University of Louisville

ThinkIR: The University of Louisville's Institutional Repository

Electronic Theses and Dissertations

1942

The Athenian constitution from Solon to Pericles B.C. 594-B.C. 457.

Norman Reynolds
University of Louisville

Follow this and additional works at: <https://ir.library.louisville.edu/etd>

Part of the [European History Commons](#)

Recommended Citation

Reynolds, Norman, "The Athenian constitution from Solon to Pericles B.C. 594-B.C. 457." (1942).
Electronic Theses and Dissertations. Paper 1864.
<https://doi.org/10.18297/etd/1864>

This Master's Thesis is brought to you for free and open access by ThinkIR: The University of Louisville's Institutional Repository. It has been accepted for inclusion in Electronic Theses and Dissertations by an authorized administrator of ThinkIR: The University of Louisville's Institutional Repository. This title appears here courtesy of the author, who has retained all other copyrights. For more information, please contact thinkir@louisville.edu.

UNIVERSITY OF LOUISVILLE

THE ATHENIAN CONSTITUTION FROM SOLON TO PERICLES

B. C. 594 -- B. C. 457

A Dissertation

Submitted to the Faculty

Of the Graduate School of the University of Louisville

In Partial Fulfillment of the

Requirements for the Degree

Of Master of Arts

Department of History

By

NORMAN REYNOLDS

Year

1942

NAME OF STUDENT: _____

TITLE OF THESIS: _____

APPROVED BY READING COMMITTEE COMPOSED OF THE
FOLLOWING MEMBERS:

NAME OF DIRECTOR: _____

DATE: 5-16-42

21

pl. '42

REF.

THE ATHENIAN CONSTITUTION FROM SOLON TO PERICLES

60214

TABLE OF CONTENTS

INTRODUCTION -- PAGE 1

Questions -- Solon -- Cleisthenes -- The Changing Constitution --
Method of Treatment -- The Thesis

I THE PRE-SOLONIAN CONSTITUTION -- PAGE 5

- a. Legendary Period -- Formation of the Constitution -- Page 5
Character of Early Athenian History -- Primitive Organization
of Attica -- Lack of Unity -- Theseus Proposed Union -- Athens
the New Political Center -- Kingship Opened to Other Families
-- Rise of the Nobles -- Limiting of the Monarchy -- Creation
of the Polemarch -- The Office of Archon -- Introduction of
Wealth as a Factor in Politics -- Terms of Office Reduced to
One Year -- Institution of the Junior Archons -- The Areopagus
-- Its Administrative Powers -- Civic Strife -- Cylon's Effort
at Tyranny -- The Crime of Megacles -- Curse of the Alcmaeonids
-- Oppression of the Common People
- b. The Reforms of Draco -- Page 15
Nature of the Reforms -- The Archons and the Areopagus -- The
Ecclesia -- The Council of Four Hundred -- The Code of Law
- c. The Constitution of Draco -- Page 19
Nature of the Constitution -- The Class System -- The Archon-
ship -- The Areopagus -- The Ecclesia -- The Generals --
Summary

II THE SOLONIAN CONSTITUTION -- PAGE 22

- a. Failure of the Draconian Reforms -- Page 22
The Problem of Debt Slavery -- Factions of the Plain, Hill
and Shore -- Source of Solon's Fame -- He Persuades the Alc-
maeonids to Submit to Jury Decision -- Solon's Antecedents
-- Chosen Archon
- b. The Solonian Reforms -- Page 26
The Debt Cancellation -- Public Reactions to the Measure --
Abolition of Draco's Code -- Class System Based on Wealth --
Offices Thrown Open to the Lot

- c. Practical Results of the Reforms -- Page 29
Democratic Features -- Overwhelming Influence of the Aristocracy
- d. The Constitution of Solon -- Page 30
Constitutions of Draco and Solon Compared -- The Tribal System
-- The Class Divisions -- Possibilities for Factional Strife --
Naturalization of Citizens -- A Device to Prevent Tyranny --
The Archons -- The Areopagus -- Its Membership -- The Ecclesia
-- The Council of Four Hundred -- The Heliaea -- It Umpires All
Disputes -- Remaining Features of the Constitution -- Solon
Lays Down His Power
- e. Development of the Archonship -- Page 40
Rivalry for the Archonship -- The Office Aimed at Abolition of
Monarchy -- Term of Office Reduced to One Year -- Function of
the Junior Archons -- Great Power of the Archon Eponymus
- f. Public Reaction against Solon's Constitution -- Page 43
Reasons for Solon's Ten Year Departure from Athens -- Return
of the Exiles -- Alcmaeonid Leadership of the Shore -- Struggle
between Shore and Plain -- Peisistratus Champions the Hill --
One-Year Suspension of the Archonship -- Solon's Return to
Athens -- Damasias's Attempt at Tyranny -- Increased Influence
of Peisistratus -- His Powerful Position -- Solon Warns Athens
against Him -- Peisistratus Gains the Tyranny -- Solon Opposes
Him -- Peisistratus Wins Solon's Support -- Death of Solon --
Peisistratus Forced from the Tyranny by Megacles and Lycurgus
-- Digression on the Rise of Miltiades in the Chersonesus --
Quarrel between the Plain and the Shore -- Megacles Arranges
Peisistratus's Return to the Tyranny -- His Second Exile --
Peisistratus's Ten-Year Preparation for Return to Power --
Conquest of Athens by Peisistratus -- Nature of the Tyranny --
Encouragement of Agriculture -- Arts and Religious Festivals
Encouraged -- Foreign Policy of Peisistratus -- Digression on
the Family of Miltiades -- Death of Peisistratus -- Hippias
Appoints Young Miltiades to Administer Affairs in Chersonesus
-- Miltiades Creates for Himself a Tyranny in Chersonesus
- g. The Constitution under Peisistratus -- Page 58
The Life-Archonship -- The Tyranny Only Concerned with Admin-
istrative Matters -- Legislative and Judicial Powers Untouched
-- Mildness of the Tyranny
- h. Solon's Constitution under Peisistratid Management -- Page 60
The Archons -- Their Duties -- The Areopagus -- Its Importance
-- Guardian of the Laws -- Judicial Functions -- The Council
of Four Hundred -- Its Powers -- The Ecclesia -- The Heliaea
-- The Generals -- Laws of Citizenship -- Much of the Consti-
tution Inoperative under the Tyranny

III THE CONSTITUTION OF CLEISTHENES -- PAGE 66

- a. The Fall of Hippias and the Tyranny -- Page 66
The Tyranny under Hippias -- Death of Hipparchus -- Hippias
Changes His Policy -- Unrest in Athens -- The Exiles with
Spartan Aid Assault the City -- Failure of the Exiles -- The
Second Expedition -- Expulsion of the Tyrant
- b. Cleisthenes's Struggle for Leadership -- Page 69
Quarrel between Cleisthenes and Isagoras -- Cleisthenes's
Increased Power -- Scene of the Conflict -- The Ten Tribes
-- Isagoras with Sparta Attempts to Set Up an Oligarchy --
His Failure and Exile
- c. The New Constitution -- Page 72
Antecedents of Cleisthenes -- The New Tribal Organization --
Weakening of the Classes -- Political Influence of the Clans
and Brotherhoods Destroyed -- The New Council of Five Hundred
-- The Archonship -- The Areopagus -- The Ecclesia -- Law of
Ostracism -- Its Relation to the Ecclesia -- The Strategi --
The Heliaea -- Cleisthenes's Constitution Not as Democratic
as Commonly Supposed -- Did Not Conform to Greek View of
Democracy
- d. The Council of Five Hundred -- Page 81
An Adaptation of the Council of Four Hundred -- Origin of the
Old Council -- The Property Qualification for Membership --
Various Powers and Influences -- Permanence of Cleisthenes's
Reforms -- The Presidency -- The Head -- The Council as a
Supervisory Body
- e. The Persian Wars and the Factional Struggle -- Page 83
Two Forces Threatening the Constitution -- Spartan Attempt to
Restore Isagoras -- Attempts of Hippias to Regain the Tyranny
-- The Ionian Revolt -- The Flight of Miltiades from the
Chersonesus -- Antecedents of Aristides -- Ambitions and
Character of Themistocles -- Rivalry between the Two Statesmen
-- Themistocles as Archon -- The Influence of Miltiades --
Persian Preparations for War -- Hippias Leads Persia to Marathon
-- Miltiades Defeats the Persian Hosts -- Digression on the
Flasher Shield and Alcmaeonid Responsibility in the Matter --
Disgrace and Death of Miltiades -- Aristides as Archon --
Previous Activities of Themistocles -- Ostracism of the Oli-
garchs -- Xanthippus and Aristides Ostracised -- Themistocles
Prepares for War -- Return of the Exiles -- Spartan Defeat at
Thermopylae -- Hippias's Peace Offer Spurned by Athens

f. The Areopagus -- Page 98

Its Early Development -- Draco Increases Its Powers -- Solon Raises the Body to the Position of Guardian of the Laws -- Eclipse of the Areopagus under the Peisistratids -- Persian Wars Revive Its Influence -- An Unexpected Development

g. Development of the Ecclesia -- Page 101

Cooperation of Aristides and Themistocles -- Themistocles's Naval Program -- Cimon's Entrance into Politics -- Aristides Forms the Delian League and Assesses the Tribute -- He Urges the Commons to Live in the City and Control the Government -- Cimon's Popularity -- Themistocles Ostracised -- Death of Aristides -- Cimon Maintains the Influence of the Areopagus

h. Downfall of the Areopagus -- Page 106

Themistocles's Plot against the Areopagus -- Rising Power of Ephialtes -- Cimon Defeats the Plot -- Ephialtes Mistrusts the Areopagus -- Cimon Expands the Delian League -- Rise of Pericles -- Cimon Loses the Confidence of the Common People -- Ephialtes and Pericles Divest the Areopagus of its Most Important Powers -- Cimon Ostracised; Ephialtes Assassinated; Pericles Supreme

i. State of the Democracy in B. C. 457 -- Page 110

Democratic Nature of the Constitution -- Power of the Ecclesia -- Strength of the Heliaea -- Strategi Supplant Archons as Leaders

j. Cleisthenes's Constitution in B. C. 457 -- Page 111

The Archonship -- Limitation of the Office -- The Areopagus -- Council of Five Hundred -- The Ecclesia -- The Heliaea -- Its Position as Final Voice in Legal Disputes -- Leadership Passes to the Strategi

k. The Heliaea -- Page 116

The Importance of the Heliaea -- Judicial Powers under the Monarchy -- The Junior Archons -- The Jury Court of the Nobles -- Solon Gives the Jury Courts to the Common People -- Expansion of the Judiciary under Peisistratus -- Influence of the Courts under Cleisthenes -- Jury Duty a Paid Service under Pericles -- The All-Embracing Authority of the Heliaea under Pericles

l. The Strategi -- Page 120

Reasons for the Rise of the Strategi -- Legendary Military Power in Hands of the Monarch -- Creation of the Polemarch -- The Generals under Draco -- Cleisthenes Connects them with the Tribal Set-Up -- Institution of the Ten Strategi -- Waning Influence of the Polemarch -- Miltiades -- Military Organization at Marathon -- Themistocles Controls Public Affairs through the Generalship -- Themistocles, Aristides, Cimon, Pericles as Strategi and Leaders -- Generalship at Time of Pericles

m. Pericles as Leader of the State -- Page 125

His Antecedents -- The Attack on Cimon -- Opposition to the Areopagus -- His Public Policy -- Held His Power through the Office of Strategi -- Government by the First Citizen

IV WHY THE DEMOCRACY GREW AND TRIUMPHED -- PAGE 128

Nature of the Development of Democracy -- Growth of the Nobility at the Expense of Royalty -- Destruction of Hereditary Rights -- Military Powers Stripped from the Monarch -- Struggle among the Nobles for Equality -- The Archons -- Growth of the Areopagus -- The Code of Draco -- Development of Factionalism -- The Tyranny of Peisistratus -- Weakening of the Nobility -- The Persian Wars Develop Influence of the Lower Classes -- Control of Affairs by the Naval Element -- Emancipation of the Ecclesia and Heliaea

CONCLUSION -- PAGE 136

Five Periods of Constitutional Development -- The Primitive Constitution -- Solon's Reforms -- Effect of the Tyranny under Peisistratus -- Cleisthenes's Constitution -- The Periclean Democracy -- The Seven Points of the Thesis Proved

CHRONOLOGICAL TABLE -- PAGE 140

BIBLIOGRAPHY -- PAGE 142

INTRODUCTION

THE ATHENIAN CONSTITUTION FROM SOLON TO PERICLES

B. C. 594 -- B. C. 457

INTRODUCTION

Knowledge of the Constitution of Athens previous to the time of Pericles is not clear because of the meagerness of source materials. Quite a bit of information is available concerning certain phases of the question. Solon's reforms are discussed by most of the authorities, but no attempt is made by any writer to indicate the laws in their entirety. The usual reference is to the effect that the Solonian laws were based on the then existing constitution. What was that constitution? Without a knowledge of it attempts to reconstruct the final constitution of Solon are extremely difficult. When we search for it we find constitutional data for the most part mixed with the legendary characters of earlier times; and it is only by a process of separating the myth from the probable fact that we are able to piece together the fragmentary references to that document. Again, Solon's constitution was supposed to have laid the foundation for later democratic supremacy. What is the basis for that assertion, and why was it necessary?

All authorities agree that Cleisthenes prepared a new constitution for Athens, and that it made the democracy supreme. There is no doubt that he changed the tribal arrangement and thereby weakened the position of the nobility, but how was this related to the constitution as a whole? Did it have any effect on the constitutional processes beyond the reorganization of the old Council of Four Hundred? Except for detailed accounts of these two changes, the sources give us very little to draw upon relative to the remainder of his reforms. Two questions face the student in such an inquiry: 1) Did Cleisthenes increase the power of the Assembly? 2) What did he do to make the law courts function more broadly?

Evidence seems to indicate that Cleisthenes's reforms took place gradually, and that the constitution did not come to its final democratic supremacy until the time of Pericles. What was the nature of his constitution after the reforms were completed by B. C. 503? Just how did it differ from the Solonian constitution which had been legally in effect under Peisistratus and his sons? Cleisthenes is said by his reforms to have made the common people supreme. Why, then, did the aristocratic element of Athens remain in ascendancy for a period of sixteen years after the constitution became effective? Why was power not definitely curtailed before B. C. 487? Why did the Areopagus find it possible to conduct the administration for seventeen years after Thermopylae and Salamis as indicated by Aristotle? What did the constitution look like after the democratic supremacy in B. C. 457?

The solution of all the foregoing problems is the purpose of this thesis. First, the legendary sources will be examined, and the constitution will be reconstructed as it stood when Solon began his reforms. Next, the reforms of Solon will be studied. Then follows the account of Peisistratus's regime, and the constitution will be reconstructed as it stood in the year B. C. 510 at the fall of Hippias. The reforms of Cleisthenes will be treated, and his constitution will be discussed. The development of the democracy under Themistocles and Aristides will follow, and, finally, the Cleisthenean constitution will be presented as it existed in B. C. 457 after the democratic triumph under Pericles.

Seven main points will be proved:

1. There was a constitution functioning when Solon came to power.
2. Solon's constitution was a constitution of the nobility, with all powers effectually checked.
3. Peisistratus did not destroy the constitution of Solon but operated under it, using the laws for his position as administrator with the old powers of the life-Archon.
4. Cleisthenes's reforms did not have the democratic effect that is commonly supposed, but took effect gradually.
5. Cleisthenes definitely increased the power of the popular assembly (Ecclesia).
6. The Assembly was the instrument by which complete democracy was achieved, and the Jury Courts (Heliaea) were used as a

means of backing up the decisions of the Assembly.

7. The development of democracy was due to the rise of Athens commercially, and was a partial result of her imperialism.

THE PRE-SOLONIAN CONSTITUTION

PART I

THE PRE-SOLONIAN CONSTITUTION

Legendary Period -- Formation of the Constitution. The early period of Athenian history is filled with legendary characters. The memory of great men and their wonderful deeds lingered long after their deaths. As great legendary heroes such as Hercules and Theseus faded into the mists of the past, public patriotism surrounded them with a halo of wisdom and by degrees attributed to them all institutions which were found in existence years later. It is certain that no one man did or could have done such deeds as are ascribed to these heroes, but to all such tales there is a foundation of fact. It is that foundation which reveals the early history of constitutional Athens, and reveals roughly the changing governmental processes of that city. Such are the materials with which we begin our study of the constitution which Solon found in existence when he made his famous law freeing the poor of their debts to be followed with a complete revision of the old laws.

