribes, the suit was deemed to belong to the tribe of the defendant.

\(^1\) Reading with Wyse κατάστασιν ἔχων.

\(^2\) Reading with Wyse and Van Leeuwen: τοῖς δὲ μὴ δύναμαι τρέχειν ἢ μὴ θέλουσιν εἰς τάξει μένειν ἀναγώγοις οὗτοι τροχῶν ἐπὶ τὴν γνάθον ἐπιβάλλουσι. Compare the terms ἱππότροχος and τρυφίππιον.

\(^3\) Exomosia is the technical term for declining a public function. It was also applied to the oath of a witness who
bodily infirmity from serving; summon the new levies, and dismiss those who declare on oath that they are disabled from serving by bodily infirmity or want of means. The senate then pronounce on the fitness or unfitness for service of those who do not swear to their incapacity; and those whom they pronounce to be fit are enrolled, those whom they pronounce unfit are dismissed.

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

The examination of the claims of cripples belongs to the senate, for a law directs that all who have less than three minas of revenue and are crippled and disabled from maintaining themselves by any occupation shall be examined by the senate, and allowed two obols a day from the public funds; and appeared at a trial and declared his entire ignorance of the matter on which his testimony was required. Ch. 55.
a paymaster for this purpose is appointed by lot. The senate is also associated in most functions of other magistrates: but such is an enumeration of their principal duties.

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

It is also their duty to hinder scavengers from discharging sewage within ten stadia of the city wall, and to prevent people from encroaching on the streets by erecting buildings on them or by projecting verandahs or balconies over them, or by discharging water from gutters on the roof upon them, or by constructing windows to open outwards into them: and they provide for the interment of the destitute who die within the precincts of the metropolis,\(^1\) for which purpose they have the assistance of subordinates paid by the public.

\(^1\) Reading ἐντὸς ὕπαινος for ἐν ταῖς ὁδοῖς. Compare Isokrates,
51. Sortition is the mode of appointing ten market overseers, five for Peiraeus, five for the metropolis, who are directed by law to supervise all commodities offered for sale, and see that they are pure and unadulterated.

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

Ten corn-wardens used to be appointed by lot, five for Peiraeus, five for the city; now there are twenty for the city, fifteen for Peiraeus; whose functions are to see, firstly, that the unground corn is offered for sale in the market without fraud; secondly, that the price asked by millers for barley-meal corresponds to the price of barley, and that the price asked for bread by bakers corresponds to the price of wheat; and that loaves have the weight which they have prescribed, for the weight of loaves is by law to be fixed by the corn-wardens.

Ten mart-commissioners are appointed by lot to supervise the mart or emporium, and compel the

Aρεωπαγιτικα, 150 b: ὣστε καλλίους εἶναι τὰς οἰκήσεις τὰς ἐπὶ τῶν ἀγρῶν ἢ τὰς ἐντὸς τεῖχους. The demarch had to see that every one who died in a deme was duly buried, Demosthenes, Makartatos, § 58. The astynomoi seem to have had the same functions in Athens and Peiraeus.
importers of corn to convey two-thirds of all that reaches the corn-exchange to the market of the metropolis.

52. The appointment of the eleven gaol-commissioners is by lot. Their duties are to have charge of the prisoners; to put to death all thieves, kidnappers, and highway robbers brought before them for summary process\(^1\) if they confess; to bring them before the Heliaia if they plead not guilty;\(^2\) discharge them if they are acquitted, put them to death if they are convicted. They bring before the Heliaia claims for the confiscation of lands or houses in the possession of private persons, and if they are pronounced by the jurors to be confiscated, deliver them to the sale-commissioners. They also bring informations before the Heliaia, for this is a function which they share with the Thesmothetai.

Sortition is the mode of appointing five introducers, one for every two tribes, who introduce

\(^1\) For apagoge, apographe, and endeixis, see Appendix.

\(^2\) A writer in the Quarterly Review of April suggests that the alternatives are not confession and a plea of not guilty, but the unanimity and disagreement of the judges. This, however, is inconsistent with Lysias adversus Andocidem, § 14, and Æschines in Timarchum, § 91; where nearly the same expressions are used, and the contrast is clearly between the pleas of guilty and not guilty.
monthly suits to the court; suits, that is to say, that must be decided within a month from their commencement. Monthly suits are brought to recover a marriage portion if the husband refuse to restore it, or money lent above the sum of ten drachmas,\(^1\) or relate to a market business carried on with borrowed stock,\(^2\) or to assault and battery,\(^3\) or to friendly societies or subscriptions,\(^4\) or to disputes

\(^1\) Reading with Van Leeuwen ὑπὲρ δέκα δραχμάς and comparing ch. 53.

\(^2\) In Demosthenes aphorme is the capital of a sleeping partner in a bank; but some other business is here intended, as banks are mentioned below.

\(^3\) It may seem strange that an action \textit{ex delicto} should be mentioned without remark among a number of actions \textit{ex contractu}, and it has been proposed instead of \textit{aikeitas} to read ἐπιοποικά, which are ranked by Pollux and Harpokration among monthly suits; those, however, are perhaps omitted from the list before us because they belonged to the jurisdiction of the Thesmotheitai, ch. 59. The litigation of Trierarchs is mentioned here, although it belonged to the jurisdiction of the Strategos, ch. 61. Possibly the Strategos had only to superintend the more important cases of trierarchal litigation—antidoseis and diadikasiai.

