

THE CONSTITUTION OF THE ATHENIANS

- 1.1 As to the constitution of the Athenians, I give no praise to their choice of this form of constitution, because this choice entails preferring the interests of bad men to those of good men; this is why I do not praise it. But since this is their decision, I shall demonstrate that they preserve their constitution well, and manage well even the other things which the rest of the Greeks think are a mistake.
- 1.2 So, first of all, I will say this, that it seems fair enough that in Athens the poor and the common people should have more power than the noble and rich, because it is the common people who row the ships and so render the city powerful; indeed, the steersmen, boatswains, pursers, look-out men, and shipwrights render the city powerful, far more than the hoplites, the noble and the good. Since this is so, it seems fair that they should all share in the offices of state by the processes of lot and election, and that anyone of the citizens who wishes should have the right to speak.
- 1.3 Second, all those offices that bring safety to the state as a whole when they are well performed, danger when they are not, in these offices the common people do not require any share. They do not think that they should share in the generalship by having it allotted, nor in the cavalry command. For the common people recognise that they derive greater benefit by not holding these offices themselves but allowing the most capable men to hold office. But all those offices which involve the receipt of money and benefit for one's household, these the common people seek to hold.
- 1.4 Moreover, one thing that surprises some people is that they regularly distribute more to the bad, to the poor and to those sympathetic to common people, than to the good, but even here they can be shown to be preserving the democracy. For, if the poor, the members of the common people, and the worse do well and such people become large in number, they will increase the democracy. But if the rich and good do well, it is the element that is opposed to themselves that those sympathetic to the common people make strong. In every land the best element is opposed to democracy. Among the best,

there is least indiscipline and injustice, and most accurate knowledge of what is good. But among the common people are the greatest ignorance, ill-discipline, and depravity. For poverty tends to lead them into base behaviour, as do lack of education and lack of learning because of lack of money, at least in the case of some people.

- 1.6 Someone might say that they ought not to allow everybody to make speeches and serve on the Council, but only the cleverest and best. But in this too they are best advised, in allowing even the bad to speak. For if the good spoke and served on the Council, there would be excellent consequences for those like them, but not excellent consequences for those sympathetic with the common people. But now, when anyone who wishes gets up and speaks, some bad man, he discovers what is excellent for himself and those like himself. But someone might say 'How could a man like this recognise what is excellent for himself and for the common people?' The Athenians recognise that this man's ignorance and depravity and goodwill profit them more than the good man's ability, wisdom and ill-will.
- 1.8 Such a way of life could never produce the best city, but this is the way democracy would be best preserved. For the common people want not to be slaves in a city which has good laws, but to be free and in control – and they are not much worried if the laws are bad. For what you consider not having good laws, is in fact what enables the common people to be strong and free. But if you are looking for good laws, the first thing you will see is that the cleverest men make laws in their own interest; second, the good will punish the bad and the good will take counsel about the city and will not allow madmen to become members of the Council, nor to make speeches, nor to attend
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XENOPHON
(PSEUDO)
Constitution of the
Athenians
or
"The Old
Oligarch"

have hit him; for, so far as clothing and general appearance are concerned, the common people here are no better than the slaves and metics.

- 1.11 If someone is surprised at this, that they allow their slaves to live in the lap of luxury, and some of them indeed to live a life of real magnificence, this too is something that they can be seen to do with good reason. For where power is based on the navy, because of the need for money there is no choice but to end up enslaved to slaves, so that we can take a share of their earnings, and to let them go free. And where there are rich slaves, there is no longer any point in my slave fearing you. In Sparta my slave would have been afraid of you, but if your slave is afraid of me, he is quite likely to avoid personal danger by handing over some of his own money. This is why in the matter of freedom of speech we have put slaves on equal terms with free men, and metics with citizens, for the city needs metics because of all its skilled activities and because of the fleet. This is why it is reasonable to give freedom of speech to metics too.
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- 1.13 The common people have subverted those who spend their time in *gymnasia* or who practise music, poetry and drama; they consider that it is not a good thing because they know that they cannot practise these pursuits themselves. In the case of providing financial support for festivals, for athletics in the *gymnasia* and for manning triremes, they know that the rich pay for the choruses, while the common people are paid to be in the choruses, the rich pay for athletics and for triremes, while the common people are paid to row in triremes and take part in athletics. The common people think that they deserve to take money for singing and running and dancing and sailing in the ships, so that they get more and the rich become poorer. And in the lawcourts they put their own self-interest before justice.
- 1.14 Concerning the allies, and the fact that the Athenians sail out and bring vexatious charges at will against the good men and hate them – they recognise that the ruler is

