

## 'Old Oligarch', The Constitution of the Athenians

I. And as for the fact that the Athenians have chosen the kind of constitution that they have, I do not think well of their doing this inasmuch as in making their choice they have chosen to let the worst people be better off than the good. Therefore, on this account I do not think well of their constitution. But since they have decided to have it so, I intend to point out how well they preserve their constitution and accomplish those other things for which the rest of the Greeks criticize them.

[2] First I want to say this: there the poor and the people generally are right to have more than the highborn and wealthy for the reason that it is the people who man the ships and impart strength to the city; the steersmen, the boatswains, the sub-boatswains, the look-out officers, and the shipwrights -- these are the ones who impart strength to the city far more than the hoplites, the high-born, and the good men. This being the case, it seems right for everyone to have a share in the magistracies, both allotted and elective, for anyone to be able to speak his mind if he wants to. [3] Then there are those magistracies which bring safety or danger to the people as a whole depending on whether or not they are well managed: of these the people claim no share (they do not think they should have an allotted share in the generalships or cavalry commands). For these people realize that there is more to be gained from their not holding these magistracies but leaving them instead in the hands of the most influential men. However, such magistracies as are salaried and domestically profitable the people are keen to hold.

[4] Then there is a point which some find extraordinary, that they everywhere assign more to the worst persons, to the poor, and to the popular types than to the good men: in this very point they will be found manifestly preserving their democracy. For the poor, the popular, and the base, inasmuch as they are well off and the likes of them are numerous, will increase the democracy; but if the wealthy, good men are well off, the men of the people create a strong opposition to themselves. [5] And everywhere on earth the best element is opposed to democracy. For among the best people there is minimal wantonness and injustice but a maximum of scrupulous care for what is good, whereas among the people there is a maximum of ignorance, disorder, and wickedness; for poverty draws them rather to disgraceful actions, and because of a lack of money some men are uneducated and ignorant.

[6] Someone might say that they ought not to let everyone speak on equal terms and serve on the council, but rather just the cleverest and finest. Yet their policy is also excellent in this very point of allowing even the worst people to speak. For if the good men were to speak and make policy, it would be splendid for the likes of themselves but not so for the men of the people. But, as things are, any wretch who wants to can stand up and obtain what is good for him and the likes of himself. [7] Someone might say, "What good would such a man propose for himself and the people?" But they know that this man's ignorance, baseness, and favour are more profitable than the good man's virtue, wisdom, and ill will. [8] A city would not be the best on the basis of such a way of life, but the democracy would be best preserved that way. For the people do not want a good government under which they themselves are slaves; they want to be free and to rule. Bad government is of little concern to them. What you consider bad government is the very source of the people's strength and freedom. [9] If it is good government you seek, you will first observe the cleverest men establishing the laws in their own interest. Then the good men will punish the bad; they will make policy for the city and not allow madmen to participate or to speak their minds or to meet in assembly. As a result of these excellent measures the people would swiftly fall into slavery.

[10] Now among the slaves and metics at Athens there is the greatest uncontrolled wantonness; you can't hit them there, and a slave will not stand aside for you. I shall

point out why this is their native practice: if it were customary for a slave (or metic or freedman) to be struck by one who is free, you would often hit an Athenian citizen by mistake on the assumption that he was a slave. For the people there are no better dressed than the slaves and metics, nor are they any more handsome. [11] If anyone is also startled by the fact that they let the slaves live luxuriously there and some of them sumptuously, it would be clear that even this they do for a reason. For where there is a naval power, it is necessary from financial considerations to be slaves to the slaves in order to take a portion of their earnings, and it is then necessary to let them go free. And where there are rich slaves, it is no longer profitable in such a place for my slave to fear you. In Sparta my slave would fear you; but if your slave fears me, there will be the chance that he will give over his money so as not to have to worry anymore. [12] For this reason we have set up equality between slaves and free men, and between metics and citizens. The city needs metics in view of the many different trades and the fleet. Accordingly, then, we have reasonably set up a similar equality also for the metics.

[13] The people have spoiled the athletic and musical activities at Athens because they thought them unfitting (they know they can't do them). In the training of dramatic choruses and in providing for athletic contests and the fitting out of triremes, they know that it is the wealthy who lead the choruses but the people who are led in them, and it is the wealthy who provide for athletic contests, but the people who are presided over in the triremes and in the games. At least the people think themselves worthy of taking money for singing, running, dancing, and sailing in ships, so that they become wealthy and the wealthy poorer. And in the courts they are not so much concerned with justice as with their own advantage.