\(^4\) Eranoi were of two kinds: (1) permanent associations, chiefly for convivial purposes, combined usually with the worship of some deity, in which case eranistai were called thiasotai. They had their organization and officials, archerianistes, tamaia, grammateus, sundikos, hieropoios, &c., and occasionally misappropriations of subscribed funds. (2) Friendly subscriptions for some temporary purpose: \textit{e.g.}, to
arising out of partnership, or to slaves, or to beasts of burden, or to trierarchies, or to dealings with bankers. The introducers have jurisdiction in these cases and introduce them as monthly suits to the Heliaia. Suits by or against farmers of the taxes are dealt with by the receivers, who are final judges up to the value of ten drachmas, and above that value introduce them to the Heliaia with the condition that judgment is rendered in a month.

53. Sortition is the mode of appointing forty municipal judges, four from each tribe, who give leave to enter other private suits for trial in the order decided by lot. Originally (ch. 16) they were thirty, and went on circuits through the municipalities to try their suits; but after the oligarchy of the Thirty their number was raised to forty. Up to the value of ten drachmas they are final judges; when more than this value is at stake they hand over the case to the arbitrators. These take it in hand and, if they cannot reconcile the disputants, deliver judgment; and if both parties agree to abide

enable a man to dower his daughter, to pay a fine, or to ransom him from the enemy. His obligation to repay when he could was rather moral than legal, but sometimes led to litigation. Aristotle alludes to such cases, Eth. Nic. 8, 13. In Plato's Dorian polity such litigation is not permitted, Laws 11, 915.

1 Here again διάδειμα denotes the competence of the magistrate, not the functions of the jury.
by their decision, there is an end of the suit; but if either party appeals to the Heliaia, the arbitrator casts the depositions, challenges,\(^1\) and laws appealed to by plaintiff and defendant into two caskets, which he seals up, appending a record of his decision, and delivers to those [four of the forty municipal] magistrates who have competence in the suits of the defendant’s tribe.\(^2\) They receive the caskets, bring

\(^1\) Proklesis was of various kinds: it sometimes was a challenge to produce a document that a copy might be taken. Such a challenge was in writing and attested, that in case provocatus refused compliance, arguments might be founded on his refusal at the trial. Or it was a challenge to admit the evidence of witnesses who were not admissible without the assent of the adversary (see Appendix on oaths). Or a challenge to the adversary to submit his slaves to be tortured (**ἐξαυτεῖν**), or an offer of provocans to submit his own slaves for torture (**παραδίδωνα**. See Appendix). Prosklesis (summons) is entirely different, though the words are sometimes confounded in MSS.

\(^2\) This shows that the range of the arbitrator’s competence, a point which has hitherto been uncertain, was coextensive with the jurisdiction of the Forty. Unfortunately the latter is not defined. It does not appear that the arbitrator was taken from the tribe of either litigant. His appointment to arbitrate in any given case was probably by lot. Appeal to the Heliaia only applies to these public arbitrators. The decision of a private arbitrator selected by the parties was not subject to appeal. From Kenyon’s third edition it appears that the square brackets in the translation may now be removed.
them into the Ἑλιαΐα; if the value in dispute is less than 1000 drachmas, before 201 jurors; if above 1000, before 401. No law, deposition, nor challenge may be produced at the trial unless produced before the arbitrator and deposited in the caskets. Arbitrators must be sixty years old, and their age is ascertained by the archon eponumos and age eponumos under whom they are inscribed on the civic list. For in addition to ten eponymous heroes of the tribes there are forty-two age eponumoi. The names of the cadets when enrolled among the citizens used to be inscribed on white tablets, and above their names were inscribed the archon eponumos of the current year and the age eponumos

1 It appears from the text, which is the only account we have of them, that the age eponumoi was a cycle of forty-two mythical heroes, who corresponded to forty-two years in the calendar, and denoted forty-two years of an individual's life, i.e. those from his nineteenth to his sixtieth inclusive. A citizen owed forty-one years of military service to his country, i.e. those from his nineteenth to his fifty-ninth inclusive. In his sixtieth year he was liable to perform the public service of acting as arbitrator. This year was connected in the calendar with the name of the age eponumos who had been associated with his name when he was enrolled as a youth on the civic list. It seems, then, that the name superscribed over that of the new citizen when he was entered on the civic roll was the name of the age eponumos of the year preceding the year of enrolment.
ARISTOTLE'S CONSTITUTION OF ATHENS 101

who had designated the arbitrators of the preceding year.¹ Now they are inscribed on a brazen pillar, which stands before the senate house near the statues of the tribe eponumoi. The names of the citizens who [forty-two years previously, when they were eighteen years old], were inscribed under that of the age eponumos who marks the now current year [who consequently are now in their sixtieth year], are ascertained by the forty municipal judges, who thereupon distribute among them by lot the cases for arbitration, and every one of them must arbitrate the cases so assigned. For whoever fails to arbitrate when he is of proper age incurs by law the penalty of infamy, unless he happen to hold some other office during that year or to be out of the country, for then he is excused from acting as arbitrator. Impeachment before the [board of] arbitrators is the remedy for a wrong inflicted by a single arbitrator;²

¹ Here the age eponumos is signified by the appellation of arbitrator in a given year; just as, vice versa, in the next line the arbitrators for a given year are signified by the appellation of the age eponumos. This community of appellation between an ideal hero and a class of real individuals seems to be the proper meaning of eponumia.