According to the legends the first government to be founded¹ was a system of royalty based upon a tribal system. By degrees the population of Attica became organized into a four-part tribal arrangement. Each tribe was divided into three groups called Brotherhoods or Trittyes. Each Brotherhood apparently consisted of thirty family groups or clans, and although this ideal number probably fluctuated from time to time it is likely that every attempt was made to keep it intact.² Each of the clans could trace its ancestry to an ancient hero, an advantage which formed the foundation of the later power of the nobility.

Under this primitive plan the community seems to have prospered. Ancient records indicate that victims of war or faction in other parts of Hellas could count on Attica as a safe retreat, and settled there in large numbers.³ Despite the growing influence of the community, however, unity was lacking. The people were scattered about the area

1. Heracleides, Epitome of Aristotle's Athenian Constitution, fragment 1 Since the beginning of Aristotle's work is lost, the fragments of Heracleides' Epitome must be consulted for the opening sections of his work.

As the legend goes, Ion settled at Athens and witnessed the division of the inhabitants into four tribes under appointed tribal kings. Another account states that the first of the kings were the four sons of Pandion who inherited his realm. Later legends ascribed the tribal arrangement to an imitation of the seasons of the year with each tribe further divided into three parts in order that there might be one part for each month in the year. Moreover each part corresponding to the month of a year was further divided into thirty parts each corresponding to a day in the year. See Aristotle, Athenian Constitution XLI, 2; also Herac. Epit., frag. 2,5

2. Herac. Epit., frag. 5

3. Thucydides, I, 2

and had difficulty in consulting their common interests, and these difficulties were further heightened by the occasional quarrels and fights among the sections.¹

It is at this point that the legendary hero, Theseus, enters the picture. Dismayed at the sight of such disorder, he is supposed to have used his influence to consolidate all of Attica into one city-state with Athens as its center.² In his effort at unity he is said to have visited each township and clan expounding his plan and its advantages. The common folk and the poor readily accepted the idea, and the more powerful were persuaded by the promise of a government without a king. The proposal was that the government become a democracy with Theseus as warlord and guardian of the laws.³ Some inhabitants although opposed to the plan agreed to accept rather than refuse the great hero and perhaps be forced into submission.⁴

Abolishing the council-chambers and magistracies of the surrounding cities, Theseus created a new single council-chamber and meeting place on a rocky hilltop in a central location and called the new site Athens.⁵ Although individuals might still enjoy all of their old rights of private property as before, they were henceforth compelled to acknowledge one and only one political center -- Athens. Furthermore the later settlers of the region were granted

1. Plutarch, Theseus, 24

2. Ibid., 24

3. An important term to be encountered more than once in this work

4. Plutarch, Theseus, 24

5. Thuc. II, 15

citizenship thus increasing the population of the city to such an extent that an era of colonization followed.¹

Theseus is also supposed to have limited the monarchy to some extent. Having won the inhabitants of Attica to his point of view he laid aside his royal power and drew up a new form of government.² Although he is said to have established a democracy there is little evidence to support any change except the limiting of the monarchy in favor of the nobles.³ The first important change is indicated in the breaking of the hereditary nature of the kingship. The legends in this respect are in agreement. It is represented that the sons of Theseus were not his immediate successors but remained as men of private station gaining the kingdom only after the death of one Menestheus.⁴

During this shadowy period several important changes took place. We can see the appearance of a class system with noblemen or Eupatrids in the ascendancy. These men had several important privileges. One of the most important was the control and care of the religious rites of the city with the corresponding authority to interpret the will of heaven. Also the Eupatrids had control of

1. Thuc. I, 2

2. Plut. Thes. 24

3. Thuc. II, 15

4. Plut. Thes. 35. Another account states that the house of Codrus, a later dynasty, was no longer utilized for the monarchy because they were thought to have lost the force and vitality believed a requisite for the kingship. Another view is to the effect that the house of Codrus abandoned the position of king for the new and important office of Archon. See Herac. Epit. frag. 7; also Arist. Ath. Const. III, 3

the magistracies and recruited the membership from themselves. A further advantage growing out of the religious and legal administration was the duty of teaching the laws to the community, a former duty of the king.¹ These Eupatrids formed the faction known as the Plain. The other social groups of the city were the peasants or Georgi who cultivated their own farms and had little time to give to the affairs of government; and the handicraftsmen or Demiurgi who gained their living through trade or commerce.²

It seems that the limitation of the monarchy was to the advantage of the nobles. We find them not only in possession of administrative knowledge, but also in possession of a jury court for their exclusive use. The record of the trial of the descendants of Alcmaeon³ states that this noble family was tried by jurymen selected according to noble birth.⁴ Since the offense was a religious one it is likely that some connection with the court of the Areopagus existed since that body had authority in cases of sacrilege.⁵ Another development -- more important perhaps -- is the fact that the monarchy becomes transformed from a hereditary monarchy to an elective monarchy, and that the kingship loses by degrees its administrative powers to the newly created official known as the Archon. This new office was also at first of a hereditary

1. Plut. Thes. 25

2. Cf. note 1. They had only recently gained citizenship if immigrants at time of the institution of the law.

3. For the charge against the Alcmaeonids see the case of Cylon below pp. 13-14.

4. Arist. Ath. Const. I, 1

5. See pp. 12, 13.

nature, and increased so greatly in power that finally the reigning family abandoned the kingship for the Archonship.¹

The king or Basileus had lost his powers by a slow and long-drawn-out process. In the period represented by Theseus the Basileus was commander in war and guardian of the laws² and had in addition certain ancestral rights which were probably connected with the religious life of the community.³ The institution of the council chamber under Theseus was probably the first check on the monarchy.⁴ Another early diminution of the monarchical power came with the institution of the Polemarch or warlord. Although it was alleged that the cowardice of the Basileus had necessitated the creation of the new office,⁵ it is probable that the seizing of the military power was just another step in the effort of the Eupatrids to weaken the hereditary ruler. With the military duties went also the ancestral rights connected with war responsibilities.⁶

The greatest encroachment on the powers of the Basileus, however, was the institution and development of the office of Archon. As was the case of the two other offices the Archonship was of a hereditary nature, and the increase in power became so great that finally the reigning family of the Medontids through the action of Codrus abandoned the kingship for the Archonship.⁷ That it was of

1. Arist. Ath. Const. III, 3

2. Plut. Thes. 24

3. Arist. Ath. Const. III, 3

4. See page 7

5. Arist. Ath. Const. III, 2

6. Arist. Ath. Const. III, 3

7. Ibid.

rather late institution is seen in the fact that no ancestral rites were ever administered by that officer, but all festivals in his charge were merely duties added after the office had come into being.¹

As the nobles continued to increase in power the Archonship became divorced from the possession of one family and was opened to the nobility on the basis of birth and wealth as had been the case with the kingship.² Birth was still all important, but we see wealth as an added requirement thus undermining the privileges of birth. As first instituted the office was held for life as was the case with the Basileus and Polemarch, but some time during this period the term of service for these offices was reduced from a life-time job to a term of ten years.³ This time of service was reduced further to a one-year term in a relatively short time, and there was no privilege of reelection although at first this was hardly the case.⁴ It is at this final stage that the Archonship emerges from legend.

It was at this same time (about B. C. 650-630) that the powers of the Archons, as the Basileus, Polemarch and Archon Eponymus⁵ were collectively known, were restricted further with the creation of six minor Archons known as the Thesmothetae or Legislators. As was the case of the Archon Eponymus these officers were qualified by birth and wealth, and could never hold office for more than one year.⁶

1. Arist. Ath. Const. III, 3

2. Ibid., III, 2

3. Ibid., III, 1

4. Ibid., III, 4

5. Designation of the chief administrative Archon

6. Ibid., III, 4

These six men acted as assistants for the three major Archons each of which had two of the Thesmothetae to serve him. ¹ To these six officers went a major part of the judicial functions of the Archons, including the public recording of the ordinances in order that they might be preserved for the trial of litigants. ¹ They had the further power to give final judgments in lawsuits thus further undermining the powers of the major Archons. ² We further notice that the election of the entire group of nine Archons was in the hands of the Areopagus which issued a summons selecting each candidate independently and commissioning him to hold office for one year. ³ Despite these counter-checks, the nine Archons remained strong, and in the time of Cylon discharged most public functions of the state. ⁴

The Areopagus was a judicial and executive body which consisted entirely of membership from the nobility. The first trace of its existence is seen in the council-chamber as instituted by Theseus, ⁵ which certainly included among its members the nobility although it is by no means certain that the other factions were excluded. In spite of our uncertainty concerning the original method of choosing the membership, it is as a body of ex-Archons that the Areopagus first meets us in the sources. Its original powers seem to have been the exercising of moral control over the

1. Arist. Ath. Const. III, 4

2. Ibid., III, 5

3. Ibid., VIII, 2

4. Thuc. I, 126

5. See page 7

state in which capacity it heard cases of sacrilege¹ and was enabled to inflict penalties and fines upon offenders against public order, from which decisions there was no appeal.²

The real strength of the Areopagus was of an administrative nature, however. Officially the Council (as the Areopagus was frequently called) was given the power of guarding the laws -- a duty which had formerly rested with the Basileus.³ Actually in carrying out this duty the Areopagus reached the point where it administered the greatest number and most important affairs of state.⁴ Since each member was a former law maker and held his membership for life,⁵ the body rapidly gained in influence until it rivaled the Archons in power. Indeed, it not only chose the Archons; it was possibly the source of supply for the noblemen's jury court also.⁶

This process of dividing the administrative power was not a peaceful process. There is no doubt that much strife must have occurred at each new departure from the old and accepted customs. It is very likely that on more than one occasion some ambitious nobleman tried to seize for himself all of the power of the state. One such case is recorded in the annals of Athens, and because of its future political significance must be related at this time.

1. Arist. Ath. Const. I, 1

2. Ibid., III, 6

3. See page 7

4. Arist. Ath. Const. III, 6

5. Ibid.

6. Arist. Ath. Const. I, 1

An Athenian named Cylon had been a winner at the Olympic games and had utilized his popularity to gain a following of other young men in the city. Putting on a brave air he attempted to seize the citadel.¹ Receiving word of the act, the citizens came from the surrounding country and laid siege to the place. As time went on the citizens wearied of the affair and left, entrusting everything to the nine Archons who were given "plenary powers to arrange everything according to their good judgment."²

As the siege progressed Cylon and his brother made their escape, but the others facing starvation took refuge in the temple. Megacles, the Archon Eponymus and member of the powerful family of the Alcmaeonids, persuaded the fugitives to surrender and stand trial for their offense.³ Under the law Cylon's followers were liable for any penalty except death and consequently the men surrendered themselves. Nevertheless Megacles and his fellow Archons slew them, and even those who sought sanctuary at the altar of the goddess were not spared.⁴

As their defense the Alcmaeonids related that the insurrectionists had fastened a braided thread to the image of the goddess and had kept hold of it; but that on their way down the thread had broken of its own accord. Considering this a judgment of rejection on the part of the goddess Alcmaeon and his followers killed them.⁵ In spite of this defense the Alcmaeonids were unable to clear themselves of

1. Herodotus, V, 71

2. Thuc. I, 126

3. Ibid.

4. Herodotus, V, 71

5. Plut. Solon, XII, 1

the charge and they and their descendants were held to be under the blood taint of the goddess whom they had desecrated. The descendants of Cylon continued the charge and the polluted family was constantly being threatened with expulsion, and just as persistently returned whenever the sentence of exile was passed upon them.¹

While the nobles were destroying the power of the king, dividing up the powers of the Archonship, and fighting among themselves, they were also oppressing the common people. It seems that with the passage of time, as the nobles became richer and the commons became poorer, all debts became secured on land or failing that on liens secured on the person.² As the nobles gradually secured possession of the land, Attica became divided among only a few owners and the commons were passing into a condition of serfdom which closely resembled slavery.³ Finally in exasperation at being mistreated and perhaps cheated, the commons rose up in revolt and apparently demanded a code of law in order that they might know the law as well as their noble masters. This task fell upon Draco, and it is his modification of the then existing constitution that was the law of the land when Solon came into power.

The Reforms of Draco. The principal work of Draco seems to have been the reforming of the then existing constitution the nature of which has been previously discussed.⁴ The major portion of the

1. Thuc. I, 126

2. Arist. Ath. Const. IV, 4

3. Ibid.

4. Arist. Politics, II, ix, 9

work undoubtedly consisted of a written law code which supplemented the constitution and made available to the people knowledge of the laws -- a privilege previously in the hands of the Eupatrids alone.¹ It is probable that the code was written in response to immediate difficulties developing out of the factional strife.

In the sources there are allusions to the Archonship and the Areopagus thus confirming their position in an earlier constitution. Citizenship had been bestowed on all persons who were able to provide themselves with arms, presumably as a guarantee of their ability to help protect the state in times of stress, and these citizens elected the nine Archons from among a group of persons each of whom owned an unencumbered estate worth at least ten minae.² Each outgoing Archon was required to give bail until an official check had been made of his accounts as an officer.³ According to Solon's laws the Areopagus was apparently functioning before his time especially with respect to cases involving murder or homicide. From this it appears that the Areopagus was included in the Draconian Code.⁴

The Ecclesia seems also to have been in existence at the time of Draco although nothing is known of the nature of its duties.⁵ This body presents an interesting problem in connection with Solon. He

1. Arist. Ath. Const. XLI, 2

2. Ibid., IV, 1-2

3. Ibid., IV, 2

4. Plut. Solon, XIX, 2-3

5. Arist. Ath. Const. IV, 3

is mentioned by Aristotle as the first leader of the people,¹ and the leader of the people usually functioned in the Ecclesia. Does this mean that there was no organization of the people before his time? Not necessarily. The body might have been a meeting of the nobles to discuss the proposed actions of the Areopagus or Archons -- in other words somewhat like the Council of Four Hundred; but it might just as well have been instituted by Draco. Solon's Code followed that of Draco by about twenty-seven years so that he (Solon) could quite easily have been leader of the people in Draco's time and have worked under his supervision. Thus it could have been an organization of the people, and a concession to them for their lack of activity in the government.

Another new body is the above-mentioned Council of Four Hundred. It consisted of four hundred men chosen from the citizen body by lot, and all citizens thirty years of age or above participated in the election. The body was probably presided over by an Archon thus bringing the number up to four hundred and one.² No person was permitted to hold office twice until the lot had been extended through the entire list of eligible citizens; and an additional opportunity for service might again arise as the lot was cast again from the beginning.³ It seems, however, that no person might serve for more than two years in his life. Nothing is definitely known of the nature

1. Arist. Ath. Const. II, 1-2

2. Ibid., IV, 3

3. Ibid.

of the Council's business at this time. It may be that the size of the Ecclesia had made necessary the creation of this new body as a committee for the purpose of shaping up the business to come before the popular group. We are told that failure to attend the meetings of either Council or Ecclesia incurred a fine against the offending Councillor, and that the fine was proportional to the wealth of the member. Since there is no mention of a fine for the Thetes (the poorer class),¹ and it is inconceivable that the poorer classes would get off scot-free, it is evident that they were excluded from membership. If this is the case, the probable function of the Council was to check the activities of the Ecclesia which did include the Thetes.

The most famous part of Draco's work, however, is his severe code of law which imposed the death penalty for most infractions including idleness, theft, sacrilege, or murder.² The requirement of such an extreme penalty for a transgression such as stealing salad or fruit seemed as unreasonable then as it does now; yet, when the citizens asked Draco why he required death for most offenses, he stated that in his opinion the lesser ones were deserving of death while for greater offenses no heavier penalty was possible.³ Such severity seems to indicate a serious struggle arising out of oppression in which the commons gained certain advantages such as

1. Arist. Ath. Const. IV, 3

2. Plut. Solon, XVII

3. Ibid.

admission to minor offices,¹ perhaps membership in the Ecclesia, and beyond doubt a written code. In return, however, the Thetes may have submitted to a check on the Ecclesia by means of the Council of Four Hundred,² and a harsh code as a guarantee against a further uprising.

