

The Athenian Constitution 2

Part 7-12

Athenian Aristotle

Translated by Sir Frederic G. Kenyon,

Part 7

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

The son of Diphilus, Athenion hight,

Raised from the Thetes and become a knight,

Did to the gods this sculptured charger bring,

For his promotion a thank-offering. And a horse stands in evidence beside the man, implying that this was what was meant by belonging to the rank of Knight. At the same time it seems

reasonable to suppose that this class, like the Pentacosimedimni, was defined by the possession of an income of a certain number of measures. Those ranked as Zeugitae who made two hundred measures, liquid or solid; and the rest ranked as Thetes, and were not eligible for any office. Hence it is that even at the present day, when a candidate for any office is asked to what class he belongs, no one would think of saying that he belonged to the Thetes.

Part 8

The elections to the various offices Solon enacted should be by lot, out of candidates selected by each of the tribes. Each tribe selected ten candidates for the nine archonships, and among these the lot was cast. Hence it is still the custom for each tribe to choose ten candidates by lot, and then the lot is again cast among these. A proof that Solon regulated the elections to office according to the property classes may be found in the law still in force with regard to the Treasurers, which enacts that they shall be chosen from the Pentacosimedimni. Such was Solon's legislation with respect to the nine Archons; whereas in early times the Council of Areopagus summoned suitable persons according to its own judgement and appointed them for the year to the several offices. There were four tribes, as before, and four tribe-kings. Each tribe was divided into three Trittyes [=Thirds], with twelve Naucraries in each; and the Naucraries had officers of their own, called Naucrari, whose duty it was to superintend the current receipts and expenditure. Hence, among the laws of Solon now obsolete, it is repeatedly written that the Naucrari are to receive and to spend out of the Naucratic fund. Solon also appointed a Council of four hundred, a hundred from each tribe; but he assigned to the Council of the Areopagus the duty of superintending the laws, acting as before as the guardian of the constitution in general. It kept watch over the affairs of the state in most of the more important matters, and corrected offenders, with full powers to inflict either fines or personal punishment. The money received in fines it brought up into the Acropolis, without assigning the reason for the mulct. It also tried those who conspired for the overthrow of the state, Solon having enacted a process of impeachment to deal with such offenders. Further, since he saw the state often engaged in internal disputes, while many of the citizens from sheer indifference accepted whatever might turn up, he made a law with express reference to such persons, enacting that any one who, in a time civil factions, did not take up arms with either party, should lose his rights as a citizen and cease to have any part in the state.

Part 9

Such, then, was his legislation concerning the magistracies. There are three points in the constitution of Solon which appear to be its most democratic features: first and most important,

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

Part 10

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

Part 11

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

might have made himself a despot by attaching himself to whichever party he chose, but he preferred, though at the cost of incurring the enmity of both, to be the saviour of his country and the ideal lawgiver.

Part 12

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

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

I took not away their honour, and I granted naught to their greed;

While those who were rich in power, who in wealth were glorious and
great,

I bethought me that naught should befall them unworthy their
splendour and state;

So I stood with my shield outstretched, and both were sale in its
sight,

And I would not that either should triumph, when the triumph was
not with right.

Again he declares how the mass of the people ought to be treated: But thus will the people best
the voice of their leaders obey, When neither too slack is the rein, nor violence holdeth the sway;
For indulgence breedeth a child, the presumption that spurns control,

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

And again elsewhere he speaks about the persons who wished to redistribute the land: So they
came in search of plunder, and their cravings knew no hound, Every one among them deeming

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

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

Of all the aims for which I summoned forth

The people, was there one I compassed not?

Thou, when slow time brings justice in its train,

O mighty mother of the Olympian gods,

Dark Earth, thou best canst witness, from whose breast

I swept the pillars broadcast planted there,

And made thee free, who hadst been slave of yore.

And many a man whom fraud or law had sold

For from his god-built land, an outcast slave,

I brought again to Athens; yea, and some,

Exiles from home through debt's oppressive load,

Speaking no more the dear Athenian tongue,

But wandering far and wide, I brought again;

And those that here in vilest slavery

Crouched 'neath a master's frown, I set them free.

Thus might and right were yoked in harmony,

Since by the force of law I won my ends

And kept my promise. Equal laws I gave

To evil and to good, with even hand

Drawing straight justice for the lot of each.

But had another held the goad as

One in whose heart was guile and greediness,

He had not kept the people back from strife.

For had I granted, now what pleased the one,

Then what their foes devised in counterpoise,

Of many a man this state had been bereft.

Therefore I showed my might on every side,

Turning at bay like wolf among the hounds.

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

Nay, if one must lay blame where blame is due,

Wer't not for me, the people ne'er had set

Their eyes upon these blessings e'en in dreams:-

While greater men, the men of wealthier life,

Should praise me and should court me as their friend. For had any other man, he says, received
this exalted post,

He had not kept the people hack, nor ceased

Til he had robbed the richness of the milk.

But I stood forth a landmark in the midst,

And barred the foes from battle.

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