² Bergk's hypothesis (Dem. Meidias) that there was a board of arbitrators presided over by a prutanis, who received impeachments of any single arbitrator, and in turn were subject to an appeal to the Heliaia, seems a satisfactory explanation of this passage.
and if he is convicted he is infamous, but he may appeal to the Heliaia.

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

54. Sortition is also the mode of appointing the following officials: five road makers, whose duty is, with the help of workmen provided by the state, to keep the roads in repair; ten accountants and ten advocates, to whom those who have held office must deliver their accounts; for they alone\(^1\) examine them and introduce the audit to the Heliaia. If they give convincing evidence of theft, the jurors find the official guilty of theft, and he has to pay ten times the amount he has appropriated; if they give evidence of corruption and the jurors convict, they estimate the bribe and the official has to pay ten times the amount; if they convict of malversation\(^2\)

---

\(^1\) This seems intended to distinguish these officials from those who made financial statements prutany by prutany to the senate, ch. 48.

\(^2\) Little is known respecting this offence. It seems to mean some misapplication of public funds. Plutarch couples
they assess the damage caused by the malversation, and the official has to pay the single amount, if he pays before the ninth prutany, otherwise the amount is doubled; the tenfold penalty is never doubled.

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

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

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

Sortition\(^1\) appoints ten sacrificers called extraordinary, who perform the atonements commanded by oracles, and, when favourable omens are required, are associated with the prophets in taking omens.

Sortition\(^1\) appoints another board of ten sacrificers the three offences of the text, theft, corruption, and malversation, in his life of Perikles.

\(^1\) Reading \(\kappa\lambda\rho\omicron\upsilon\sigma\iota\).
called annual, who superintend certain sacrifices and all quinquennial festivals except the Panathenaia. The quinquennial festivals are the mission to Delos (to be distinguished from a Delian festival held in Athens which is septennial), the festival of Artemis at Brauron, the Herakleia, the Eleusinia and the Panathenaia;¹ no three of which are allowed by a law passed in the archonship of Kephisophon² (329—328 B.C.) to be held in the same year.

Sortition is the mode of appointing a governor of Salamis and a demarch for Peiraeus, who superintend the Dionysian festival at those places, and appoint choragoi to bear the expense of the choirs. In Salamis the name of the governor is also recorded in public inscriptions.

55. Such is the list of magistracies appointed by lot, and such the functions they have to discharge. The original mode of appointing the nine archons has already been described³ (chs. 3, 8, 22,

¹ Reading with Van Leeuwen: τετάρτη ὕΕλευσίναια, πέμπτη δὲ Παναθήναια.

² Mr. Kenyon has pointed out that the treatise before us, as it names this eponemos, cannot have been written before 329 B.C.

³ Six modes, as Mr. Kenyon has observed, of appointing the archons may be traced in this treatise, which deserve recapitulation, as they present in miniature a picture of the evolution of Athenian democracy.

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

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

The first five modes were subject to a property qualification. ¹ Regarded from the side of the birth qualification or hereditary principle; in view not only of the slaves, who formed three-fourths of the whole population, but also of the domiciled
deme? Who was your father's father? Who was your mother? Who was your mother's father? What was his deme? He next asks whether the candidate has an Apollo Patroos or ancestral Apollo, and a Zeus Herkeios or household Zeus, and where their sanctuaries are. Thirdly, whether he has any family tombs, and where they are. Fourthly, whether he treats his parents with due reverence, whether he has paid all his taxes, and whether he has duly served all his military service. Having asked all these questions the president says: Call witnesses to prove your assertions; and after he has produced his witnesses, the president asks: Does any one desire to accuse this candidate? If an accuser appears, the president grants permission to accuse and reply before he takes the show of hands in the senate or the vote by ballot in the courts of law; if no one intends to accuse he immediately takes the vote, and in former times only one person cast his vote; but now all are required to exercise their vote, in order that if an objectionable candidate has contrived to silence all accusation, the jurors may still have an opportunity of rejecting his foreigners, who formed one-third of the free residents; the constitution of Athens, it has often been observed, presents the features of a very narrow aristocracy or oligarchy rather than a democracy.
claims.\(^1\) Having successfully passed their scrutiny, the candidates for office ascend the stone altar where the victims are sacrificed\(^2\) in the market-place near the king's colonnade, where the arbitrators take an oath before delivering their award, and witnesses declare on oath their ignorance of the matters they are called to attest.\(^3\) Ascending this they swear to administer justly and in accordance with the laws, to receive no bribe to influence their conduct, and, if they take a bribe, to consecrate to the gods a golden statue of their own stature.\(^4\) After thus swearing at this altar they take the same oath at the Acropolis and then enter upon their functions.