[14] In regard to the allies: the Athenians sail out and lay information, as they are said to do; they hate the aristocrats inasmuch as they realize that the ruler is necessarily hated by the ruled and that if the rich and aristocratic men in the cities are strong, the rule of the people at Athens will last for a very short time. This is why they disfranchise the aristocrats, take away their money, expel and kill them, whereas they promote the interests of the lower class. The Athenian aristocrats protect their opposite numbers in the allied cities, since they realize that it will be to their advantage always to protect the finer people in the cities. [15] Someone might say that the Athenians' strength consists in the allies' ability to pay tribute-money; but the rabble thinks it more advantageous for each one of the Athenians to possess the resources of the allies and for the allies themselves to possess only enough for survival and to work without being able to plot defection.

[16] Also in another point the Athenian people are thought to act ill-advisedly: they force the allies to sail to Athens for judicial proceedings. But they reason in reply that the Athenian people benefit from this. First, from the deposits at law they receive their dicastic pay through the year. Then, sitting at home without going out in ships, they manage the affairs of the allied cities; in the courts they protect the democrats and ruin their opponents. If the allies were each to hold trials locally, they would, in view of their annoyance with the Athenians, ruin those of their citizens who were the leading friends of the Athenian people. [17] In addition, the people at Athens profit in the following ways when trials involving allies are held in Athens: first, the one per-cent tax in the Peiraeus brings in more for the city; secondly, if anyone has lodgings to rent, he does better, and so does anyone who lets out on hire a team of animals or a slave; further, the heralds of the assembly do better when the allies are in town. [18] In addition, were the allies not to go away for judicial proceedings, they would honour only those of the Athenians who sail out from the city, namely generals, trierarchs, and ambassadors. As it is now, each one of the allies is compelled to flatter the Athenian populace from the realization that judicial action for anyone who comes to Athens is in the hands of none

other than the populace (this indeed is the law at Athens); in the courts he is obliged to entreat whoever comes in and to grasp him by the hand. In this way the allies have become instead the slaves of the Athenian people.

[19] Furthermore, as a result of their possessions abroad and the tenure of magistracies which take them abroad, both they and their associates have imperceptibly learned to row; for of necessity a man who is often at sea takes up an oar, as does his slave, and they learn naval terminology. [20] Both through experience of voyages and through practice they become fine steersmen. Some are trained by service as steersmen on an ordinary vessel, others on a freighter, others -- after such experience -- on triremes. Many are able to row as soon as they board their ships, since they have been practising beforehand throughout their whole lives.

II. But the Athenian infantry, which has the reputation of being very weak, has been deliberately so constituted: they consider that they are weaker and fewer than their enemies, but they are stronger, even on land than such of their allies as pay the tribute, and they think their infantry sufficient if they are more powerful than their allies.

[2] Besides, there is the following accidental circumstance which applies to them: subject peoples on land can combine small cities and fight collectively, but subject peoples at sea, by virtue of being islanders, cannot join their cities together into the same unit. For the sea is in the way, and those now in power are thalassocrats. If it is possible for islanders to combine unnoticed on a single island, they will die of starvation. [3] Of the Athenians' subject cities on the mainland, some which are large are ruled because of fear, and some small are ruled because of actual need; for there is no city which does not have to import or export, and these activities will be impossible for a city unless it is subject to the rulers of the sea.

[4] Moreover, the rulers of the sea can do just what rulers of the land sometimes can do, -- ravage the territory of the stronger. For wherever there is no enemy (or wherever enemies are few), it is possible to put in along the coast and -- if there is an attack, -- to go on board one's ship and sail away; one who does this is less badly off than one who comes to help with infantry. [5] Further, the rulers of the sea can sail away from their own land to anywhere at all, whereas a land power can take a journey of only a few days from its own territory. Progress is slow, and going on foot one cannot carry provisions sufficient for a long time. One who goes on foot must pass through friendly country or else fight and win, whereas it is possible for the seafarer to go on shore wherever he has the stronger power...this land, but to sail along the coast until he comes to a friendly region or to those weaker than himself. [6] Further, the strongest land powers suffer badly from visitations of disease on the crops, but sea powers bear them easily. For the whole earth does not ail at the same time, so that from a prosperous land imports reach the rulers of the sea.