The Constitution of Draco. Although Aristotle states that Draco was author of a constitution as well as a law code,³ not a great deal is known about the former. Since Aristotle states that there is nothing about the laws worthy of mention except their severity,⁴ it is probable that the general lines of the constitution remained much as he found them. The whole framework was built upon a class system consisting of the Eupatrids, the Georgi, and the Demiurgi, each of which was identified with the factions of the Plain, the Hill, and the Shore respectively. Appointment to office went by birth, and wealth was beginning to play an increasing role in influencing the deliberative bodies.⁵

Of the offices the Archonship was well established, and controlled the administration subject to supervision of the Areopagus although that body no longer retained the right to elect the officers.⁶ It is probable that the Basileus presided over the Areopagus even as the Archon Eponymus presided over the Council of Four Hundred. In Draco's time the Archons had separate meeting places: the Basileus

1. Arist. Ath. Const. IV, 1-2

2. Plut. Solon, XIX

3. Arist. Polit. II, ix, 1

4. Ibid., II, ix, 9

5. Thetes barred from Council; Council dominates Ecclesia

6. Arist. Ath. Const. IV, 1-2

near the Town Hall or Bucolium, the Polemarch in the Epilyceum, the Archon Eponymus in the President's Hall, and the Thesmothetae in the Legislator's Court.¹

The Areopagus controlled the administration of affairs through its power of moral censorship, and was the center of power in the land since it also acted as a court of appeal against the magistrates. As guardian of the laws the Areopagus was enabled to keep a watch on the activities of the Archons holding them to the letter of the law. Should the Archons evade such supervision a person unjustly treated had the right of appearing before the Areopagites stating the law in question and obtaining justice.² The Areopagus was thus a sort of court of appeal, and in that capacity was rapidly forging ahead to a position of eminence.

There was also an Assembly (the Ecclesia) in existence although not very strong, and it was perhaps dominated by the nobility. Although nowhere directly mentioned, the assurance of continuation of most features of the old constitution indicates the existence of jury courts; but it is probably true that they were as yet restricted to the nobles for their exclusive use. That this is likely is substantiated by the growth of the court functions of the Areopagus and the development of the duties of the Thesmothetae and other Archons. The Council of Four Hundred was in operation at this time and was probably created to act as a check on the Ecclesia

1. Arist. Ath. Const. III, 5

2. Ibid., IV, 4

should the commons at any time threaten to get out of hand. It excluded the Thetes as the commons were known, and prepared the business for the Ecclesia without which preparation that body was seriously hampered.

Finally we find provision for the election of Generals by the citizen body. These officers were chosen from among the more wealthy members of the state since it was required that each successful candidate must own property worth not less than one hundred minae. A further requirement was the possession of legitimate sons over ten years of age -- a provision the significance of which is not clear.¹

In general the constitution with its powerful Archonship, Areopagus, and Council of Four Hundred appears to be heavily aristocratic, and the Ecclesia and whatever other power the people had gained seems to have been effectually checked.

1. Arist. Ath. Const. IV, 1-2. Under the laws of Solon the generalship could not be held by the Thetes (those of lowest property qualifications). For a description of these classes see p. 28.

THE SOLONIAN CONSTITUTION

PART II

THE SOLONIAN CONSTITUTION

Failure of the Draconian Reforms. Draco's harsh code did not settle the issue between Eupatrids, Demiurgi, and Georgi. Although the Georgi had gained definite knowledge of the laws and had received a limited representation in the government they were dissatisfied. The constitution was in all respects an oligarchy, and the Eupatrids had by degrees reduced ownership of the land to a select few.¹ Most Georgi thus found themselves reduced to the position of tenants, and were required to pay five-sixths of their gain through farming.² The payment of this yearly sum was secured through the person of a tenant or a member or members of his family, and failure to pay a debt made one liable to arrest.³ If a tenant were unable to meet his obligation, he or his family could be sold into slavery for the debt. In such an event the debtor might either become a slave at home or be sold into foreign lands. Frequently debtors were forced to sell their own children to preserve their freedom or, if able to escape, go into exile.⁴ The real cause of

1. Aristotle, Athenian Constitution, II, 1

2. Ibid., II, 2

3. Ibid.

4. Plutarch, Solon, XIII, 2

the previous uprising in the time of Draco,¹ the debt situation, had not been affected, and with the Georgi threatened by virtual serfdom the social struggle continued.

By B. C. 594 two definite factions had developed in Athens: the Plain representing the noble Eupatrids, and the Hill consisting of the common Georgi. With these two groups arrayed against each other the issue at stake seemed to be democracy versus oligarchy. Meanwhile another group was also interested, the Shore, representing the Demiurgi or merchant faction.² The Shore-men preferred a mixed form of government and were sufficiently strong to prevent either of the other two parties from gaining the ascendancy.³ Using their strategic position the Demiurgi threw their influence where it seemed to yield the greatest benefit for themselves in the form of either admission to the offices or the privilege of citizenship. So serious had the struggle become that the only solution to the situation seemed to lie in a tyranny,⁴ and after an apparently exhausting struggle all parties in search for a means of compromise found their man in Solon.

Solon had gained fame as a settler of quarrels by his handling of the quarrel of the descendants of Cylon and Megacles over the blood curse.⁵ Although apparently able to maintain themselves in

1. The revolt subsequent to Cylon's attempt at tyranny. See p. 15

2. The three groups, Plain Hill and Shore, were named after the geographical location of their adherents' place of residence.

3. Plut. Solon, XIII, 1

4. Ibid., XIII, 2

5. See pages 14-15

Athens for some time after the deed, Megacles's family (the Alcmaeonids) was unable to withstand the religious accusation and finally submitted to banishment.¹ They were evidently too powerful to be kept out of the city permanently for we soon find them back in the city disputing the leadership with the descendants of Cylon who had recovered their strength. By about B. C. 599 the quarrel had reached its height and the entire city had divided itself into two factions supporting one family or the other.² Solon was at this time in high repute³ probably in consequence of his fame as a poet, and possibly as a result of some connection with the reforms of Draco.⁴ Furthermore he was a member of the illustrious Medontid family,⁵ and his descent from the superlatively good Codrus enhanced his eminent reputation. Judging from his later career it is likely that he had refrained from taking sides in the quarrel.

At any rate Solon together with the noblest of the Athenians succeeded in persuading the accused family to submit to a trial of three hundred jurors selected from the nobility and to abide by their decision.⁶ The Alcmaeonids were found guilty of sacrilege by the jury and in consequence of the verdict the family was condemned to everlasting banishment, and the bodies of the perpetrators

1. Heracleides, Epitome of Aristotle's Athenian Constitution, frag. 8

2. Plut. Solon, XII, 2

3. Ibid.

4. See pp. 16-17

5. Plut. Solon, I

6. Ibid., XII, 2

of the crime of B. C. 632 were cast out of their tombs and taken to a spot without the city.¹

Solon was in a singularly favorable position to challenge the admiration of his fellow-citizens. By birth he was of the foremost family in the city,² and by wealth belonged to the upper middle class.³ In addition he had espoused the cause of the commons and had defended them to some extent.⁴ His composition of an elegy -- "in which he does battle on behalf of each party against the other and acts as mediator, and after this exhorts them jointly to stop the quarrel that prevailed between them"⁵ -- created further confidence in himself. He also offered other sound advice looking toward a reasonable solution of the social problem. The populace felt that anything was preferable to their situation; all factions, in fact, favored a tyranny under Solon and offered the power to him. When he refused the offer, he was chosen Archon and made emergency administrator.⁶

He was chosen Archon to succeed Philombrotus, and made mediator and legislator for the crisis, the rich accepting him readily because he was well-to-do, and the poor because he was honest. It is also said that a certain utterance of his which was current before his election, to the effect that equality bred no war, pleased both the men of substance and those who had none; the former expecting to have equality based on worth and excellence, the latter on measure and count.

1. Arist. Ath. Const. I, 1

2. Plut. Solon, I

3. Arist. Politics, IV, ix, 10

4. Arist. Ath. Const. XXVIII, 2; see also pp. 16-17

5. Ibid., V, 1-2

6. Plut. Solon, XIV, 2

Therefore both parties were in high hopes, and their chief men persistantly recommended a tyranny to Solon, and tried to persuade him to seize the city all the more confidently now that he had it completely in his power. Many citizens, too who belonged to neither party, seeing that it would be a laborious and difficult matter to effect a change by means of argument and law, were not reluctant to have one man, the justest and wisest of all, put at the head of the state.¹

The Solonian Reforms. As Archon Eponymus Solon was entrusted with the entire government and was given full power to make changes in the laws which would make peace between the rival factions. In his actions he was quite independent, showing regard neither for the rich nor for his supporters.² His first act was a demonstration of this free hand which he had gained in public affairs. Attacking the root of the situation Solon cancelled all debts, public and private, and decreed that in the future no more loans could be secured on the person of the borrower or his family.³ This act, while not a complete solution to the debt problem, did alleviate the situation in two ways: it made future serfdom impossible, and the debt cancellation gave everyone a new start. Politically it was a move definitely in favor of the people, but approval was not immediately forthcoming.

The factions as a whole were dissatisfied with Solon's action. Many of the Eupatrids having become poor were filled with resentment, and many of the Georgi were dissatisfied because they had

1. Plut. Solon, XIV, 2-3

2. Ibid., XV, 1

3. Arist. Ath. Const. VI, 1

expected a redistribution of wealth instead of a mere cancellation of debt.¹ In addition there was a suspicion that he had used the law for his personal benefit since it was known that some of his personal friends had greatly profited from the decree.² This reaction soon passed, however, when the factions began to realize that Solon, if he had wished, could easily have used his opportunity to reduce either the Hill or the Plain to complete subjugation and thereby have won for himself a tyranny.³ Seeing that the action had been taken for the public good and that Solon instead of allying himself with one of the factions had made every effort to bring about concord among them,⁴ the citizens further empowered him to alter the constitution so that their differences might be composed.⁵ In this respect he was given a free hand so that he could alter magistracies, assemblies, courts, and councils; moreover he was to "fix the property qualification for each of these, their numbers, and their times of meeting, abrogating and maintaining existing institutions at his pleasure."⁶

1. Plut. Solon, XVI, 1-2

2. Arist. Ath. Const. VI, 2-3. It is possible that Solon did this deliberately in order to gain support for his further measures. It may be that some of these friends were of the faction of the Shore, and that he took this means to win their party to his support. It so happened that he discussed the plan with some friends before taking action; and those friends using the inside information exchanged their threatened debt holdings for land thus emerging with a handsome increase in wealth. Solon was much blamed for this, but his supporters defended him on the ground that he misjudged the honor of his friends. See Plut. Moralia, 807 E; also Arist. Ath. Const. VI, 2-3

3. Arist. Ath. Const. VI, 3-4

4. Plut. Mor. 805 E

5. Diogenes Laertius, Solon, I, 61-62

6. Plut. Solon, XVI, 3

One of his first changes was the abolition of the ordinances of Draco except for those relating to homicide.¹ The reason for this wholesale elimination of the Code was the severity of its terms and the heaviness of its penalties. The almost universal punishment of death for each infraction was undoubtedly unpopular with the masses, and was very likely another move for popular support.²

It was Solon's desire to keep the magistracies in the hands of the wealthy, but he did not think it proper to exclude the poorer classes from other participation in the government as had formerly been the case.³ He therefore reorganized the class system along the lines previously established for the Council of Four Hundred and the Generals,⁴ basing the divisions according to wealth gained from produce of the land. Four new groups were now created: 1) the Pentacosiomedimni; 2) the Hippes; 3) the Zeugitae; and 4) the Thetes. The Pentacosiomedimni were those persons who enjoyed a yearly production of five hundred measures either wet or dry, and to them was entrusted the carrying out of magistral duties. The Hippes consisted of those whose yearly production amounted to three hundred measures while the Zeugitae were all those with an annual yield of two hundred measures. Theoretically the Hippes were those able to equip and maintain a horse for battle purposes

1. Arist. Ath. Const. VII, 1

2. Plut. Solon, XVII

3. Ibid., XVIII, 1

4. See pages 17-18, 21

while the Zeugitae were of a group not so well off yet able to provide at call a team of horses for military use. These two groups were also admitted to some of the offices in the government.¹ The Thetes were those persons who were unable to meet the above production requirements and consisted for the most part of the laboring class. They were not permitted to hold office, but did have the privilege of membership in the Ecclesia and Heliaea.²

Solon then made all officers elective by lot according to the assessments of the above system.³ Although the Thetes were barred from office they could by increasing their production be advanced to a higher classification and thus gain admission to the offices.⁴ Similarly, one could advance or fall under the production system.

Practical Results of the Reforms. The reforms of Solon put an end to oligarchy and liberated the lower classes from slavery. No longer could a member of the lower class be reduced to serfdom by failure to meet his obligations.⁵ By basing class divisions on the produce of land, Solon destroyed the privileges of birth, and substituted wealth as a base for aristocracy. From this point of view Solon took one step toward democracy since he made it possible for a person to advance from one classification to another by increasing or decreasing the amount of his yearly income from the land. By making

-
1. Arist. Polit. II, ix, 4
 2. Plut. Solon, XVIII, 1-2
 3. Arist. Ath. Const. VIII, 1
 4. Ibid., VII, 4
 5. Arist. Polit. II, ix, 2

the Jury Courts available to the Thetes Solon also materially aided the cause of democracy since he placed all classes on an equal footing at law with the element of the lot removing aristocratic control.

Yet the Solonian constitution was strongly aristocratic. The effectiveness of the Jury Courts was somewhat nullified by the difficulty of getting the Thetes who lived at a distance to come to town and serve.¹ A similar circumstance weakened the position of the Thetes in the Ecclesia, while the Council of Four Hundred (strengthened by Solon) through its control of agenda and its exclusion of the Thetes further strengthened the hand of the upper classes. Most important was the fact that all offices were held by the nobles and the wealthy, and no one of the Thetes was eligible for such service. With the courts unavailable through circumstance, the Ecclesia subject to the will of the Council, the Council barring Thetes, an Areopagus recruited from Archons, and the magistracies open only to upper-class men, the aristocratic principle remained. The only difference was a change from aristocracy of birth to aristocracy of wealth.

The Constitution of Solon. Solon based his constitution squarely upon the structure provided by Draco. In comparing the two we find the same administrative and deliberative bodies in each government. The four tribes, the Archons, Areopagus, Ecclesia,

1. Arist. Polit. II, ix, 2

Council, and Heliaea are common to both; and no revolutionary differences are to be noted in any case. His reforms were really a compromise in which the lower classes were given as much power as the occasion warranted, but no more.

The tribal system remained untouched, and the upper classes continued to rule as before. There were still four tribes and four tribal kings, and each tribe had three brotherhoods each. We can see evidence of the growth of commercial relations in the time of Solon, for we find that the shipping is controlled by the tribes with each tribe having twelve ship-boards or Naucrariae. These Naucrariae were forty-eight administrative districts for taxation, and each provided equipment for one battleship. Over the Naucrariae were appointed Ship-Commissioners (Naucrari) who "appointed for the levies and expenditures that were made."¹ For this purpose Ship Commission Funds had been established to defray expenses of commerce.² A further duty of the tribes was the selecting of ten candidates each for the Archonship by vote from which group of forty the election of nine was to take place by lot. All other offices of state were chosen in a similar manner.³ Since the tribes were subject for the most part to pressure from the Eupatrids through the Brotherhoods, the aristocracy clearly dominated tribal relations to the governmental set-up.

1. Arist. Ath. Const. VIII, 3

2. Ibid.

3. Ibid., VIII, 1

The four class divisions of the Pentacosiomedimni, Hipbes, Zeugitae, and Thetes were an attempt to overthrow the power and influence of the Eupatrids, and as such supplanted the tribal influence to some degree. The five hundred, three hundred, and two hundred measure standard was a distinct blow at the Eupatrids since many persons of doubtful lineage or even naturalized citizens were now eligible for the highest offices in the land save the Archonship. But even with this handicap the most powerful families such as the Medontids and Alcmaeonids continued to lead since the wealth requirement only served to increase their influence. Generally speaking the addition of wealth to birth as a requirement for the Archonship only served to place that office in stronger hands and thus to make the office itself stronger.