\(^1\) It seems that an official career would be pretty effectively closed by this ordeal against any one suspected of entertaining oligarchical opinions.

\(^2\) Reading with Bergk ἐφ οὕτω τῷ τῷ ὑπὲρτον.

\(^3\) A witness who was summoned was bound to attend at a trial, and then either to give evidence or to declare on oath his total ignorance of the matter on which his depositions were wanted (exomosia). If he failed to appear or take such an oath, he was liable to be sued for damages, (Dike blabes): if he had promised to give evidence he could be sued for breach of promise to testify (lipomarturiou). In criminal causes a witness who failed to appear after a second summons by the crier (ἐκκαλεύουσις) incurred a penalty of 1,000 drachmas.

\(^4\) Supplying from Plutarch ἴσομετρητον, as without some such condition the sanction would be nugatory.
56. The archon, the king, and the polemarch each choose two assessors at their discretion, whose qualifications, however, must be examined in the Heliaia before they begin their functions, and who have to render an account of their office when it terminates.

On assuming office the archon makes a proclamation that whatever rights any citizen had before the archonship began he shall continue in the possession and exercise of them until it comes to an end. Next he nominates three choragoi for tragedians, choosing the wealthiest from the general body of citizens. In former times he used also to nominate five choragoi for comedians, now they are appointed by the tribes. Then he convokes the choragoi nominated by the tribes for the dithyrambic choruses of men and boys at the Dionusia or the comic choruses, or for the dithyrambic choruses of men and boys at the Thargelia. (At the Dionusia there is one choragos appointed for each tribe, at the Thargelia one for two tribes provided by each tribe in turn.) He superintends their antidoseis or challenges to other citizens to exchange estates or undertake the burden,¹

¹ He who thought that a liturgy imposed upon him for his riches—a choragia, a gymnasiarchia, a trierarchia, a proeisphora (advance of income-tax for the poorer members of his summonia)—would be more justly imposed on a neighbour
and introduces to the court of Heliaia their claims of exemption, if any of the nominated choragoi alleges that he has already performed this duty or that he has performed a similar duty and that his term of exemption is unexpired, or that he is disqualified by age as not being forty years old. For the choragos of a boys’ chorus must have passed his fortieth year. He further appoints choragoi for the sacred mission to Delos, and nominates the chief of the mission who accompanies the band of youths on the thirty-oared vessel which takes them to Delos. He superintends the procession to Asklepios when the initiated pass the night in the temple, and the procession of the greater Dionusia. Herein he is associated with ten curators, who used to be elected by the commons, and whom he named, had to hand to him, certified by oath, an inventory (apophasis) of his estate with all its claims and liabilities, and receive a similar statement from him. The person thus challenged might either undertake the liturgy, or exchange estates (antidosis) with the challenger, who in this case continued burdened with the liturgy. If he took neither of these steps a diadikasia under the hegemony of the archon or strategos came before the Heliaia, and the heliasts had to decide the issue on which of the two litigants the liturgy was incumbent.

1 Reading with Kenyon’s second edition ἐὰν τις ἡ λειτουργηκὼς φῇ πρῶτερον ταῦτην τὴν λητουργίαν ἢ ἀτηλῇς εἶναι λητουργηκῶς ἑτέραν λητουργίαν καὶ τῶν χρόνων αὐτῷ τῆς ἀτελείας μὴ ἔξεληλυθότων.
to defray the expenses of the procession out of their own pockets; but now are appointed by lot, one from each tribe, and receive one hundred minas for expenditure on the apparatus. He also superintends the procession of the Thargelia and the procession of Zeus the saviour, and presides over the contests at the Dionysia and Thargelia. So much for the festivals that he superintends. He grants permission to institute, conducts through the preliminary investigation, and introduces into the Heliaia criminal and civil suits on the following causes of action:—

1. Ill-treatment of parents (in this suit the prosecutor incurs no penalty); 2. ill-treatment of an heiress (this lies against her guardians and the members of the household); maladministration of the property of an orphan (this lies against his guardians); lunacy (this

---

1 It is certain that originally the magistrates were final judges (see ch. 3); but when they had no judicial qualifications, being appointed by lot, and were liable to impeachment for their decisions, it was well for them that their judicial functions were transferred to the jurors of the Heliaia, who, being appointed by lot, were equally incompetent, but were not liable to appeal or impeachment.