[7] If there should be mention also of slighter matters, first, by virtue of their naval power, the Athenians have mingled with various peoples and discovered types of luxury. Whatever the delicacy in Sicily, Italy, Cyprus, Egypt, Lydia, Pontus, the Peloponnese, or anywhere else, -- all these have been brought together into one place by virtue of naval power. [8] Further, hearing every kind of dialect, they have taken something from each; the Greeks rather tend to use their own dialect, way of life, and type of dress, but the Athenians use a mixture from all the Greeks and non-Greeks. [9] The Athenian populace realizes that it is impossible for each of the poor to offer sacrifices, to give lavish feasts, to set up shrines, and to manage a city which will be beautiful and great, and yet the populace has discovered how to have sacrifices, shrines, banquets, and temples. The city sacrifices at public expense many victims, but it is the people who enjoy the feasts and to whom the victims are allotted. [10] Some rich persons have private gymnasia, baths, and

dressing-rooms, but the people have built for their own use many wrestling-quarters, dressing-rooms, and public baths. The rabble has more enjoyment of these things than the well-to-do members of the upper class.

[11] Wealth they alone of the Greeks and non-Greeks are capable of possessing. If some city is rich in ship-timber, where will it distribute it without the consent of the rulers of the sea? Again if some city is rich in iron, copper, or flax, where will it distribute without the consent of the rulers of the sea? However, it is from these very things that I have my ships: timber from one place, iron from another, copper from another, flax from another, wax from another. [12] In addition, they will forbid export to wherever any of our enemies are, on pain of being unable to use the sea. And I, without doing anything, have all this from the land because of the sea; yet no other city has even two of these things: the same city does not have timber and flax, but wherever there is flax in abundance, the land is smooth and timberless. There is not even copper and iron from the same city, not any two or three other things in a single city, but there is one product here and another there.

[13] Furthermore, every mainland has either a projecting headland or an offshore island or some strait, so that it is possible for a naval power to put in there and to injure those who dwell on the land.

[14] But there is one thing the Athenians lack. If they were thalassocrats living on an island, it would be possible for them to inflict harm, if they wished, but as long as they ruled the sea, to suffer none, -- neither the ravaging of their land nor the taking on of enemies. As it is, of the Athenians the farmers and the wealthy curry favour with the enemy, whereas the people, knowing that nothing of theirs will be burnt or cut down, live without fear and refuse to fawn upon the enemy. [15] Furthermore, if they lived on an island, they would have been relieved of another fear: the city would never be betrayed by oligarchs nor would the gates be thrown open nor enemies invade. (For how would these things happen to islanders?) Besides no one would rebel against the democracy, if they lived on an island; as it is, if there were civil strife, the rebels would place their hope in bringing in the enemy by land. If they lived on an island, even this would be of no concern to them. [16] However, since from the beginning they happen not to have lived on an island, they now do the following: they place their property on islands while trusting in the naval empire and they allow their land to be ravaged, for they realize that if they concern themselves with this, they will be deprived of other greater goods.

[17] Further, for oligarchic cities it is necessary to keep to alliances and oaths. If they do not abide by agreements or if injustice is done, there are the names of the few who made the agreement. But whatever agreements the populace makes can be repudiated by referring the blame to the one who spoke or took the vote, while the others declare that they were absent or did not approve of the agreement made in the full assembly. If it seems advisable for their decisions not to be effective, they invent myriad excuses for not doing what they do not want to do. And if there are any bad results from the people's plans, they charge that a few persons, working against them, ruined their plans; but if there is a good result, they take the credit for themselves.

[18] They do not permit the people to be ill spoken of in comedy, so that they may not have a bad reputation; but if anyone wants to attack private persons, they bid him do so, knowing perfectly well that the person so treated in comedy does not, for the most part, come from the populace and mass of people but is a person of either wealth, high birth, or influence. Some few poor and plebeian types are indeed abused in comedy but only if they have been meddling in others' affairs and trying to rise above their class, so that the people feel no vexation at seeing such persons abused in comedy.

[19] It is **my** opinion that the people at Athens know which citizens are good and which

bad, but that in spite of this knowledge they cultivate those who are complaisant and useful to themselves, even if bad; and they tend to hate the good. For they do not think that the good are naturally virtuous for the people's benefit, but for their hurt. On the other hand, some persons are not by nature democratic although they are truly on the people's side. [20] I pardon the people themselves for their democracy. One must forgive everyone for looking after his own interests. But whoever is not a man of the people and yet prefers to live in a democratic city rather than in an oligarchic one has readied himself to do wrong and has realized that it is easier for an evil man to escape notice in a democratic city than in an oligarchic.