So the class reforms seemed to provide the ominous possibility of a struggle for supremacy in which the more powerful nobles might be tempted to aim at a tyranny. As we shall later see, this possibility developed into a reality. On the other hand many nobles, reduced to poverty by the force of the debt cancellation, were in desperate straits and only needed a leader to cause trouble. Similarly the Thetes, excluded from office and restrained by circumstance from exercising any of their constitutional rights, were sure to continue the strife should a leader be found for them. Should these two groups be brought together, a trial of strength would be certain.

Concerning the "naturalization" of citizens Solon set up two conditions: 1) those permanently exiled from their own country, or 2) those moving to Athens with their entire family to ply a trade could gain citizenship.¹ His purpose was to attract to Athens those persons who would not only make useful citizens but would also offer full assurance of becoming citizens. It was felt that those who had been exiled for life would welcome the opportunity of citizenship while those who had shown by their determination of cutting all ties with their former country would be equally deserving of the franchise.² Foreseeing the tendency of Athens toward factionalism and noting a tendency of some citizens to be indifferent to such quarrels, Solon enacted a special law decreeing that anyone refusing to take sides in case of party strife should and would be disfranchised and lose his membership in the state.³ By this measure he hoped to maintain complete civic interest in the affairs of state, and also to make it possible for every member of the city to indicate his stand in a quarrel. He thus made certain that no faction weak in numbers might gain control of affairs through indifference of the citizenry, and he probably hoped that the device would prevent the establishment of a tyranny through public inertia.

The Archonship remained aristocratic as before,⁴ although election of those officials was taken out of the hands of the

1. Plut. Solon, XXIV, 2

2. Ibid.

3. Arist. Ath. Const. VIII, 5

4. Arist. Polit. II, ix, 2

Areopagus and placed upon a lot basis. The fact that they were chosen from a preliminary list chosen by the tribes, and were accountable to the people does not alter the fact that the magistracies still remained in the hands of the wealthy upper class.¹ Nevertheless the people under supervision of the Ecclesia chose these magistrates, and more important required an account of their year's activities when they went out of office.² Choice of the Archons in the preliminary tribal selection was restricted to the Pentacosiomedimni and Hippos thus disbarring the Zeugitae and Thetes from legal access to the office.³ Solon was responsible for several innovations including the rule that all of the Archons should meet in private conference⁴ in the Legislators' court.⁵ Such conferences were doubtless instituted to facilitate the coordination of duties of the offices particularly relations between the major Archons and the Thesmothetae. A law had also been passed forbidding the exportation of any product except oil, and it was the function to pronounce curses upon anyone who violated the ordinance. Failure to do so incurred a fine of one hundred drachmas which the guilty Archon must pay into the public treasury.⁶ To secure fidelity to the laws each Archon was sworn to obey all of the laws, and failure to do so placed upon him the obligation to dedicate a gold statue of a man as a penalty for his transgression.⁷

-
1. Arist. Ath. Const. VIII, 1
 2. Arist. Polit. II, ix, 4; also III, vi, 7
 3. Arist. Ath. Const. XXVI, 2
 4. Diog. Laert. Solon, I, 58
 5. Arist. Ath. Const. III, 5
 6. Plut. Solon, XXIV, 1
 7. Arist. Ath. Const. VII, 1-2

The Areopagus, although it lost the power to supervise the election of Archons, really became more powerful than before and was definitely in the position of guardian of the laws, thus keeping watch over the most important affairs of the state.¹ This meant that most public affairs were subject to its cognizance with the privilege of correcting offenders against the constitution, and to fine and punish in serious cases. The Areopagites also exercised the right to try those persons guilty of attempt to put down the democracy.² The Areopagus also had supervision over the public morals,³ and had charge of murder cases (homicide).⁴ This moral power could have great potential advantage, and Solon directed it against the leisured class. Realizing that the land was barely able to support the inhabitants and was unable to support an idle multitude, he made all trades worthy of dignity; the Areopagus was ordered to investigate every man's means of livelihood, and recommended punishment for those who were discovered to have no occupation.⁵ With so many important duties and privileges it is not strange that the Areopagus easily surpassed all other councils in excellence.⁶

As was formerly the case, the membership consisted exclusively of ex-Archons⁷ who had proved their fitness for the place, and that

1. Plut. Solon, XIX, 2

2. Arist. Ath. Const. VIII, 4

3. Isocrates, Areopagiticus, 37

4. Arist. Ath. Const. XVI, 8

5. Plut. Solon, XXII, 3

6. Isocrates, Areopagiticus, 37

7. Plut. Solon, XIX, 1

Membership was retained for life.¹ The membership was consequently recruited from those of noble birth² making the body inevitably an oligarchic group.³ Nevertheless it maintained such a reputation of excellence and did its job so well that it was considered by all to be without equal, this to such an extent that even in a later age it seemed natural to refer to the body simply as "the Council."⁴ With such a reputation it is not surprising to find an extraordinary degree of trust imposed upon it. This confidence was so great that it could dispose of public moneys without a statement of the reason for the expenditure.⁵ But with all this halo of righteousness the Areopagites were not impeccable, and provision was probably made for removal under certain circumstances.⁶ Among such instances were doubtlessly included offenses involving forfeiture of citizenship, exile, or perhaps inability to perform the duties of office in an acceptable manner.⁷ It is also interesting to note that Areopagites probably were required to ask leave of absence when departing from the city for any length of time.⁸ This indicates the indispensibility of the members and is a further proof of the importance of the Areopagus in Solon's time.⁹

1. Arist. Ath. Const. III, 6

2. Isoc. Areop. 37

3. Arist. Polit. II, ix, 2

4. Cicero, De Natura Deorum, II, 29

5. Arist. Ath. Const. VIII, 4

6. Plut. Mor. 790 C

7. See pp. 24, 33

8. Plut. Solon, XXV, 5

9. The situation is similar to the law prohibiting the Tribunes from leaving Rome during their term of office.

Concerning the Assembly of the people (the Ecclesia) little is definitely known of its duties at this time. Beyond the fact that it is in existence and includes the entire citizen body (even the Thetes) nothing else can definitely be said.¹ Potentially the organization was the bulwark of the common people, and at a later time was destined to form the channel through which the people were to achieve democracy.

The Council of Four Hundred was created by Solon to act as a check on the common people, and its initial duty seems to have been the preparation of business for them -- in other words a committee comparable to the great Congressional Committees rolled into one. It can be traced back to Draco in such a capacity and was possibly created by Solon then.² After freeing the Thetes from their debt slavery, Solon began to notice their restlessness, and the duties of the Council of Four Hundred were enlarged. As had previously been the case the membership was recruited from the four tribes with one hundred from each.³ It is likely that it was at this time that the Council received the sovereign power to pass sentences of fine, imprisonment and death as well as the right to reject officers whose qualifications were not in order.⁴ Its most important power was its right to deliberate on public matters before the Ecclesia did, and under Solon this right was expanded to the

1. See pp. 16-17, 20

2. See p. 17

3. Plut. Solon, XIX, 1

4. Arist. Ath. Const. XLV, 1-3

extent that no matter could come before the Ecclesia without action by the Council.¹ Since the Council had such close relation to the tribal set up and supervised the actions of the Ecclesia, it is entirely likely that the tribes acted through it when making the preliminary selection of candidates for the Archonship. With these additional powers Solon had raised the Council of Four Hundred to a point where it was a definite power in the state, and acting as an additional check on the Thetes since none of this classification was eligible for membership.²

The really democratic feature of the constitution was the Heliaea.³ Though probably based on the older Jury body which had operated exclusively for the benefit of the nobility,⁴ the new system bore no vestige of the ancient aristocratic set-up in its operation. The new Heliaea were the real center of Solon's democratic reforms, for the lower classes were admitted with the nobler groups, and every citizen had a right of appeal to them.⁵ This right of appeal, recognized by the Athenians as the foundation stone of their democracy,⁶ was of highest importance for cases assigned to the magistrates, since the decision could be appealed to the Heliaea if anyone so desired.⁷ This would logically make the law courts all-powerful.

1. Plut. Solon, XIX, 2

2. See pp. 21, 29

3. Arist. Polit. II, ix, 2

4. Plut. Solon, XII; See also p. 24

5. Ibid. XVIII, 1-2

6. Arist. Polit. II, ix, 3

7. Plut. Solon, XVIII, 2

But at the time the potential strength of the courts was little noticed; indeed, Aristotle was of the opinion that the Heliaea did not found the democracy.¹ The Heliaea did not bring about democratic government; that remained well in the future. Theoretically the Juries were democratic,² but the people were not close at hand and thus were unable to serve with any degree of regularity. In practice, therefore, they do not seem to have promoted the democracy.

Nevertheless the Heliaea did umpire all disputes public or private,³ for most of the laws were obscurely and ambiguously worded; and parties failing to gain satisfaction from the laws always desired the jurors to settle the matter for them.⁴ In consideration of the weak position of the lower classes Solon also made a law which "gave every citizen the privilege of entering suit in behalf of one who had suffered wrong. If a man was assaulted, and suffered violence or injury, it was the privilege of any one who had the ability and the inclination, to indict the wrong-doer and prosecute him."⁵

Remaining information on the constitution is of a fragmentary nature. Officials in addition to the Archons were the Treasurers and Vendors who were chosen from the three upper classes in proportion to the amount of their assessments; the Paymasters were

1. Arist. Polit. II, ix, 2

2. Elected by lot; see Arist. Polit. II, ix, 3

3. Arist. Ath. Const. IX, 2

4. Plut. Solon, XVIII, 3

5. Ibid. XVIII, 5

chosen in a like manner.¹ The Treasurers were elected by lot from the Pentacosiomedimni exclusively.²

With the Constitution completed and other laws supporting it, the work was written up on boards and placed in the royal colonnade where all could see them. All officers swore to obey and observe the laws,³ and Solon relinquished his power with the understanding that the laws were to remain unaltered for a period of ten years.⁴

Development of the Archonship. During the entire period of the aristocratic domination of the constitution the office of Archon Eponymus was the center of attraction because of the powerful influence which went with such authority. Since each of the powerful families wished to attain the administrative supervision as much as possible, factional strife was a frequent outcome of rivalry for the position.⁵

1. Arist. Ath. Const. VII, 2-3

2. Ibid. VIII, 1; the laws of heiresses were an interesting example of Solon's conception of a man's duty toward his wife. The ruling was that no man could merely marry for an estate, but must carry on a husband's duties toward her. Should the man prove faithless the heiress was entitled to a divorce, but if she should remarry she was instructed to choose her new spouse from the family and lineage of her former husband. This provision was probably a means of preventing strife among families over the question of wealth now that social ratings were dependent on that item. See Plut. Solon, XX, 2-3

3. Plut. Solon, XXV, 1; see also Arist. Ath. Const. VII, 1-2

4. Herodotus, I, 29. Aristotle and Plutarch say one hundred years, but Herodotus ascribes Solon's ten year journey to his desire to avoid changes himself which they could not make. It is also significant that no change took place in the government (save once when no Archon was elected) until after the ten year period.

5. Arist. Ath. Const. XIII, 2

From the time of its institution the Archonship had been a device of the aristocracy, and in its origin was aimed at the abolition of monarchy. That the device was a success is witnessed by the tradition that the family of the Medontids abandoned their royal prerogatives for the privilege of exclusive possession of the office.¹ With the old royal family reduced to a position of equality with themselves, the Eupatrids as their next step opened the office to families other than that of the Medontids thus destroying the monopoly which had been the previous practice.² Making certain stipulations concerning the wealth of an Archon the nobles still further undermined the old privileges of royal birth.

With the opening of the office to all wealthy members of the Eupatrids, it remained to secure some means of preventing the dominance of one family for too long a period. The result was a reduction of the term of office from life to ten years, and in a short time to the final term of one year without the privilege of reelection.³ By B. C. 650 the one year plan was firmly rooted.

But a new problem had arisen; the Archonship had become too powerful. The institution of the Thesmothetae met the difficulty by breaking up the power of the office and distributing most of the judicial duties on the six new officials thus created. Although considered assistants to the three major Archons, the

1. Arist. Ath. Const. III, 3

2. Ibid.

3. Ibid. III, 4

Thesmothetae were beyond their reach in certain matters. Through creation of the Junior Archons the Eupatrids not only decentralized the great power of the Archonship, but also provided additional posts of honor and power for themselves. This meant that each of the great families could under normal circumstances hold one of the offices frequently, and the device of the lot secured the offices from favoritism.¹ With the election taken from the supervision of the Areopagus by Solon, the Archonship was now fair game for anyone with the qualifications.

Even these devices failed to reduce the prominence of the Archon Eponymus. Since he had general control of the administration, his powers were considerable, and as time went on he constantly found his strength being augmented by the acquisition of new duties.² Thus the Archon Eponymus became more powerful despite his loss of legislative authority. With this increase of power the citizens felt it necessary to introduce some type of check, and by the time of Draco the principle of requiring an audit of accounts before permitting retirement into membership of the Areopagus had come into being.³ Even in Solon's day, the Archon Eponymus was available only to those persons of at least moderate wealth, but the wealthy persons were also those of the powerful Eupatrids. Thus powerful families such as the Medontids and the Alcmaeonids

1. Aristotle, Ath. Const. III, 5

2. In this respect the growth of the administrative power of the President of the United States is a parallel.

3. Arist. Ath. Const. IV, 2

found their position enhanced, and a union of such strength with the Archonship inevitably made the latter more and more powerful. Under such circumstances it was certain that factional strife would break out with the Archonship as the goal should Solon's reforms fail to quiet the rival families.

Public Reaction against Solon's Constitution. Having completed his laws, Solon went on a ten-year trip which took him far from Athens in order that his Constitution might stand on its own merits. He did this because people kept coming to him worrying him about his laws. They were constantly criticizing certain parts and asking him questions about others. Since some were still pressing him on the point of tyranny, he doubtless felt that a continual explanation and amplification of the laws by himself might lead him into the tyranny he dreaded.¹ Another reason for his decision was the disfavor of the factions each of which was disappointed at the settlement which they felt had not gone far enough. Since he did not choose to take sides, or to create for himself a tyranny, Solon steadfastly refused to make changes in the laws.² Making his ownership of a vessel an excuse for foreign travel, Solon applied to the Areopagus for a leave of absence,³ announcing his intention to trade and see the world for a period of ten years.⁴ Secure in the knowledge that the Athenians would be unable to repeal the laws for the ten year

1. Arist. Ath. Const. XI, 1

2. Ibid. XI, 2

3. Plut. Solon, XXV, 5

4. Hdt. I, 29

period because of the oaths they had taken, he set out on his journeys and left his laws to take care of themselves.¹

Dissatisfaction with the laws now blazed forth, and the old parties of the Hill, Shore, and Plain were reorganized. Among the Solonian laws was a general amnesty granting full rights and citizenship to all persons exiled before formation of the new constitution except those disfranchised on charges of murder, homicide, or seeking to establish a tyranny.² This decree was a signal for the return to Athens of the Alcmaeonids under the leadership of Megacles. During their exile the family had established friendly relations with Croesus of Lydia, and had gained through these contacts a sizeable fortune.³ Always a powerful group, the Alcmaeonids returned to Athens even more powerful than when they had left thanks to Solon's "timocratic" class system. Doubtless rival nobles resented their return and began to revive the old charge of the blood taint.⁴

Failing to gain support from the Eupatrids, the Alcmaeonids turned their attention to the Demiurgi and soon organized them against the nobles. In choosing the Demiurgi as the basis of opposition to the Eupatrids it is likely that the Alcmaeonids were influenced by new citizenship which had been gained by that group. More prosperous than the peasants and yet barred from

1. Hdt. I, 29

2. Plut. Solon, XIX, 3

3. Hdt. VI, 125

4. See pages 14-15

membership in the nobility, the merchants held an in-between position. Since the Alcmaeonids were repudiated by the Eupatrids and had a natural aversion toward the commons, they found themselves in a position similar to that of the Demiurgi; and their leadership of the Shore faction was probably a consequence of this similarity.