2 The penalty of vexatious litigation in civil causes was epobelia or forfeiture of one-sixth of the sum in litigation by the plaintiff who obtained less than one-fifth of the juror votes: in criminal causes under the same circumstances the forfeiture of 1,000 drachmas by the prosecutor. See Appendix.
is maintained when a man is charged with being out of his mind and bringing his patrimony to ruin; dissolution of community of goods (when a plaintiff desires to discontinue the joint enjoyment of property); appointment of guardians, competition for guardianship; production of a will for ascertainment of the testator's dispositions; rival titles to inheritance; rival titles to the hand in marriage of an heiress. The archon is charged with the care of orphans, heiresses, and widows, who at the time of their husband's death profess to be with child, and can either fine or bring before the Heliaia those who do them wrong. He leases the houses and lands of

1 Possibly the litigation was between people who wished to decline the office of guardian.

2 Harpokration quotes this treatise as attributing to the jurisdiction of the archon the suit eis ἐμφανῶν κατάστασιν for the production or exhibition of documents or other moveables: and it may be conjectured that he found those words in this chapter. That suit, however, is essentially of a subordinate character, and would not belong to the exclusive competence of any magistrate, but to the competence of whatever magistrate presided over the principal suit for the purpose of which the production of a document might be required. If it was a will or a settlement of dower that was wanted for inspection the archon would have competence, but hardly otherwise. The text then may have been something like the following: eis ἐμφανῶν κατάστασιν εἰ τι φησί τις τὸν κύριον αὐτὸν ἔγγραψαι, i.e., for discovery of a document to see whether it contains any express provision by a person authorised to make it.
orphans and heiresses... and takes security for the rent from the lessees, and if a guardian neglect the sustentation of an orphan or heiress, he exacts performance of the duty. So much for the functions of the archon.

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

The suits which he gives permission to bring are

1 Apotimema was the name of the land mortgaged by the lessee of an orphan’s estate as security (hypotheca) for the rent, or by the husband as security for the restoration of the dower of his wife.

The archon had jurisdiction in all litigation arising out of family law—i.e., the law of marriage, divorce, adoption, guardianship, succession, testamentary and intestate, &c. The merest outline of these topics would require a long essay; and the student who desires some insight into this side of Athenian life must seek information from other sources.

2 In September and February.

3 In January.
indictments for sacrilege, claims of succession to a priesthood, rival claims of clans or priests respecting sanctuaries,¹ and all indictments of homicide. He it is who issues the proclamation excommunicating the homicide. Homicide with malice aforethought is tried in the Areopagus, including homicide by wounding, by administering poison, by fire: these are the only indictments tried by the court of Areopagus. Involuntary homicide, attempts to commit homicide, and homicide of a slave or foreigner, domiciled or undomiciled, are tried in the Palladion. Homicide avowed and alleged to be lawful, as of a surprised adulterer, or in war of a friend mistaken for an enemy, or of an antagonist in an athletic contest, is tried in the Delphinion [or shrine of the Delphic Apollo]. If an exile for an involuntary homicide has not yet obtained permission from the relatives of the deceased to return,² and is charged with another

¹ The term διαδικάζει here and δικαζεῖ at the end of the chapter apparently express jurisdiction, not the power of deciding without the intervention of a jury. Perhaps in the Areopagus the king, like Athena in the Eumenides, acted both as introducer and (when he laid aside his crown) as juror. The laying aside of the crown is mentioned by Pollux, who seems to confine it to trials in the Areopagus.

² The author of unintentional homicide was obliged to go into exile for some term, perhaps a year (ἐπειναιτισμός), unless the relatives of the slain consented to an earlier return.
homicide or wounding, he is tried at Phreatto. He pleads from the deck of a vessel brought to land. The jurors¹ are appointed by lot, except in cases before the Areopagus. The king is the introducer of indictments. The court sits by night² and in the open air, and when the king takes his place among them, he lays aside his crown. The accused at all other times is excluded from temples and may not even set foot in the market-place; but when on his trial enters the temple to make his defence. If the name of the homicide is unknown the indictment is prosecuted in general terms against the unknown author.³ The king-archon and the tribal kings have competence in indictments of lifeless objects and of the brute creation.

¹ Harpokration says that the jurors in all four courts, Palladion, Delphinion, Phreatto, Prutaneion (where lifeless objects were tried), were called ephetai (perhaps the name would mean aimers or conjecturers). He says they were fifty-one in number and had aristocratic qualifications (ἀριστότινὴν). There was certainly once a court so named; but we know not how long it survived into the democratic ages. In a trial at the Palladion (Isokrates, Kallimachos) the great number of jurors (700) points to the ordinary Heliasts. If, however, the ephetai were mentioned by Aristotle, the lacuna in the present sentence is the most likely place.

² Reading σκοραίοι with Sandys, who quotes Lucian for the fact.

³ See Plato, Laws, 9, 874.
58. The polemarch supervises sacrifices to Artemis the Huntress and to Enualios, manages the funeral games for those who fall in war, and sacrifices to the manes of Harmodios and Aristogeiton.