- necessarily hated by the ruled, and that if the rich and good men in the cities become powerful, the rule of the common people of Athens will last only a very short time. This is why they deprive the good men of their citizen rights, take away their money, drive them into exile, and execute them, while increasing the power of the bad. The good men in Athens try to protect the good men in the allied cities, because they recognise that it is an excellent thing for themselves always to protect the best men in these cities. Someone might say that this is the basis of Athenian power, if the allies are able to contribute money. But those sympathetic to the common people think it even more of an excellent thing that each individual Athenian should have the allies' money, and that the allies should have just enough to live and work on, while being unable to plot against them.
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would be based on hope that the enemy would invade by land. But if they lived on an island, they would be fearless even on this count.

2.16 Since it has not turned out that they have lived on an island from the beginning, this is what they now do: they deposit their property in the islands, trusting their control of the sea, and turn a blind eye to the devastation of Attica, for they recognise that, if they are swayed by sentiment in this matter, they will be deprived of other and greater advantages.

2.17 Moreover, cities governed by an oligarchy must of necessity abide by their alliances and agreements. If they do not, or if some injustice is committed, then among so few the names of those who made the agreement are well known. But when the common people make any agreement, they can always fix the blame on the individual who proposed the measure or who put it to the vote, and the rest of them can deny responsibility, saying 'I wasn't there, and I don't approve of it', when they find that it was agreed at a full meeting of the common people. If they decide against the policy, they have countless reasons to hand for not doing what they do not want to do. And if a policy which the common people counselled then turns out badly, the common people accuse a few men of acting against their interest and destroying them, while if the policy succeeds they claim the credit for themselves.

2.18 But they do not allow public ridicule or abuse of the common people, because they do not like to hear themselves abused. If anyone wants to ridicule anyone, they

encourage him to attack individuals, because they are well aware that those who are ridiculed generally do not come from the common people or from the masses but are rich or noble or capable. A few of the poor and those who sympathise with the common people are ridiculed, but only if they meddle in everything and try to get the better of the common people. As a result, they do not even object when such individuals as these are ridiculed.

2.19 It is my opinion, therefore, that the common people at Athens recognise which citizens are good and which are bad. But, although recognising this, they like those who are friendly and back their interests, even if they are bad, and it is rather the good citizens that they hate. For they do not consider the ability of those to be naturally inclined to their advantage, but to their harm. But the opposite applies in some cases – that those who are in fact of the common people are not sympathetic to the common people by nature.

2.20 I can forgive the common people their democracy; for anyone can be forgiven for looking after their own interests. But anyone who is not one of the common people, and yet chooses to live in a city governed by a democracy rather than one governed by an oligarchy, must be preparing to do wrong and have decided that a bad man can escape detection far more easily in a democratic than in an oligarchic city.

3.1 Concerning the constitution of the Athenians, I do not praise the way it is organised, but since they have decided that it should be a democracy, it seems to me that they preserve the democracy well using the organisation which I have described.

3.2 But still I know that some people blame the Athenians because sometimes a person can spend a year and still not get business settled by the Council or the Assembly. This happens at Athens purely because the mass of business to be settled means that they cannot complete everyone's business. Indeed, how could they, when, to start with, they

have to celebrate more festivals than any other Greek city – and during festivals it is less possible for anyone to transact state business – and on top of that they have to judge more public and private lawsuits and examine more officials than all the rest put together, and the Council has to take many decisions on matters of the war, many on finance, many on legislation, many to do with what is happening at any time in the city, and many to do with the allies, and to receive tribute and administer the dockyards and sanctuaries? Is there anything surprising if, under such a weight of business, they are not able to settle everyone's affairs?