Within a short time a feud developed between the Shore faction under Megacles and the Plain faction under the leadership of Lycurgus, son of Aristolaides.¹ A general state of disorder now ensued with some wrangling over the cancellation of debts because the laws had made them poor and others because of the great change that had taken place. Others among the nobility contributed to the general dissention through their mutual rivalries.² The Shore faction consisting chiefly of the merchants favored a compromise constitution, and under the leadership of Megacles were inclined to support the Solonian arrangement. The Plain, an exclusive faction of the nobles, desired an oligarchy and were led by Lycurgus.³ Despite these internal storms the city maintained peace between the groups, but the fifth year after the departure of Solon found the party strife so great that no Archon was appointed.⁴

Apparently some compromise must have been reached for the four succeeding years found the general elections taking place as before. At this point a new power appeared on the scene in the person of Peisistratus, a third cousin of Solon.⁵ Aiming at eventual tyranny

1. Hdt. I, 59

2. Arist. Ath. Const. XIII, 3

3. Ibid. XIII, 4

4. Ibid. XIII, 1

5. Plut. Solon, I

and willing to bide his time, Peisistratus carefully laid his plans for gaining the sovereign power and decided that his best chance lay with those opposed to the Eupatrids. Acting on this conclusion he organized a faction directed against the Plain¹ realizing that anyone who attacked the rich could count on the support of the common people or the merchants and gain their confidence.² As a result he was appointed head of the Hill faction which was made up of diverse groups. Included were the Thetes -- bitter enemies of the rich, those nobles who had lost their wealth as a result of the debt cancellation, and those citizens not of pure descent and therefore fearful of losing their citizenship should an oligarchy be formed.³ It was believed by all in the city that the Hill faction aimed at democracy.

Once again the factional strife flared forth and as had been the case five years previously the Archonship was suspended through inability to arrive at an election.⁴ This failure to elect Archons is an indication of the dangerous state to which the city had come. Fearing to change the constitution because of the oaths they had taken and unwilling to see their rivals installed in power, only one recourse remained -- the negative action of refraining from an election.

1. Arist. Polit. V, iv, 5

2. Ibid.

3. Arist. Ath. Const. XIII, 5; the latter group was probably in large part composed of the craftsmen who had been attracted to the city by Solon's offer of citizenship.

4. Arist. Ath. Const. XIII, 1

Although the laws were still being observed, all factions were expecting a revolution; and each group wished to have a different form of government not for the benefit of all but for the sole purpose of gaining entire mastery of all opponents. It was during such a period of tension that Solon returned to Athens.¹ Though he resumed his membership in the Areopagus,² the revered and honored man, thoroughly worn through his travels, was unable to take part in public affairs as had been his wont.³ Nevertheless he did confer privately with the leaders of the opposing factions endeavoring to reconcile their differences and restore harmony to the city. Of all the leaders Peisistratus appeared to heed his advice more than others probably in an effort to add to his popularity.⁴

Another five years passed, and one Damasias gained the Archonship (apparently in a legal manner) holding the office for two years and two months. This was a definite attempt at tyranny, and Damasias held the office until he was driven out by force. After his deposition the factions arrived at a compromise by which ten Archons were elected distributing five to the Eupatrids, three to the Georgi, and two to the Demiurgi.⁵ These men served in the year following the expulsion of Damasias, but it is not known how well the plan worked or how long it was retained.

1. Plut. Solon, XXIX, 1

2. Plut. Mor. 790 C

3. Solon was 56 years old at this time.

4. Plut. Solon, XXIX, 2

5. Arist. Ath. Const. XIII, 2

Little is known of the happenings in the years that followed, but it is certain that Peisistratus was not idle. When the Athenians went to war against Megara (B. C. 570-565) he played a prominent part, and won quite a reputation for himself as commander of the army. Under his leadership the Athenians took Nisaea, and Peisistratus through the performance of other great exploits emerged from the war as a great popular hero.¹

Peisistratus now judged the time was ripe to attempt a seizure of the city. Of an illustrious family, seemingly in sympathy with Solon's ideas, and well established as a leader of the Hill, he felt that now was the time to capitalize on his military glory. As the foremost popular leader, it is probable that he functioned principally through the Ecclesia for we find him putting his plan into execution through that body where he had used the methods of a demagogue.²

One day in B. C. 560 Peisistratus wounded himself and his mules and drove his carriage into the market place with the tale that he had been set upon by his enemies (presumably of the Plain or Shore). Representing that he would have been slain had he not escaped, Peisistratus appealed to the Ecclesia for a guard in order that his life be not further endangered.³ He requested a guard of four hundred young men.⁴ Solon saw through this subterfuge despite his

1. Hdt. I, 59

2. Arist. Polit. V, viii, 4

3. Hdt. I, 59

4. Diog. Laert. Solon, I, 66

age, and formally opposed the granting of such a request; he flatly accused Peisistratus of aiming at a tyranny and rebuked those too cowardly to do anything about it.¹ When he saw, however, that the poor were overwhelmingly in favor of protecting the life of their leader while the rich were fearfully avoiding any conflict with him, Solon left the meeting and went home. With his withdrawal any possible opposition was silenced, and the Ecclesia passed the desired decree permitting Peisistratus to choose any amount of club-bearers that he found needful.²

Shortly thereafter Peisistratus rose up against the city and seized the Acropolis. Although this was a bold stroke he received little opposition for he had previously as head of the people under unknown circumstances driven out many of the more powerful families as partisans of oligarchy.³ Seeing the hopelessness of their position possibly through loss of the leadership of the Shore, Megacles and the rest of the Alcmaeonids immediately fled from the city since opposition was useless.⁴ Solon, though now without a party, sought to oppose the movement and stood in the market-place exhorting the citizens to preserve their liberty. No one had the courage to support him, however, and he returned to his house.⁵ Although now

1. Arist. Ath. Const. XIV, 2

2. Plut. Solon, XXX, 3

3. Isoc. Panathenaicus, 148; Lycurgus was undoubtedly included in this group. Peisistratus may have collaborated with Megacles to achieve their expulsion.

4. Plut. Solon, XXX, 4

5. Ibid.

seventy-nine years old, Solon still retained his spirit and continued to call upon the citizens to redeem their liberty and resist the tyranny, but in vain.¹

Peisistratus, now master of the situation, and realizing the harmlessness of the old man, endeavored to win him over by honoring him, showing him kindness, and inviting him to his palace.² In setting forth his position the tyrant argued that he had merely resumed the old privileges such as had been enjoyed in former times by Codrus, his ancestor. Aside from that (he said), no other changes had been made, for the Athenians were still managing their affairs according to the laws which Solon had established.³ He further argued that the people were better governed under his leadership because he allowed no one to overstep his rights, and yet took to himself no "undue share of reputation and honor."⁴ The net result was the winning of Solon's friendship so that the old law-giver actually acted as his counsellor and approved of many of his acts.⁵ On his own part Peisistratus retained most of Solon's laws and subjected himself and his followers to their provisions. On one occasion he even submitted to trial before the Areopagus on a murder charge, but was acquitted when his accuser through fright failed to appear.⁶

1. Plut. Mor. 795

2. Plut. Solon, XXXI, 1

3. Diog. Laert. Peisistratus to Solon, I, 53

4. Ibid.

5. Plut. Solon, XXXI, 1

6. Plut. Solon, XXXI, 2

Solon survived Peisistratus's accession to the tyranny by only one year dying in B. C. 559 at the age of eighty years,¹ but the tyranny was not destined to have smooth sailing. Megacles and Lycurgus as exiles reconciled their differences, and the year B. C. 556 saw the Eupatrids, together with the Alcmaeonids, banishing Peisistratus from the city and taking control for themselves.² This development could not have been entirely unforeseen, for much unrest had taken place in the city among the nobility. As a consequence of this Peisistratus was probably seeking some means of diverting attention from himself as well as providing a place of refuge should he be forced to flee from the city. A war in the Chersonesus having developed between the native Dolonci and their northern neighbors (Lampsacenians), the former applied to the Athenians for aid, requesting a leader who could win for them their independence.³ This fitted very well into Peisistratus's scheme, and he devised the plan of sending a party of citizens to the Chersonesus as a colony. The condition within Athens can be seen to have been tense and uncertain in the desire of a great many persons to take part in the migration.⁴

Among those persons desiring to take part in the expedition was Miltiades, son of Cypselus, a powerful man of illustrious descent. Although of mixed Aeacian and Aeginitan extraction, his family had been established in Athens for many generations. Impatient of the

1. Diog. Laert. Solon, I, 62

2. Hdt. I, 60

3. Ibid. VI, 34

4. Cornelius Nepos, Miltiades, I, 2

rule of Peisistratus and anxious to get away from it, he welcomed the invitation to lead on his own responsibility and perhaps gain a more desirable situation.¹ Having been assured of the assent of the gods and accompanied by a hand-picked band, he set sail with a fleet for the Chersonesus with the full approval of Peisistratus.²

When he arrived on the scene he immediately engaged with the Lampsacenians, but had the misfortune to be waylaid and captured by them. Fortunately Miltiades had a strong friendship with Croesus, the powerful Lydian king, who threatened his captors with reprisals should they harm him or retain him in captivity. In deference to Croesus's wishes, Miltiades was set free and soon established his own authority.³ As a token of their gratitude the inhabitants of the region made him in effect a despot although he had no official title. Despite the strength of his position Miltiades remained subject to the will of Athens, and retained permanent authority in the Chersonese peninsula despite the turmoil that was raging in his home city.⁴ As time went on, he even found it possible to take control of the neighboring island of Lemnos.⁵

Meanwhile affairs in Athens took a turn in favor of Peisistratus. With the democratic faction ripped to pieces as a result of the expulsion of their leader, the Eupatrids and the Demiurgi took control of affairs. Soon they were at each other's throats probably as a

1. Hdt. VI, 35

2. Nepos, Milt. I, 4

3. Hdt. VI, 37

4. Nepos, Milt. II, 3

5. Ibid. II, 5

result of their differing opinion on the subject of an oligarchy, and Megacles found things going against him. Turning to his erst-while enemy, Peisistratus, Megacles offered the hand of his daughter in marriage as a condition of supporting his bid for the sovereign power. Peisistratus accepted the offer, and after creating a rumor that the gods had bidden his return, was warmly received by the populace.¹

But Peisistratus was fated to enjoy his second installment of tyranny for an even shorter time than before, for he soon fell out with Megacles. As was agreed Peisistratus married Megacles's daughter, but he had no wish that his newly found wife should bear him children because he dreaded the effect of being connected with the famous Alcmaeonid blood curse.² Furthermore he had other children by a previous marriage and had no desire to cause a dynastic quarrel among his heirs. He, therefore, refused to grant to his wife the customary marital relations, and Megacles feeling greatly dishonored patched up his quarrel with the oligarchic faction. Facing an ugly situation Peisistratus voluntarily quitted the country and set out for Euboea where he and his sons held counsel.³

Deciding to regain the sovereignty they began to collect money and line up allies for their purpose. The friendly relations which Peisistratus had maintained with many of the Greek states now began to bear fruit. All cities which were under obligation⁴ began to

1. Hdt. I, 60

2. See pp. 14-15

3. Hdt. I, 61

4. Exact nature of obligations unknown; possibly treaty arrangement or sympathetic tyrannies which might have received similar help in the past.

contribute great sums, and the strong city of Thebes gave more than any other. Finally after ten years of preparation they were ready to strike. Supplied with mercenaries from Argos and greatly aided in money and men by Lygdamis of Naxos together with all other supplies which had been gained, everything was ready for their return.¹

The expedition set out from Eretria and landed at Marathon where they were joined by partisans from the neighboring villages and even from Athens itself. The loyal citizens, now realizing their peril, set out to attack him, but in vain.² The adherents of Peisistratus easily put the Athenians to flight, and it is probable that many of these were only engaging in the battle for a sham since Herodotus states that many of these upon encouragement from Peisistratus's sons went to their homes thus destroying the morale of the others.³

Peisistratus was now supreme and took measures to assure his continued leadership. Establishing a strong armed guard and collecting revenue from the river Strymon as well as from Athens, he made certain of their loyalty. Seizing the sons of the noble Athenians who remained within the city, he sent them to Naxos where they remained as hostages under the guard of Lygdamis whom he had previously appointed governor. Other powerful families such as the Alcmaeonids, and even Cimon brother of Miltiades, were exiled

1. Hdt. I, 61

2. Ibid. I, 62

3. Ibid. I, 63

and forbidden to return to the city. By such means Peisistratus made certain of his continued domination of the city.¹ Feeling that his position was now secure, he proceeded to set the city in order.

Once he had established himself, Peisistratus conducted himself with rare wisdom and gained a reputation as a ruler second to none. In later years it was said that he and his son, Hippias, conducted the government in such a manner that they were wiser in warfare and statecraft than Periander, famous as one of the seven wise men, and further that they were more humane than he.²

Peisistratus greatly favored the thorough cultivation of the land for he wished to keep the people satisfied. Having ridden to power through their support he realized the necessity of providing for their needs as a means of retaining popular leadership. He was therefore kind and lenient with all offenders against the law, and advanced money to the poor in order that they might develop their farming activities. His purpose was to prevent their stopping in the city and interesting themselves in public business; thus he hoped to reduce the Ecclesia to a position of impotence through disuse.³ Furthermore the added industry would increase his revenue which amounted to one-tenth of the produce of the land.⁴ As a logical sequence of this desire to keep the people scattered on their

1. Hdt. I, 64

2. Pausanias, Description of Greece, I, xxiii, 1

3. Arist. Ath. Const. XVI, 2-3

4. Ibid. XVI, 4

farms, he organized the local justices who settled disputes on the spot and even took to the circuit himself in order that the men might not be required to neglect their work by a journey to the city.¹ That this encouragement of the farm industry bore fruit is witnessed by the fact that Hippias and Hipparchus reduced the produce tax from one-tenth to one-twentieth of the land income.²

For the most part the government of the Peisistratids was agreeable to all. They cultivated all of the arts and encouraged the intellectual life of Athens. A public works program adorned the city and made the citizens conscious of the strength of their community. Religious festivals were encouraged, and the tyrants were actively engaged in their supervision.³ In their legal actions they were careful to remain for the most part subservient to the laws thus concealing the operation of their tyranny so far as possible.⁴ Indeed, the only serious alteration in the city laws related to the Archonship which they generally had some member of the family occupy.⁵

The foreign policy of the Peisistratids was for the most part one of friendliness for neighboring states. Except for the war with Mytilene in B. C. 535 when Sigeum was recaptured, no serious diffi-

1. Arist. Ath. Const. XVI, 5

2. Thuc. VI, 55

3. Ibid. VI, 57

4. Arist. Polit. V, ix, 21

5. Cf. note 2. Peisistratus probably retained for himself the position of King-Archon which must have been over and above the regular Archonship; or his office might have been a tenth Archonship inspired by an earlier arrangement. See page 47.

culties developed with other cities in Hellas. Macedonia and Thessaly were definitely allies,¹ and Sparta and Thebes were outstanding in their support of the regime. The tyrants had thus lifted Athens to a powerful position in the Aegean region. Sigeum was under the governorship of Hegesistratus, a bastard son of Peisistratus, and despite disorders in the region remained a stronghold of the tyranny.² Naxos had been subdued and served as a station for the guarding of hostages.³ The Chersonesus and Lemnos under Miltiades secured a strong position in the northern Aegean.⁴

An evidence of the leniency of the tyrants can be seen in their relations with the family of Miltiades; and yet a vindictive strain can also be detected. Cimon the brother of Miltiades had been exiled when Peisistratus came to final power,⁵ but built up a reputation for himself as a charioteer winning the Olympic prize on three occasions. At his second victory he seems to have made some sort of deal with Peisistratus who desired to attain such honor for himself, for we find him relinquishing his victory to the tyrant in return for a restoration of citizenship.⁶

On his return to Athens Cimon took with him his younger son Miltiades (named for his uncle the ruler of Chersonesus) but left Stesagoras, the eldest, with his brother in the Chersonesus. As a

1. Hdt. V, 94

2. Ibid.

3. Ibid. V, 64

4. Nepos, Milt. II, 3, 5

5. See pp. 54-55

6. Hdt. VI, 103

citizen of Athens he added to the honor of his city by winning his third championship at Olympia. Shortly thereafter Peisistratus died at an advanced age and Cimon for reasons unknown was assassinated at the orders of Hippias and Hipparchus, possibly through fear of his great popularity.¹ Not much later his brother Miltiades died childless leaving his government and possessions to Stesagoras.