Private suits which he gives permission to bring are those to which the defendants are domiciled foreigners, privileged foreigners, or foreign consuls. These he takes and divides into ten batches which he assigns by lot to the ten tribes, and the municipal judges of

1 This seems to be the only case where the magistrate who accepted or refused the record of an action (ληξεις) was not the same as the magistrate who had the other element of jurisdiction, hegemony of the law court (εἰσαγωγή). The Polemarch had the former, the Forty the latter. The reason is not far to seek. The jurisdiction properly belonged not to the whole Forty but to the Four assigned to the tribe to which a suit belonged. A defendant metoikos being tribeless his opponent plaintiff would not know to which body of Forty he should have recourse. He therefore has to apply to the Polemarch, who gives the suit a tribe by the process of sortition. He however retains under his own hegemony whatever suits relate to family law. The text enables us to emend a locus conclamatus of Pollux, 8, 99: Read καὶ διανέμων τῷ λαχὼν ἑκάστῃ φυλῇ μέρος, τάλα μὲν διανοηταίς παραδίδωσιν, εἰσάγετε δὲ αὐτὸς δίκας κ.τ.λ. The statement would be inaccurate, for it was the demic magistrates, not the polemarch, who distributed the causes to the arbitrators, but may have been accurate enough to satisfy Pollux. If we denote by the term Personal forum the magistrate designated for jurisdiction by the personal status of a litigant, and by Real forum the magistrate whose jurisdiction is determined by the
the tribes hand them over to the arbitrators. He himself introduces into the Heliaia suits against freedmen for neglecting their duty to their manumitters, against domiciled foreigners for having no patron, and suits of such persons relating to succession

subject matter of litigation, the following seems the result in Attic law:

Public or criminal actions have only a Real forum, and it makes no difference whether the accuser or accused is a citizen or alien, except that an alien cannot institute a political prosecution. Civil actions founded on family law have a Personal forum: either the archon or the polemarch has jurisdiction according as the plaintiff is a citizen or an alien: whether the defendant is a citizen or a foreigner is immaterial.

Civil actions founded on other than family law have a Real forum: the nature of the right litigated determines what magistrate has competence, subject to the following proviso. If the defendant was a foreigner the polemarch had jurisdiction for the first step of procedure (Ἀγείς): but as soon as he had assigned a tribe to a suit it passed into the hands of another forum—the demic judges and arbitrators. It should be observed that the word "defendant," which is used in the translation, does not represent any equally explicit term in the text. In some actions, such as emporikai and metallikai, the polemarch did not intervene even to this slight extent.

1 The freedman after manumission was supposed to owe a great debt of gratitude to his late master, and was under various legal obligations to him, the nature of which is unknown, which could be enforced by a civil action, causing in some cases a return into slavery.

2 The foreign resident who had not chosen (φιλευ, ἐπιγρά-
or heiresses; and whatever else the archon manages for citizens the polemarch manages for aliens.

59. The Thesmothetai have authority to make a program of the sessions of the law courts, and deliver it to the magistrates who take it for their guidance.

They introduce into the ekklesia impeachments of treason\(^1\): they bring before the Helliaia all censures of magistrates\(^2\) and praejudicia of the ekklesia\(^3\); all indictments of the authors of unconstitutional laws or psephisms,\(^4\) or measures adverse to democracy,\(^5\) all suits relating to a proedros or a president of the proedroi, and audits of the accounts rendered by military commanders. They sanction indictments of some citizen as his patron to represent him in all legal matters, was subject to a criminal prosecution.

\(^1\) The Thesmothetai seem to have taken charge (εἰσαγγελλοντες) of an eisangelia addressed to the ekklesia. What part they played is not known. The correction εἰσάγουν is scarcely admissible, as that term seems to relate exclusively to the Helliaia.

\(^2\) The Katakheirotoniai seem to be the result of the epicheirotoniai mentioned in chs. 43 and 51, votes of the ekklesia on motions charging magistrates with misconduct.

\(^3\) For praejudicia see Appendix on probole.

\(^4\) For graphe paranomon see ch. 40.

\(^5\) A measure that could not be assailed by graphe paranomon might be impeached as tending in its remoter consequences to weaken the democracy. From Demosthenes, Timokrates, § 33, it appears that the full expression was: μή ἐπιτηδείων τῷ ἰδίῳ τῷ Ἀθηναίων.
for which a deposit called parastasis¹ is required, such as indictments of an alien for usurpation of the franchise,² for bribery to procure acquittal from a charge of usurping the franchise, for sycophancy,³ for corruption, false registration in the list of debtors,⁴

¹ Unfortunately we have no information as to the limits of the class of public actions in which the sum called parastasis had to be deposited. Those which are here enumerated seem to be political in character, i.e. aimed at offences not immediately injurious to individuals so much as to the state.

² This action apparently would include the appeal (ch. 42) from the diapsephesis of the municipality against the claims of a candidate for admission to the civic roll. In the legislation of the archonship of Eukleides (B.C. 403) the law of Perikles requiring citizenship of both parents was relaxed in favour of all born before that date. The Sicilian disaster had made it desirable to increase rather than diminish the number of citizens.

³ Sycophancy was extortion by bringing or threatening to bring civil or criminal actions. To judge by the number of forms by which the sycophant could be prosecuted—graphe, eisangelia, probole, phasis—there was a serious effort made to suppress this evil. The penalties of epobelia in civil actions and 1,000 drachmas in criminal prosecutions would serve the same purpose.