III. As for the constitution of the Athenians I do not praise its form; but since they have decided to have a democracy, I think they have preserved the democracy well by the means which I have indicated.

I notice also that objections are raised against the Athenians because it is sometimes not possible for a person, though he sit about for a year, to negotiate with the council or the assembly. This happens at Athens for no other reason than that owing to the quantity of business they are not able to deal with all persons before sending them away. [2] For how could they do this? First of all they have to hold more festivals than any other Greek city (and when these are going on it is even less possible for any of the city's affairs to be transacted), next they have to preside over private and public trials and investigations into the conduct of magistrates to a degree beyond that of all other men, and the council has to consider many issues involving war, revenues, law-making, local problems as they occur, also many issues on behalf of the allies, receipt of tribute, the care of dockyards and shrines. Is there accordingly any cause for surprise if with so much business they are unable to negotiate with all persons? [3] But some say, "If you go to the council or assembly with money, you will transact your business." I should agree with these people that many things are accomplished at Athens for money and still more would be accomplished if still more gave money. This, however, I know well, that the city has not the wherewithal to deal with everyone who asks, not even if you give them any amount of gold and silver. [4] They have also to adjudicate cases when a man does not repair his ship or builds something on public property, and in addition to settle disputes every year for chorus leaders at the Dionysia, Thargelia, Panathenaea, Promethia, and Hephaestia. Four hundred trierarchs are appointed every year, and disputes have to be settled for any of these who wish. Moreover, magistrates have to be approved and their disputes settled, orphans approved and prisoners' guards appointed. And these things happen every year. [5] Now and again they have to deal with cases of desertion and other unexpected misdeeds, whether it be an irregular act of wantonness or an act of impiety.

There are still many items which I altogether pass over. The most important have been mentioned except for the assessments of tribute. These generally occur every four years. [6] Well then, ought one to think that all these cases should not be dealt with? Let someone say what should not be dealt with there. If, on the other hand, one must agree that it is all necessary, the adjudicating has to go on throughout the year, since not even now when they do adjudicate throughout the year can they stop all the wrongdoers because there are so many. [7] All right, yet someone will say that they ought to judge cases, but that fewer people should do the judging. Unless they have only a few courts, there will necessarily be few jurors in each court, so that it will be easier to adapt oneself to a few jurors and to bribe them, and easier to judge much less justly. [8] Further, one must consider that the Athenians have to hold festivals during which the courts are closed. They hold twice as many festivals as others do, but I am counting only those which have equivalents in the state holding the smallest number. Under such circumstances, therefore, I deny that it is possible for affairs at Athens to be otherwise

than as they now are, except insofar as it is possible to take away a bit here and add a bit there; a substantial change is impossible without removing some part of the democracy. [9] It is possible to discover many ways to improve the constitution; however, it is not easy to discover a means whereby the democracy may continue to exist but sufficient at the same time to provide a better polity, except -- as I have just said -- by adding or subtracting a little.

[10] Also in the following point the Athenians seem to me to act ill-advisedly: in cities embroiled in civil strife they take the side of the lower class. This they do deliberately; for if they preferred the upper class, they would prefer those who are contrary-minded to themselves. In no city is the superior element well disposed to the populace, but in each city it is the worst part which is well disposed to the populace. For like is well disposed to like. Accordingly the Athenians prefer those sympathetic to themselves. [11] Whenever they have undertaken to prefer the upper class, it has not turned out well for them; within a short time the people in Boeotia were enslaved<sup>5</sup>; similarly when they preferred the Milesian upper class, within a short time that class had revolted and cut down the people<sup>6</sup>; similarly when they preferred the Spartans to the Messenians, within a short time the Spartans had overthrown the Messenians and were making war on the Athenians.

[12] Someone might interject that no one has been unjustly disfranchised at Athens. I say that there are some who have been unjustly disfranchised but very few indeed. To attack the democracy at Athens not a few are required. [13] As this is so, there is no need to consider whether any persons have been justly disfranchised, only whether unjustly. Now how would anyone think that many people were unjustly disfranchised at Athens, where the people are the ones who hold the offices? It is from failing to be a just magistrate or failing to say or do what is right that people are disfranchised at Athens. In view of these considerations one must not think that there is any danger at Athens from the disfranchised.