3.3 Some people say, 'If you approach the Council or Assembly with money, you will get things done'. I would agree with them that money does get many things done in Athens, and that still more would be done, if even more people offered money. But I also know well that the city would not be capable of completing all the transactions that everyone wants, even if someone were to give them any amount of gold and silver.

3.7 And yet if we must agree that all these disputes need settling, then inevitably it takes the whole year. Even though they now spend the whole year in the lawcourts, they do not manage to stop people doing wrong because of the number of people. Think about this: that someone might concede that there need to be all these court cases but suggest that there should be smaller juries. Well, inevitably, unless they have only a few courts, there will be few people in each court; as a result, it will be easier to manipulate a small jury and to bribe them all to give a much less just verdict. Furthermore we must remember that the Athenians have to celebrate festivals, during which they cannot hold trials, and that they celebrate twice as many as other cities; but I will work on the assumption that they hold the same number as that city which celebrates the fewest.

3.8 Now under these circumstances I maintain that the present position at Athens is inevitable, except that they could make small additions or deletions. But the change cannot be great without eroding the democracy. It is possible to find many ways of making the constitution better, but it is difficult to find effective ways of making the constitution better while still maintaining the democracy, except, as I have just said, with slight additions and deletions.

3.10 In this policy too the Athenians seem to me not to be right, that they side with the worse men in cities split by civil strife. They do this deliberately. For if they chose the better people, they would not be choosing people sympathetic to their own ideas. For in no city are the best elements well disposed to the common people: it is rather the worst elements in each city who are well-disposed to the common people. Like are well-disposed to like. For this reason, therefore, the Athenians choose what suits them.

3.11 Whenever they have tried to side with the best people, it has not been in their interests: in a short time the common people were enslaved in Boiotia; when they sided with the best people in Miletos, in a short time they revolted and massacred the common people;

and when they sided with the Spartans, and not the Messenians, in a short time the Spartans had subjugated the Messenians and were at war with the Athenians.

3.12 Someone might suggest that no one has been unjustly deprived of civic rights at Athens. I maintain that there are some who have been deprived of civic rights unjustly, but they are few. But it needs more than a few to attack the democracy at Athens, since the situation is that one must not bear in mind people who have been justly deprived of civic rights, but if any have been deprived unjustly. And how could anyone think that the many have been deprived of civic rights at Athens unjustly, since it is the common people who fill the offices? Men lose their rights at Athens through not ruling justly, or not saying or doing what is just. In view of this one cannot believe that there is anything to fear at Athens from those who have been deprived of civic rights.

Oligarchs			Democrats		
1.1	good men	<i>chrestoi</i>	1.1	bad men	<i>poneroi</i>
1.2	noble men	<i>gennaioi</i>	1.2	poor men	<i>penetes</i>
	rich men	<i>plousioi</i>		the common people	<i>demos</i>
1.3	the most capable men	<i>dunatotatoi</i>	1.4	sympathetic to the common people	<i>demotikos</i>
				members of the common people	<i>demotai</i>
1.5	the best element	<i>to beltiston</i>		democracy	<i>demokratia</i>
1.6	the cleverest men	<i>dexiotatoi</i>		the worse men	<i>cheirous</i>
	the best men	<i>aristoi</i>	1.9	madmen	<i>mainomenoi</i>
2.10	the few	<i>oligoi</i>	2.10	the mob	<i>anthropoi ochlos</i>
	the fortunate	<i>eudaimones</i>			
2.17	cities governed by an oligarchy	<i>oligarchoumenai</i>	2.18	the masses	<i>plethos</i>
2.18	capable	<i>poleis dunamenos</i>	2.20	city governed by a democracy	<i>demokratoumene polis</i>
3.10	the better people	<i>beltious</i>	3.10	the worst elements	<i>to kakiston</i>
3.11	the best people	<i>beltistoi</i>			