⁴ This was brought against the Praktores (leviers of debts due to the fiscus) or the treasurers of the sacred chests, for false inscription of a person's name in the lists kept on the acropolis of debtors to the state or the divinities. If found guilty the official was condemned to pay the sum with which he had unjustly charged the prosecutor.
false summons,\textsuperscript{1} wrongful non-removal from the list of debtors,\textsuperscript{2} non-registration of a debt to the state\textsuperscript{3} and for adultery. They also introduce into the Heliaia trials of the qualification of magistrates, appeals of candidates for inscription on the civic roll against the decision of the demes,\textsuperscript{4} and appeals from condemnation by the senate.\textsuperscript{5} They moreover introduce private suits relating to commerce\textsuperscript{6} or to

\textsuperscript{1} This action lay against the kletores who had falsely sworn that they were witnesses to the service of summons (prosklesis) on the defendant in any action.

\textsuperscript{2} This unmeaning name apparently denotes the action that lay against a praktor or tamias for non-removal of a person's name from the list of debtors to the state or a temple after the debt had been extinguished. Like the cognate action of pseudegraphe, it is open to doubt whether its nature was civil or criminal. The context seems to indicate the latter character.

\textsuperscript{3} Agraphion was apparently the name of the action that lay against the praktor or tamias who had omitted to register the name of the debtor to the fiscus or a sanctuary. It might also be brought, so it seems, against the debtor.

\textsuperscript{4} See ch. 42.

\textsuperscript{5} See ch. 45.

\textsuperscript{6} Emporikai, like metallikai, was a generic name of causes, i.e. each included a number of specific actions, e.g. ἐμπορική βλαβὴς, ἐμπορικὴ ἐγγύης, &c. Emporikai had to be decided within a month, and gave the plaintiff this advantage, that the defendant, if condemned, had to give security for payment of damages or was committed to prison.
mines, and indictments of slaves who slander free-men. They distribute by lot among the magistrates the chambers of civil and criminal judicature. They ratify conventions with foreign states on the procedure to be observed in litigation with foreigners, and introduce suits founded on such conventions, and indictments of perjury sent down from the Areopagus.

1 Metallikai are supposed by Boeckh to have been monthly suits. They might be civil or criminal. An example of a criminal suit was δίκη ἀναπογράφου μετάλλου, non-registration of a mine with a view to defrauding the state of the royalty of one twenty-fourth of the produce. Demosthenes, Pantainetos, mentions four grounds of a civil action: εἶν τις ἐξίλλη τινὰ τῆς εργασίας, ἀν τυφή τις, ἀν ὅπλα ἂπιφέρη, ἀν ἐπικατατέμνῃ τῶν μέτρων ἑντὸς, i.e. ejectment, molestation of galleries by smoke, armed violence, encroachment.

2 Treaties with foreign states, determining the rules by which controversies between their citizens should be decided in the forums of either state, were the beginnings of private international law; but could only continue in force so long as the contracting parties, either by power or favouring position, were more or less equal.

3 An action for perjury or false testimony could be instituted, even when it caused no injury and did not determine the decision of a suit: for instance, it might be brought by the party who gained his cause. In Plato's Dorian polity notice of intention to sue for false testimony had to be given before the conclusion of the principal suit in which the false witness was borne, Laws, 11, 937; a rule perhaps borrowed from Attic law. In civil actions pecuniary damages for false witness were assessed by the jury, who could add, as a further
The nine archons and their secretary join in appointing the jurors of the Heliaia, each of them casting the lots for his own tribe. So much for the duties of the archons.

60. Sortition appoints ten judges of competitions, one from each tribe, who, after scrutiny of their qualifications, hold office for four years; and at the Panathenaic festivals superintend the sacred procession, the musical competitions, the gymnastic contests and the horse-races; and in conjunction with the senate supervise the weaving of the sacred Peplos, and the fabrication of the pitchers, and distribute to the victorious athletes the oil from the sacred olives. The archon levies on the owners of the soil where the olives grow three-quarters of a penalty (prostimesis), the sentence of partial infamy. Three convictions of perjury carried *ipso jure* the penalty of total infamy. If the false testimony was borne in a criminal cause, the proceedings against the false deponent would also be criminal.

By the general rule that competence in a secondary action belonged to the magistrate who had jurisdiction in the primary action out of which it arose, perjury in the court of the Areopagus should have belonged to the competence of the king; why and when it was transferred to the Thesmothetai is not recorded.

¹ The sacred olive was apparently not a distinct variety of plant, but merely an olive supposed to be derived from a parent stock that grew on the Acropolis.
pint from the produce of each stem. In former times the state [was owner and] sold the olives [that were not required]: and whoever dug up or broke down a sacred olive tree was tried by the council of Areopagus and, if convicted, was sentenced to death: but now that the oil is paid as rent by the owners of the soil, although the law remains on the statute pillar it is a dead letter, for the trial is abolished. The olives that belong to the state are those that grow on the younger shoots, not those that grow on the stem. The archon after collecting the produce of his year delivers it to the treasurers of Athena to be stored in the Acropolis, and cannot take his seat in the council of Areopagus at the end of his year of office until he has made a complete delivery of the oil. The treasurers keep in the Acropolis, and at the Panathenaic festival measure it out to the Athlothetai or presidents, who distribute it in prizes to the competitors. The prizes given to the victors in musical contests are articles of silver and gold, in competitions respecting physical qualities they consist of shields,\(^1\) in athletic contests and horse-races of oil from the sacred olives.