When Stesagoras met with death at the hands of an enemy in Thrace the country was left without a leader.² Hippias in seeking a new governor for the colony immediately chose young Miltiades, son of Cimon, to succeed his brother since he had already proved himself useful to the administration of city affairs.³ Setting out in a trireme Miltiades soon arrived in the colony, by a stratagem seized all of the leading men in the surrounding cities as hostages, and set himself up as a tyrant. Providing himself with a bodyguard of five-hundred men he married the daughter of the king of Thrace and with this alliance ruled the northern region for a time without opposition.⁴

The Constitution under Peisistratus. Although he held the government by force, Peisistratus managed to carry on his administration without seriously interfering with the Solonian constitution.⁵ The source of

1. Hdt. VI, 103

2. Ibid. VI, 39

3. Ibid. Possibly a means of removing a potential menace to the tyranny in consequence of the assassination of his father.

4. Hdt. VI, 39

5. Hdt. I, 59; see also Thuc. VI, 55; Plut. Solon, XXXI, 1-2; Arist. Ath. Const. XVI, 8

his power lay in a by-passing of Solon's laws concerning the Archonship. As he explained it Peisistratus took for himself all of the power of the life-Archon of the pre-Solonian constitution and was content to hold the extensive administrative powers of that official.¹ It was as chief administrator that he was enabled to assess and collect taxes, and as life-Archon he was in a position to dominate the council of the Areopagus over which he presided. That body was all the more subservient to his will since it was packed by ex-Archons of his own selection or in sympathy with him drawn for the most part from his own family.²

He doubtless had administrative control of the courts as is seen both in the old time power of the life-Archon and in his appointment of local justices.³ Furthermore he was popular with the Hill, and as organizer of that numerous faction was able to dominate the Ecclesia.⁴ Further than this he did not go. The actual legislative and judicial powers of the Areopagus remained untouched, so much so that he himself submitted to the serious charge of homicide and placed himself in their hands.⁵ The tyranny functioned, not by destroying the laws, but by obliterating a portion of them through disuse.⁶ Peisistratus wished to lead and carry on the administration. Other than that he had no ambition. That he was fair and somewhat

1. Diog. Laert. Peis. to Sol. I, 53.

2. Thuc. VI, 55

3. There were thirty of these. See Arist. Ath. Const. XXVI, 3

4. Arist. Ath. Const. XXVIII, 2

5. Ibid. XVI, 8; see page 50

6. Ibid. XXII, 1

popular is seen in later references to his regime as "the golden age."¹ His son Hippias continued along the same lines for the greater portion of his career as tyrant,² and had not the assassination of his brother occurred would doubtless have continued so to the end of his life.

Solon's Constitution under Peisistratid Management. The chief administrative officials were the Archons of which there were nine. These officers were all restricted to the two upper classes as determined by the produce of wealth in a one-year period. The Archon Eponymus was restricted to the Pentacosiomedimni, however. Each tribe made a preliminary selection of candidates, and from this group the people chose nine by vote.³ Once elected the Archons remained accountable to the people, and each was bound by an oath to dedicate a gold statue of a man should the laws be transgressed.⁴ There were also certain fines for failure to punish offenders of the laws.

The nine Archons were divided into two groups -- the major Archons (Archon Eponymus, Basileus,⁵ Polemarch) and the minor Archons (Thesmothetae) of which each major Archon had two as assistants. All of the Archons came together in the Legislators court, and each had an established court of his own. The Archon

1. Arist. Ath. Const. XVI, 7

2. Paus. I, xxiii, 1

3. Arist. Ath. Const. XXII, 5

4. This part of the law must have been ignored under Peisistratus.

5. Major in consideration of the dignity attached to the office.

Eponymus was most powerful and carried out the chief administrative functions which included presiding over the Areopagus.¹ The Basileus was principally concerned with ancestral rites and had judicial duties of a religious nature including the power to pronounce curses.² The Polemarch was war leader and held all powers connected with the administration of military affairs. The Thesmothetae were legislators and as such publicly recorded the ordinances, and preserved them for the trial of litigants. They also had power to give final judgments in lawsuits. Among them these nine men performed most of the public functions. Many of these duties, however, were probably under direct supervision of the tyranny during the regime of Peisistratus and his sons, and perhaps became a legal fiction.

The Areopagus was the center of the Solonian system. As guardian of the laws it had the duty of watching public activities and punishing serious offenders against the Constitution. The Areopagus also supervised public morals including the right to try cases of homicide.³ Set aside as the one body of experienced men each of whom as ex-Archons had served in the administration of the city, it was certainly composed of the most influential and powerful men in the city. Since the Archonship was the entrance to the Areopagus many of the struggles over the magistracies may be interpreted as an effort not to gain the Archonship for a one year period but to secure

-
1. Under the tyranny this power was probably exercised by the Basileus
 2. The powers of the Basileus were greatly expanded under Peisistratus and his sons, because the old king-Archon is the identical officer.
 3. See page 35

domination of the Areopagus which held the veto power over most of the functions of state. Even the Heliaea was overshadowed through failure to function as popular bodies due to the inability of the Thetes to serve regularly.

The Areopagus was the most dignified of all the councils and consisted exclusively of ex-Archons who retained their membership for life. Although they could be removed under certain conditions no definite restrictions are known except that a member was required to make application for leave of absence thus indicating that regularity of attendance was probably one of the requirements for continued membership. Any breach of the law incurring loss of citizenship was probably another cause of removal.

The chief duties of the Areopagus related to its position of supervisor of the public morals and the older power of guardian of the laws. In the latter capacity the Areopagus kept a watch on the most important affairs of state, and the exercise of that power carried their cognizance to most public activities. The Areopagites maintained a definite check on the magistrates and held them to the laws.¹ Anyone who offended against the Constitution was subject to correction, and those who attempted to overthrow the Constitution could be tried by the Areopagus.²

-
1. Probably not applied to the Basileus under the tyranny if Peisistratus utilized the office as king-Archon.
 2. Another good reason for the packing of that body by Peisistratus

The Areopagus had an important function as a trial body. In addition to cases of revolution the Council had exclusive charge of murder cases, and served as a court of appeal against the magistrates.¹ Its moral supervision included trial of cases of sacrilege and investigation of cases of idleness with power to provide proper punishment therefor. This was a powerful weapon directed by the tyrants toward the clearing of Athens of those persons who had no definite business in the city thus discouraging too much participation in the deliberative bodies. A further privilege of the body consisted of the right to use the public monies without a declaration of the reasons for such use.² Although we have no details of its organization, the Areopagus was said to have excelled all of the other councils in its conduct of affairs. Its power was final, admitting of no appeal from its decisions.³

The Council of Four Hundred was created as a check on the Ecclesia. It consisted of four hundred members of which one hundred were chosen by lot from each tribe from the three upper classes. The lots were cast by all citizens thirty years old and over. Membership was limited to one year, and no person could be reelected until the entire list of eligibles had been exposed to the lot. Then it was possible to be reelected, but no one could serve on the Council more than two years in his life.

-
1. The appeal power was probably limited by the tyrants
 2. A refuge for any financial measures of the tyrants
 3. No wonder Peisistratus took care that members of the family held the Archonship. A controlled Areopagus was vital.

The principal work of the Council consisted of deliberating on public matters before they reached the Ecclesia. Without action by the Council, it was impossible for a matter to come before the popular body. Additional powers which were gained at the expense of the Areopagus was the sovereign privilege to pass sentences of fine, imprisonment, and death;¹ also the sovereign power to reject disqualified officers. As was true of the Areopagus, the Council expected the members to attend regularly, and failure to attend meetings resulted in a fine. As a means of reducing the power of the Ecclesia, the Council probably functioned as a committee for that body.

Of the Ecclesia, little is known. The membership included all the citizen-body of Athens which presumably put the Thetes in a majority, thus necessitating in Solon's eyes a check upon their ambition through creation of the Council of Four Hundred. It was clearly in existence in Draco's time though apparently not open to the lower classes. It probably originated as a concession to the common people who were otherwise without representation. The Ecclesia apparently had some power for providing for the safety of individuals as exemplified in Peisistratus's appeal to it for a bodyguard. It is possible that Solon was responsible for the induction of the lower class into the Ecclesia since he is credited with creating the body,² and also with creating the early stages of the democracy. This he probably achieved in his position as leader of the people.

1. Probably restricted under the tyranny

2. Solon may have assisted Draco in the latter's reforms. See page 17

The Heliaea was another democratic element of the constitution and was considered by the Greeks to be the source of the people's power. All classes were represented, and every citizen had the right of appeal to the courts. The jurymen were elected by lot, and trials were held before a jury of three hundred. The Heliaea umpired all disputes public or private, and a third person could institute action should one person suffer injury at the hand of another. In all probability the Heliaea of Solon was an expansion of the old court of the nobles which existed in earlier times.

Others who were chosen by the citizens were the Generals. These officers were chosen from the three upper classes, were required to own property worth not less than one hundred minae, and were required to have legitimate sons over ten years of age.

All citizens were numbered on the rolls who provided themselves with arms. Those thirty years of age and over could cast lots for offices. Although naturalization was rare, citizenship could be gained by permanent exiles from other states or by artisans moving to Athens with their families. Citizenship could be lost through conviction of murder, homicide, or tyranny, or by a person failing to take sides should a factional struggle arise.

So far as can be determined this was the constitutional situation when the year B. C. 510 arrived. Much of it in the hands of the tyrants had come into a state of suspended animation, but it still had sufficient hold on the citizen body to serve as a basis for operation until a reform could be made; and that reform itself was strongly built on the Solonian model.

THE CONSTITUTION OF CLEISTHENES

PART III

THE CONSTITUTION OF CLEISTHENES

The Fall of Hippias and the Tyranny. In B. C. 527 Peisistratus died, and his sons Hippias and Hipparchus came to the tyranny.¹

Of the two, Hipparchus was little concerned with the administration preferring to devote his efforts toward cultivation of the arts.²

Hippias carried on the administration,³ and under him the tyranny followed the same lines as under Peisistratus.

Indeed, generally their government was not grievous to the multitude, or in any way odious in practice; and these tyrants cultivated wisdom and virtue as much as any, and without exacting from the Athenians more than a twentieth of their income, splendidly adorned their city, and carried on their wars, and provided sacrifices for the temples. For the rest, the city was left in full enjoyment of its existing laws, except that care was always taken to have the offices in the hands of some one of the family. Among those of them that held the yearly archonship at Athens was Pisistratus, son of the tyrant Hippias, and named after his grandfather, who dedicated during his term of office the altar to the twelve gods in the marketplace, and that of Apollo in the Pythian precinct.⁴

That they could be forceful and occasionally ruthless in their dealings with the people can be seen in Hipparchus's exile of his

1. See page 58

2. Herodotus, VII, 6

3. Thucydides, I, 20

4. Ibid. VI, 55

friend Onomacritus for tampering with the text of a classic¹ and their assassination of Cimon who had been returned from exile by Peisistratus.²

It is evident that the tyranny under the brothers was anything but secure although it was unusually strong as tyrannies go. Hippias, accustomed as he was to inspiring the citizens with deep respect, maintained his corps of mercenaries in order that he might be ready for any eventuality.³ When Hipparchus was assassinated in B. C. 514, Hippias in rage and grief changed his policy of tolerance and vented his spite on everyone.⁴ The consequence was a despotism which overrode the laws and resembled the modern concept of the word tyranny.⁵

Unrest now began to develop within the city and the exiles, under the leadership of the Alcmaeonids, began to organize an attempt to seize the city. Not blind to these movements, Hippias began to cement alliances with Thessaly⁶ and Sparta,⁷ and it is likely that friendship with Persia was gained through the agency of Miltiades in Thrace.⁸ The exiles now attempted to take the city by force, but the tyranny repulsed their efforts.⁹

1. Hdt. VII, 6

2. See pp. 57-58

3. Thuc. VI, 56

4. Hdt. V, 62

5. Ibid. V, 55

6. Ibid. V, 63

7. Ibid. V, 90

8. Cornelius Nepos, Miltiades, III, 2. Miltiades's friendship with the Peisistratids may have resulted from the free hand which he exercised in the Chersonesus. It was probably a case of tyrant supporting tyrant as a self protective measure.

9. Hdt. V, 62

Seeing that, unaided, they were unequal to the task before them, the exiles fortified Lipsydrium to the north of Paeonia and began to devise a plan to detach Sparta from her Peisistratid alliance. The Alcmaeonids using their wealth¹ freely contracted for the building of the Delphic temple and gratified the priestess by erecting a building much more magnificent than had been agreed.² They next bribed the priestess to tell the Spartans that no affair of theirs public or private could be successfully concluded until Athens had been set free. Impressed by this oft reiterated command the Lacedaemonians, deciding to abandon their friendship for the Peisistratids and obey the commands of the gods, sent an expedition against Athens by sea.³ The Peisistratids had already gotten wind of the plot, however, and sent to Thessaly for help. When the Spartans arrived the Thessalian cavalry overwhelmed their forces, killed their general Anchimolius, and forced their retreat.⁴

Undismayed the Lacedaemonians organized another expedition larger than before, sent it by land against the Thessalians whom they dispersed, and joining hands with the exiles and others from within the city set upon the tyrannical family and drove them within their fortifications. The Peisistratids were strongly garrisoned and would probably have been able to outlast their

1. Gained from Croesus (see p. 44) and probably so safeguarded that it did not admit of confiscation by an enemy.

2. Hdt. V, 62

3. Ibid. V, 63

4. Ibid.

enemies, but fate was against them. The besiegers had the good fortune to take into captivity the young sons of the Peisistratids as they were being carried out of the country, and the tyrants to regain possession of their children submitted to the terms of the revolting Athenians and departed from the whole of Attica within a period of five days.¹ Thus the tyranny came to an end.

Cleisthenes's Struggle for Leadership. On the surrender of Hippias the victorious exiles returned to the city. Foremost among these was Cleisthenes, an Alcmaeonid, who had been largely responsible for gaining the Spartan alliance through managing the affair of the Delphic temple and he now aspired to the leadership.² This was a logical desire since he and his family had been largely responsible for the Athenian faction which had played an important part in the expulsion of the tyrants.³ Opposing him was Isagoras, son of Tisandrus, a man of the nobility⁴ but a friend of the tyrants.⁵ The goal of each was apparently the Archonship, and both men turned to the Brotherhoods for support since the power of those bodies was decisive where Eupatrid leadership was concerned. In the ensuing struggle Isagoras emerged with the victory and Cleisthenes despite his wealth found his adherents of the Shore⁶ unable to match the strength of the opposition. Cleisthenes having been rejected by the nobility, possibly

1. Hdt. V, 64-65

2. Ibid. V, 66

3. Aristotle, The Athenian Constitution, XX, 3-4

4. Hdt. V, 66

5. Arist. Ath. Const. XX, 1

6. It must be remembered that the Alcmaeonids were traditionally of that faction from the time of Solon. See pp. 44-45

because of his blood taint, turned to the people and quickly became their leader.¹ The nobles in retaliation elected Isagoras Archon,² probably using the devices of the Peisistratids in the furtherance of oligarchy. In turn Cleisthenes offered to hand over the government to the common people.³

It is stated "that the tyranny had obliterated the laws of Solon by disuse,"⁴ and it must have been especially true of the authority of administrative officials. With a subservient Archonship and an Areopagus in disrepute because of its Peisistratid flavor, Isagoras seems to have had difficulty with the administration, and Cleisthenes working through the people was able to best him.⁵ The case seems to have been nobles versus the people; oligarchy versus democracy.

Since the people could only function in the Heliaea and in the Ecclesia, it is clear that the struggle took place in one or the other. The Heliaea, however, does not seem to have been a very suitable medium since at the time it was probably only infrequently invoked.⁶ Furthermore the Heliaea's power was that of interpreting, not making, the laws and thus was a somewhat passive authority. Under the conditions of the time, the Ecclesia was the only logical scene of the clash. In any event, the struggle seems to have been a peaceful one with Cleisthenes winning the victory.

1. Arist. Ath. Const. XXVIII, 2

2. Ibid. XXI, 1-2

3. Ibid. XX, 1; Herodotus (V, 66) says that he "took the people into partnership."

4. Arist. Ath. Const. XXII, 1

5. Ibid. XX, 1-2

6. A result of Peisistratus's system of local justices. See page 56

We find him dividing the whole body of people into ten tribes, replacing the ancient form.¹ The new tribal arrangement was designed to put an end to the eternal strife between the factions of the Hill, Shore, and Plain by destroying the power of the Eupatrids, Georgi, and Demiurgi to operate as separate political groups.