61. Election by open voting is the mode of appointing to all military commands. Ten strategoi

\(^1\) See my edition of Aristotle’s Sophistici Elenchi, § 1. Note 3.
are now selected, not one from each tribe, as formerly, but, from the general body of Athenians, and assigned by election to special duties: one to the hoplites, who commands them on any expedition; one to the defence of the country, who commands in case of invasion; two to the Peiraeus, that is to say, one to Mournuchia and one to Akte, who command the Peiraeus and Chele; and a fifth to the Summorai, who makes a list of the trierarchs, manages their challenges to exchange estates with others alleged to be more liable to the burden of serving a trierarch, and introduces their suits into the Heliaia. The remaining four are employed on any service which the affairs of the country may demand. The commons vote on their conduct in every prutany, and if the vote is adverse, the censured general is tried in the Heliaia, and if found guilty, is fined or otherwise punished; if acquitted, retains his office. They have power in active service to put under arrest, to proclaim for misbehaviour, and to inflict a fine. A fine is unusual.

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

1 Reading χηλης with C. Torr, who identifies Chele with Eetioneia, which is called κηλη του Πειραιως, Thuc. 8, 90.
2 For antidosis, see note to ch. 56.
Election is the mode of appointing two hipparchs from the general body of citizens, each of whom commands the cavalry of five tribes, over whom they have the same powers as the generals over the infantry, and who, like the generals, are subject to votes of censure.

Election is the mode of appointing ten phularchs, one for each tribe, who command the tribal cavalry as the taxiararchs the tribal infantry. Election appoints the hipparch to Lemnos, who commands the Lemnian cavalry; and a treasurer for the sacred ships called Paralos and Ammonias.¹

62. Of the magistracies appointed by lot in former times the nine archons ² were appointed from the whole tribe: and those for which lots are now cast in the Theseion were appointed from the demes; but as the demes were found to be venal, these too are now appointed by lot out of the whole body of the tribe, except senators and dockyard guards, who are still appointed from the demes.

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

² Reading αἱ μὲν τῶν ἐννέα ἀρχόντων.
The salary of the ecclesiasts or commons is a drachma (9§₄d.) per day at the ordinary sessions, a drachma and a half at the stated sessions.¹ Jurors receive three obols a day; the senators five obols. The Prutaneis have an additional obol for their board.² The nine archons have four obols apiece for their board, and have board for a herald and fluteplayer. The archon of Salamis has a drachma per day. The Athlothetai dine in the Prutaneion in the month of Hekatombaion (July-August) once in four years when the greater Panathenaia are held, beginning on the fourth day. The Amphiktuons who are sent to Delos have a drachma per day from the revenue of Delos. Governors, sent to Samos, Skuros, Lemnos, or Imbros, receive an allowance for their board. A military command may be held more than once, civil magistracies only once, except the office of senator, which may be held twice.

63. Jurors are appointed by lot from each tribe by the nine archons and their secretary. There are ten entrances to the courts, one for each tribe; and twenty balloting urns, two for each tribe;

¹ As in ch. 41 three obols are named as the highest pay received by ekklesiasts, Weil suggests that these still higher sums were the pay of the proedroi.
² Omitting with Blass δίκα προστίθενται as a mere reduplication.
and one hundred boxes, ten for each tribe; and ten other boxes, one for each group or chamber, into which are cast the tablets of the jurors on whom the lot falls; and two vases; and as many [coloured] staves are placed at each entrance as there are jurors; and as many acorns are cast into one of the vases as there are staves, each inscribed with a different letter, L, M, N, &c., of which there are as many as there are courts to be filled on a given day.

All citizens are qualified to be jurors who are over thirty years of age and neither debtors to the state nor disfranchised. Whoever acts as juror without being qualified is brought by information before the Heliaia, and, if convicted, is sentenced to such imprisonment or fine as the court may think proper. If sentenced to pay a fine he is imprisoned until he pay the debt to the state for which he was impeached as well as the fine imposed by the court.

Every juror has a tablet of boxwood inscribed with his own name, his father's and that of his deme, and with one of the letters of the alphabet from A to K. For each letter of the first part of the

1 The word προστιμῶσι seems to be used instead of τιμῶσι because the sum in which the accused is condemned is additional to a former debt or disability.
alphabet, or group thereby distinguished, consists of ten approximately equal\(^1\) sections, one being taken from each of the tribes\(^2\); and as soon as the Thesmothetes has determined by lot the group that is to sit in each chamber, his attendant hangs the letter denoting the group on the door of the allocated chamber.\(^3\)

\(^1\) Reading παραπλησίως ἵσα.

\(^2\) Or: for the jurors of each tribe are divided into ten approximately equal sections, which are distributed to each of the groups denoted by the first ten letters of the alphabet.

\(^3\) The next chapters contained an explanation of the employment of the boxes, urns, letters, &c., and of the procedure in the Heliaia, and would doubtless have been very interesting; but, unfortunately, from the state of the papyrus they are illegible. I am unable to suggest an employment for each of the vessels that are mentioned, and must leave this puzzle to the ingenuity of the reader.