With the Eupatrids definitely losing power and the Areopagus apparently uninterested possibly through hope of recalling the Peisistratids, Isagoras recalled Cleomenes of Sparta, his personal friend, on the religious pretext of cleansing Athens of the Alcmaeonid curse.² Cleisthenes, however, realizing that the new tribal arrangement would work to the advantage of the common people and the merchants, was confident of his strength of leadership and retired from the city³ since he knew he was stronger than his rival.⁴ Cleomenes, in answer to Isagoras's request had demanded the banishment of Cleisthenes and his family in answer to which the Alcmaeonid had departed, but the Spartan was not satisfied. Appearing at Athens with a small force he banished seven-hundred families designated by Isagoras as under the curse.⁵ Next, he tried to put down the Council and set up an oligarchy.⁶

Under his plan Isagoras and three hundred of his friends were to exercise the sovereign power,⁷ and it is probable that Isagoras

1. Arist. Ath. Const. XXI, 1-2

2. Ibid. XX, 2

3. Hdt. V, 72

4. Ibid. V, 69

5. Hdt. V, 72

6. Ibid.

7. Arist. Ath. Const. XX, 3

was intending to make himself tyrant. With the memory of Hippias and his tyranny still fresh in their minds, the people were greatly opposed to tyranny in any form or anything that remotely resembled it. Furthermore the Areopagus was still in all probability strongly composed of Peisistratid sympathizers who had some hopes of restoring the exiled tyrant; and a strong oligarchy would mean an end to their dream. The reaction was not surprising. The Areopagus resisted, the people swarmed into the city from all sides, and Cleomenes and Isagoras were forced to take refuge in the Acropolis with their followers.¹

After a siege of three days Cleomenes gained a truce and departed for Sparta, taking Isagoras with him, but the others were put to death. Cleisthenes and the seven hundred families were then recalled. In anticipation of a return of the Spartans, the Athenians now sought out an alliance with Persia, and their envoys accepted the Persian condition of giving "earth and water." When they returned, the envoys were strongly rebuked by the people for their actions.² With Isagoras exiled and the Eupatrids without leadership Cleisthenes was complete master of the city and proceeded with his program of reform.³

The New Constitution. A powerful figure, respected for his warlike proclivities, Cleisthenes submitted himself to the laws and as head of the people proceeded with his reform of the Constitution, basing his work on the Solonian model.⁴ An Alcmaeonid and extremely wealthy,

1. Arist. Ath. Const. XX, 3

2. Hdt. V, 72-74. The envoys acted in behalf of the Ecclesia

3. Arist. Ath. Const. XXVIII, 2

4. Arist. Politics, V, ix, 21

he boasted of Cleisthenes of Sicyon as an ancestor,¹ and retained support of the Demiurgi as had his family before him. Aside from the Shore class he could count on the support of the common people working through the Ecclesia or Assembly.

The tribal reorganization, which had already been started, was the principal change instituted. By setting up ten tribes he is said to have enabled more to take part in the government since the old distinctions of heredity were apparently broken down.² The commons had been debarred from all rights, but the new tribal subdivisions established the commons to a position of equality.³ Each tribe consisted of equal parts, one each of the Shore, Hill, and Plain which parts were called thirds or trittyes. These thirty trittyes were assigned to the ten tribes by lot, but in such a manner that each tribe received one each from the three factional areas.⁴ The distribution of these areas was left to the lot, and as a result the tribes were scattered over Attica. With territorial unity thus disrupted another blow was struck at factionalism. Each tribe was further divided into ten divisions called demes, and each deme was theoretically credited with a candidate for the Archonship.⁵ The demes each had a president or head called the Demarch who supervised deme affairs taking the place of the former ship-commissioners (Naucrariae).⁶

1. Hdt. VI, 131

2. Arist. Ath. Const. XXI, 2

3. Hdt. V, 69

4. Arist. Ath. Const. XXI, 4

5. Ibid. VIII, 1

6. Ibid. XXI, 5; for the Naucrariae see page 31

This new plan resulted in combining the classes and destroying factionalism. The new tribes received as eponymous deities ten heroes selected by an oracle of the Pythian priestess¹ and the demes were variously named some from their localities and others from their founders. This was a blow at ancestral pride. Also many new citizens were created from the resident aliens who had been either foreigners or slaves,² closely connected with members of the Shore faction. Included was the confirmation of citizenship held by those not of pure descent.³ These new elements were scattered throughout the demes in order that no distinction might occur which would lead to factionalism.

...he made all the inhabitants in each of the demes fellow-demesmen of one another, in order that they might not call attention to the newly enfranchised citizens by addressing people by their fathers' names, but to designate people officially by their demes; owing to which Athenians in private life also use the names of their demes as surnames.⁴

The old clans, brotherhoods, and priesthoods were allowed to function on their ancestral plan as before, but the new tribal system effectively limited their political influence permanently. New tribes and new brotherhoods replaced the old units as governmental entities, and the celebration of private religious rites became transferred to the new small number of public celebrations connected with the new organizations. In the words of Aristotle

A democracy of this kind will also find useful such institutions as were employed by Cleisthenes of Athens when he wished to increase the power of the democracy... different tribes and brotherhoods must be created outnumbering the old ones, and the celebration of private

-
1. Arist. Ath. Const. XXI, 6
 2. Arist. Polit. III, i, 10
 3. Arist. Ath. Const. XIII, 5
 4. Ibid. XXI, 4-5

religious rites must be grouped together into a small number of public celebrations, and every device must be employed to make all the people as much as possible intermingled with one another, and to break up the previously existing groups of associates.¹

This method abolished the effectiveness of the Eupatrid brotherhoods which had manipulated the old tribal units.² Now, their membership was scattered among the new tribes and their members outnumbered two to one in each tribe.

A direct result of this new tribal arrangement was the reorganization of the Council of Four Hundred. Originally based upon the tribe, Cleisthenes decided to continue that relation, and raised the membership to five hundred with fifty members chosen from each tribe.³ Each member was required to take an oath of induction.⁴ So far as its powers were concerned the new Council seems to have been identical with the old body. It still possessed sovereign power to reject officials-elect as disqualified, and it retained sovereign power to pass sentences of fine, imprisonment, and death.⁵ Cleisthenes, however, by his tribal redistribution, automatically broke the power of the nobles in the Council,⁶ and one of the first acts of the new Council was the passing of a death sentence against the partisans of Isagoras.⁷

1. Arist. Polit. VI, ii, 11

2. Arist. Ath. Const. XXI, 3

3. Ibid.

4. Ibid. XXII, 1-2; became effective five years later

5. Ibid. XLV, 1, 3

6. Perhaps he remembered his defeat by Isagoras at the hands of the Brotherhoods and was aiming at them.

7. Hdt. V, 72-73

The Archonship was not seriously affected by the reforms. Each tribe, as before, selected ten candidates by lot, from a preliminary list of five hundred chosen by vote by the demesmen.¹ The nine Archons were then elected from the one hundred candidates, tribe by tribe. During the period from the end of the tyranny until B. C. 487, the Archons were finally elected by vote.² The powers of the Archons seem to have remained unchanged.

The Areopagus seems to have emerged from the reorganization with most of its previous powers. Membership still consisted of ex-Archons on a life basis, and the Council continued to hold the principal power in the state. Furthermore, it was able at times to command full support of the people.³ Within a few years the body became more and more influential. We find that the Areopagus still exercised the power to arrange treaties, and that it also had the power to recall citizens expelled for various reasons.⁴

Although little direct information is provided on the Ecclesia, much can be inferred. It seems that Cleisthenes increased the power of that body, and that the power conferred remained even though, as we shall see, it yielded somewhat to the Areopagus during the Persian Wars. It has already been indicated that the Ecclesia possessed the power to provide for the safety of an individual.⁵ Cleisthenes

1. Arist. Ath. Const. XXII, 5

2. Ibid.

3. Ibid. XX, 3

4. Ibid. XX, 3-4

5. See pp. 48-49

apparently expanded that previously unasserted power into the practice known as ostracism. That he began the arrangement of the ten tribes during the Archonship of Isagoras¹ who definitely opposed the reform is another indication of the Ecclesia's influence. The fact that Cleisthenes operated under the laws² is also significant, for he must have depended upon means sanctioned by the Constitution i. e. implied powers or laws which had previously been ineffective.

The power of ostracism was an example of such legal adaptation of an old law to a new situation. Solon had found it necessary to provide some means of forcing the participation of all citizens in factional disputes as a means of ensuring the expression of the will of the entire citizen body. The penalty of disfranchisement for failure to participate was his solution.³ Similarly Cleisthenes instituted a safety device in the form of ostracism by which any person considered by the citizen-body to be dangerous to the democracy might be exiled for a ten-year period.⁴ The law operated through a preliminary vote held in the Council of Five Hundred⁵ and in the Ecclesia. If an ostracism was found to be desirable, a proclamation was made, and on a set date the citizens were invited to come to the Ecclesia and name by secret ballot the person he

1. Arist. Ath. Const. XXI, 1-2

2. Arist. Polit. V, ix, 21

3. See page 33

4. Plutarch, Aristides, VII, 5

5. Arist. Ath. Const. XLIII, 5

considered dangerous to the state. If six thousand persons or more participated, the votes were counted and the person named by a plurality of the participants was declared ostracised, and given ten days in which to leave the city.¹ The device did not reflect dishonor or severance from the city's authority. During the exile a citizen was still permitted to enjoy the income from his property,² and was subject to recall by the city for any reason it deemed sufficient.³

Some authorities regard the practice as a political device aimed by Cleisthenes at the sympathizers of the Peisistratids and others of oligarchical leanings,⁴ and it was certainly used with that effect in its early employment. There is a strong probability, however, that the ostracism played an important part in the development of the Ecclesia's power. In the first place it was a device in line with popular sympathy since it was a reaction to suspicion "felt against the men in the positions of power because Peisistratus when leader of the people and general set himself up as a tyrant;"⁵ secondly, the ostracism was exercised by the people and under its supervision (since the citizen-body was the Ecclesia);⁶ finally, there is a probability that the threat of ostracism was an important foundation of the Ecclesia's power to effect the later great changes;

1. Plut. Arist. VII, 4-5

2. Ibid. VII, 5

3. Thuc. I, 135

4. Arist. Ath. Const. XXII, 4

5. Ibid. XXII, 3

6. Plut. Arist. VII, 4-5

opponents of the democracy would fear to offer opposition since their immediate influence might be completely obliterated by an application of the principle. At any rate, the importance of ostracism in forcing changes is a fact, since every year which saw an increase in the power of the democracy also witnessed the ostracism of a member of the opposition.

Election of the Generals was by tribes one from each tribe.¹ Although the ten generals now represented the tribes, the Polemarch still occupied his position of eminence and seems to have been more or less influential in the direction of the army at Marathon.² It may be that the fact that the Generals (Strategi) represented the tribes³ accounts for the later influence which they exerted in the government since they combined the features of direct responsibility to the people plus direct selection by vote instead of receiving office by the lot.

Concerning the Heliaea no evidence is available, and apparently the Solonian system went on without change.

Generally speaking, Cleisthenes's reforms do not seem to have had the democratic effect that is commonly supposed. As already indicated the constitution was strongly based on the preceding work of Solon. The lower classes were still excluded from the offices, and none of the aristocratic devices were definitely changed.

-
1. Arist. Ath. Const. XXII, 3; but at a later date this process seems to have come under the supervision of the Council of Five Hundred. See Arist. Ath. Const. LXI, 1
 2. Cf. note 1; the institution of the ten generals took place in B. C. 501
 3. It must be remembered, however, that the tribes were not territorial units since they were scattered all over Attica.

Except for the reorganization of the tribes the aristocracy does not seem to have suffered immediate hurt. The truth is that Cleisthenes made changes that had great potential power, and that the growth of the democracy gradually came about through a slow process of converting the potential into actual power. It is also likely that the Persian Wars interfered with the functioning of Cleisthenes's reforms. By maintaining friendly relations with Sparta, it was possible for the aristocratic element working through the Areopagus to dominate the scene during a seventeen-year period. The struggle for supremacy during the period B. C. 487-475 seems to bear out this theory.

Furthermore the Constitution as it operated under Cleisthenes's immediate reforms did not conform to the Greek view of democracy. Herodotus pictures the virtues of democracy in the following words:

...the virtue of a multitude's rule lies first in its excellent name, which signifies equality before the law; and secondly, in that its acts are not the acts of the monarch. All offices are assigned by lot, and the holders are accountable for what they do therein; and the general assembly arbitrates on all counsels.¹

According to this view Athens was not yet a democracy in fact since equality before the law had only been attained in theory, and the Ecclesia was not yet the veto power in the state save through the indirect method of ostracism.

1. Hdt. II, 80

The Council of Five Hundred. An important source of governmental activity during the Cleisthenean period was probably the Council of Five Hundred. It was an adaptation of the old Council of Four Hundred. The origin of the council is uncertain but it can be placed in the time of Draco. It is possible that the creation of the Ecclesia as a popular body had divorced it from its subordinate position under the Areopagus and that the Council was a means of providing the same checks on the Ecclesia's power as had been applied in the past by the Areopagites. It is interesting to note that from the beginning it was a means of securing dominance by the upper classes since the Thetes were never admitted to membership.¹

The property qualification remained the principle of membership until the time of Pericles and there is reason to believe that even then it was not repealed but merely ignored.²

And men had to be rated in the Teamster class who made two hundred measures, wet and dry together; while the rest were rated in the Labourer class, being admitted to no office: hence even now when the presiding official asks a man who is about to draw lots for some office what rate he pays, no one whatever would say that he was rated as a Labourer.³

Under Solon the Council became a check on the Ecclesia for which it prepared the public business and without which preparation the popular body could take no action.⁴ A close relation with the tribal

1. Arist. Ath. Const. IV, 3

2. Ibid. VII, 4

3. Ibid.

4. Plut. Solon, XIX, 2

system existed, and the selection of the Archons was greatly influenced thereby.¹ We also find the Council exercising the sovereign power to pass sentences of fine, imprisonment, and death thus rising to a relatively powerful position in the state.²

Under Peisistratus the Council must have been largely composed of hand-picked membership subject to his will, but Cleisthenes restored the original authority of the body and enlarged its membership. The close relationship with the tribes was retained thus necessitating the increase in membership. The mechanism of operation as set up by Cleisthenes continued for many years, but it lost some of its independence of action as the Ecclesia became more powerful.

The Prytany (Presidency) was filled by each tribe in turn according to lot with the first four holding office thirty-six days and the last six holding office thirty-five days.³ The Presidents after receiving money from the state convened meetings of the Council and the Ecclesia, and the former met every day holidays excepted while the Ecclesia met four times in each Prytany.⁴ It was the further duty of the Presidents to give written notice of the time, place, and nature of business on each occasion of a meeting. They also gave notice of the meetings of the Ecclesia.⁵

1. See page 38

2. Arist. Ath. Const. XLV, 1-3

3. Ibid. XLIII, 2

4. Ibid. XLIII, 3

5. Ibid. XLIII, 3-4

The Presidents also had a single Head elected by lot who held office for a single day and was not privileged to serve again. He was custodian of the public monies and documents of state being required to remain on duty day and night. Whenever a meeting of the Council or Ecclesia took place it was his duty to select by lot nine chairmen, one from each tribe, except his own, and likewise from their number a single Head. To these was entrusted the agenda and direction of the meeting. No one was permitted to be Head more than once a year, but it was possible to be Chairman once in each presidency (Prytany).¹

Most of the trials of officials were held by the Council especially those handling funds, and their decisions were final. An important duty of the Council was the checking of the qualifications of the Nine Archons with the sovereign power of rejection should they be insufficient. It had supervision over the navy, and shared in the administration of most other affairs. It can thus be seen that the Council was a powerful part of the government of the state.²

The Persian Wars and the Factional Struggle. The new Constitution was not destined to go into effect without a struggle however. It faced two forces which threatened to overthrow the government at any time -- the enmity of Sparta, and the growing threat of Persian expansion -- each of which involved the intrigues of Hippias as he attempted to regain his former seat of power.

1. Arist. Ath. Const. XLIV, 1-3

2. Ibid. XLV-XLVII

In Sparta, Cleomenes organized a new army from the whole Peloponnesus intending to avenge himself upon the Athenians for the defeat he had suffered and set up Isagoras as tyrant. Joined with him in his effort were the Boeotians and Chalcidians, and together the three groups pressed Athens from three sides.¹ Athens, deciding to meet her most formidable foes first, marched against the Peloponnesians and won the battle without striking a single blow, the Corinthians having decided not to fight and the Spartan kings having disagreed.² Freed of the threat from the south, the Athenians turned upon the Boeotians and Chalcidians and after a short war gained the victory.³ Desiring revenge the Thebans called upon Aegina for help, and that city in response made a serious sea raid on the Attic coast.⁴

In the years immediately following nothing of a serious nature occurred and Athens proceeded to put her constitution into operation.⁵ During this time Sparta had learned of the stratagem whereby Cleisthenes had gained their help in overcoming the Peisistratids. Greatly angered they sent for Hippias and proposed restoring him to the tyranny.⁶ Calling her allies together Sparta voiced her proposition, but Corinth convinced them that such action was unjust and Hippias left the city without having received the support he had

1. Hdt. V, 74

2. Ibid. V, 75-76

3. Ibid. V, 77

4. Ibid. V, 81

5. The Constitution went into effect in B. C. 503

6. Hdt. V, 90-91

anticipated.¹ Refusing offers of a tyranny in cities under the control of his allies in Macedonia and Thessaly, he returned to his own stronghold in Sigeum and awaited developments.²

Having failed in his attempts to raise assistance against Athens in Greece, Hippias now went to Sardis and attempted to arrange an alliance between himself and Persia whereby he might gain possession of the city as a dependent of that empire. Artaphrenes, the governor at Sardis, sent word to the Athenians advising them to receive Hippias back as the price of peace, but the Athenian embassy indignantly refused.³

Probably nothing would have come of this refusal except for a serious revolt of the Ionian cities in B. C. 499, a revolt which was destined to last for five years. In the second year of the war a party of Athenians took part in an expedition which ended in burning Sardis, the capital of Asia Minor. For some reason Athens suddenly decided to abandon the struggle, but the Ionians fought on until B. C. 494 when they were finally suppressed.⁴

During the revolt Miltiades in the Chersonesus had been on friendly terms with Darius of Persia; indeed, he had been friendly to the great Asiatic power from its first entrance into Thrace.⁵ With the Ionic revolt, however, he began to face a series of mis-

1. Hdt. V, 94

2. Ibid.

3. Ibid. V, 96

4. Ibid. V, 99-103

5. Nepos, Milt. III, 2

fortunes. Withdrawal of the Persian forces from the Chersonese area had removed restraint from the Scythians who overran the country and forced him into exile for a period of three years. After their departure he was brought back again and resumed his tyranny.¹ Before the year was out he found himself facing the Persian fleet which had been sent to reclaim the region now that the revolt was crushed. He must have been suspected of taking part in the revolt by the leaders of the expedition, for we find Persians taking the cities which he had ruled.² Seeing that his case was hopeless Miltiades engaged five ships, loaded them with his possessions, and set out for Athens. On the journey one ship was lost to the enemy aboard which was his son³ but he and the remainder of his ships reached port safely.⁴

In the meantime, Athens had been the scene of a great rivalry between two statesmen, Aristides and Themistocles. Aristides, a man of moderate circumstances, had made his reputation in the city through his love of justice. One of the nobility,⁵ he was also an intimate friend of Cleisthenes who had set up the Constitution. He was in addition a great admirer of Lycurgus the Spartan lawgiver

1. Hdt. VI, 40

2. Ibid. VI, 34

3. Apparently the actions of the Persians must have been a misunderstanding for the Emperor treated the captured son with distinction and even gave him a Persian wife. See Hdt. VI, 41

4. Hdt. VI, 41

5. His family had been well established in Athens as had he himself before being appointed to the Chersonesus by Hippias (pp. 51, 57-58). See Hdt. VI, 35, 39

whom it was his ambition to equal if not surpass. Under such conditions it was a natural thing when he favored an aristocratic form of government¹ and lined himself up with the nobles in opposition to Xanthippus who had taken the headship of the people.² Yet for all his aristocratic leanings Aristeides had no real prejudices, but only sought to do that which was just and right.

Themistocles was a man of another type. His was an obscure family with an inconspicuous man for a father and a mother who was of alien birth.³ Nevertheless he had a boundless ambition to be a leader in Athens, and being of no traditional party resorted to making himself a reputation by making himself much heard. He therefore took a prominent part in civil suits and spoke frequently in the Ecclesia making it his business to be on hand and have something to say every time any important affair was considered. Fortunately he had a quick mind being able to see the needs of an occasion and to express his views clearly.⁴

In his desire to be first it was inevitable that he should encounter the opposition and enmity of many of the prominent and established leaders in the city, and it was his fate to be opposed at most points by Aristeides.⁵ Of a gentle nature and conservative character, Aristeides engaged in public life to secure the best in-

-
1. Plut. Arist. II, 1
 2. Arist. Ath. Const. XXVIII, 2
 3. Plut. Themistocles, I, 1
 4. Ibid. I, 3
 5. Ibid. III, 1

terest of the state consistent with safety and righteousness, and cared little for favor or reputation. Themistocles, on the other hand, stirred up the people and often proposed ideas that were too bold for the cautious Aristides.¹ The consequence was a bitter rivalry in which the two men were frequently pitted against each other, Aristides on the side of the nobility and Themistocles on behalf of the people.² With such a bitter rivalry it developed that each man became convinced that anything his opponent advocated was faulty, and in many cases actually threatened thereby the welfare of the state.

Finally there came a time when he (Aristides) opposed and defeated Themistocles in an attempt to carry some really necessary measure. Then he could no longer hold his peace, but declared, as he left the Assembly, that there was no safety for the Athenian State unless they threw both Themistocles and himself into the death-pit.³

By B. C. 493 Themistocles had gained such favor with the public that he became Archon Eponymus for the year. Conscious of the raid which had been conducted on the coasts by Aegina⁴ and foreseeing that the future of Athens lay on the sea, he made the Piraeus into the regular port and turned Athens toward maritime empire.⁵ It was his conviction that the move was a first start toward the construction of a fleet second to none in the Aegean.⁶

1. Plut. Them. III, 2

2. Plut. Arist. II, 1

3. Ibid. III, 2

4. See page 84

5. Pausanias, Description of Greece, I, i, 2

6. Thuc. I, 94

Such was the situation in Athens when Miltiades came on the scene. Since he was a man of great wealth and had been accustomed to leadership for many years he naturally became a member of the nobility quickly gaining the ascendancy of this party and supplanting both Zanthippus and Aristides.¹ It is possibly this new position of prominence that inspired the attack on his governorship of the Chersonesus, a charge which he refuted by pointing to his enmity toward the Persians in the recent war.

The following year (B. C. 491) messengers began to arrive in Greece with the demand of Darius for earth and water in token of submission to Persian rule, and at the same time these messengers ordered the tributary cities of the seacoast to build ships of war and transports for horses.² Themistocles gained great support with the Athenians when he caused the interpreter of the message to be arrested and put to death "because he dared to prostitute the speech of Hellas to Barbarian stipulations."³ Soon thereafter Aegina, who had allied herself with Persia, began to ravage the coast and to destroy the Athenian navy. Meanwhile Darius was completing his preparations for invasion with the constant encouragement of the Peisistratids who were with him.⁴

Soon the word reached Athens that the Persians had attacked and taken Eretria, but no steps toward defense were taken. Then the Persians under the guidance of Hippias landed at Marathon, and

1. Arist. Ath. Const. XXVIII, 2

2. Hdt. VI, 48

3. Plut. Them. VI, 2

4. Hdt. VI, 92-94

the troops were set in array by him at that place where many years ago his father had returned from exile to seize the city in battle.¹

When the Athenians learned of the landing at Marathon, they marched out against the enemy under Miltiades whom they had elected among their ten generals. Once on the field the question faced the army as to the advisability of attacking the enemy or waiting for the arrival of allies. Miltiades was of the opinion that the battle should be fought immediately and in that view he was supported by Aristides.² When the matter was put to a vote, however, the generals were unable to agree splitting the vote five to five. Everyone turned to Callimachus, the Polemarch, and tried to win his support. Fortunately for Athens two of the foremost exponents of the attack were Miltiades and Aristides both of the nobility as was Callimachus, and they had little difficulty in winning him to their point of view.³ Having waited for his turn of leadership to come around despite the decision of the generals to waive their rights to him,⁴ Miltiades marched against the Persians and gained a brilliant victory, his outstanding leadership forcing them to retire to their ships.

In response to a flashed shield, evidently a prearranged signal, the fleet sailed for Athens, but the sea attack was likewise frustrated. Failing in their attempts the Persians sailed away. The incident of the flashed shield is one of the mysteries of history,

1. Hdt. VI, 107

2. Plut. Arist. V, 1

3. Hdt. VI, 109

4. Ibid. VI, 110-111

but it was clear evidence of a group of traitors within the city. The Alcmaeonids, being the most powerful group within the city, were accused of the deed. In their defense Herodotus later said:

It is to me a thing marvellous and incredible that the Alcmaeonidae could ever by agreement have held up a shield as a sign for the Persians, desiring to make Athens subject to foreigners and to Hippias, for it is plain to see that they were despot-haters as much as Callias...who dared buy Peisistratus's possessions when they were put up to auction by the state after Peisistratus's banishment from Athens; and he devised other acts of bitter enmity against him. The Alcmaeonidae were despot-haters as much as ever was Callias. Therefore it is to me a strange and unbelievable accusation, that they of all men should have held up a shield; for at all times they shunned despots, and it was by their devising that the sons of Peisistratus were deposed from their despotism. Thus in my judgment it was they who freed Athens much more than did Harmodius and Aristogiton; for these did but enrage the rest of Peisistratus's kin by killing Hipparchus, and did naught to end the rule of the rest of them; but the Alcmaeonidae did most plainly set their country free, if indeed it was in truth they by whose persuasion the Pythian priestess signified to the Lacedaemonians that they should free Athens, as I have ere now made plain. Nay (one will say), but they bore perhaps some grudge against the Athenian commonalty, and therefore betrayed their country. But there were none at Athens that were of better repute or more honoured than they; wherefore plain reason forbids to believe that they of all men could have held the shield aloft for any such cause. Indeed a shield was held aloft, and that cannot be denied; for the thing was done; but who did it I know not, and can say no further.¹

It is evident from the nature of the situation that the faction which favored tyranny flashed the shield, and it is hardly likely that the Alcmaeonids would have embraced a principle which they had opposed for many generations on short notice. It is much more likely

1. Hdt. VI, 121, 123-124

that the group of nobles who had supported Isagoras and were old supporters of Hippias were the ones who endeavored to betray their city. Marathon, however, definitely ended these plans.

The fame of Miltiades as a result of his victory made him a popular hero, and in response to his request the people granted him a fleet without requiring any knowledge of his intentions.¹ Miltiades was now in a powerful position, and in view of his previous career was liable to the suspicion of aiming at a tyranny. His popularity was certainly great enough to win such support. Xanthippus, leader of the popular group, was apparently suspicious of his intentions though powerless to offer opposition. The flashing of the shield at Marathon indicated that Hippias still had many supporters within the city, and it is entirely possible that Miltiades was aiming at their support as a movement toward tyranny. At any rate he failed in his naval expedition, and returned home with a serious wound.² Xanthippus now saw his opportunity and before the Council of Five Hundred charged him with wrongdoing, presumably his failure to make good on his promise to benefit the people. Although the Council refused any other punishment, Miltiades was assessed a fine of fifty talents.³ He died of his wound, however, shortly thereafter and his son, Cimon, paid the fine in his stead.

1. Hdt. VI, 132

2. Ibid. VI, 134-136

3. Ibid. VI, 136

Although it was the affair at Paros that led to the accusation of Miltiades, there was another reason for his condemnation; for the Athenians, because of the tyranny which Peisistratus had held some years before, dreaded excessive power in the hands of any citizen. They did not think it possible that Miltiades, who had held so many and such important military commands would be able to conduct himself as a private citizen, especially since habit seemed to have given him a taste for power. In the Chersonesus, for example, during all the years of his residence there he had enjoyed uninterrupted sovereignty. He had been called a tyrant, but he was a just one, since he owed his power, not to force, but to the consent of his subjects, and retained it as a result of his virtue. But all men are called tyrants, and regarded as such, who hold permanent rule in a city which has enjoyed a democratic form of government.¹

With Miltiades dead, the mantle of aristocratic leadership fell on the shoulders of Aristides.² One of the ten generals at Marathon and second in reputation and influence only to Miltiades, his part in the victory immediately secured for him the office of Archon Eponymus, a token of his newly won leadership.³ During his year of office he secured a reputation for the honest and impartial manner in which he settled cases that came before him.⁴

At the same time Themistocles was increasing his influence in the Ecclesia. A member of an obscure family he also had made a brilliant mark as general at Marathon, and although young had greatly impressed the multitude. Contrary to the general opinion he thought that Marathon was merely the prelude of a bigger contest and desired to prepare Athens for the evil to come.⁵ This was in line with his

1. Nepos, Milt. VIII, 1-3

2. Arist. Ath. Const. XXVIII, 2. For Aristides aristocratic leanings see pp. 86-87.

3. Plut. Arist. V, 7

4. Ibid. VI, 1

5. Plut. Them. III, 4

policy of preparedness since he had already as Archon in B. C. 493 provided for the adoption of Piraeus as the naval center of the city.¹ Realizing that no appeal based on the Persian threat would suffice, Themistocles pointed to the war with Aegina, and suggested that the enemy control of the sea be overcome. He pointed out that with sea power Athens could not only overcome the Persians but become the first city in Greece as well.² He proposed that the revenue from sudden discovery of a rich vein in the Laureium silver mines be devoted to the construction of a fleet.³ Although he faced the public opposition of Miltiades, he gained his point and succeeded in building a fleet of one hundred triremes.⁴

The following year brought the first clash between the two factions in a struggle over the Archonship. Probably as a result of the powerful position which Aristides had gained through the office due to his reputation for honesty as well as the imagined attempt of Miltiades at tyranny, the people seem to have desired to prevent a recurrence of such an occasion by making it impossible for an outstanding person to be chosen as Archon. The simplest means of attaining this object was the throwing of the election to the fortunes of the lot.⁵ Naturally the aristocracy bitterly opposed the move. Thereupon the Ecclesia engineered for the first

1. See page 88

2. Plut. Them. IV, 3

3. Ibid. IV, 1

4. Ibid. IV, 3

5. Arist. Ath. Const. XXII, 5

time its newly acquired weapon of ostracism, and the Peisistratid leader, Hipparchus, was forced into exile (B. C. 487).¹ In the same year the law was changed so that the Archonship was to be won by lot out of the Council of Five Hundred. This alteration meant that henceforth outstanding leaders would turn their talents to other offices since merit would no longer play a part in gaining the magistracy. With the Archonship reduced to mediocrity its influence waned, and the leadership of the city devolved upon the Strategi (Generals) who were still elected on merit and popularity. The following year saw the ostracism of Megacles, son of Hippocrates, and in B. C. 485 an unknown sympathizer of the tyrants was also exiled.²

Although no significant event can be connected with these two ostracisms save the existing revolt of Egypt against Persia, it is known that Hippias was actively enlisting the Thessalians in support of Persia,³ and it is entirely possible that the two men were implicated in an attempt to restore the former tyrant, especially in view of the aggressive tactics just pursued by the Ecclesia. When Xanthippus was ostracised in B. C. 484,⁴ the leadership of the people passed to Themistocles.⁵

1. Arist. Ath. Const. XXII, 4

2. Ibid. XXII, 506

3. Hdt. VII, 6

4. Arist. Ath. Const. XXII, 6

5. Plut. Them. V, 4-5. That he already had close connections with the merchants and the Shore faction is implied from his encouragement of maritime expansion.

Always rivals, Themistocles and Aristides now came into serious conflict. Aristides's reputation for justness had caused many of the people to feel that he threatened their government due to his habit of settling quarrels before they reached the courts.¹ Opposed in his naval policy by the aristocracy and wishing to gain complete control in the Ecclesia,² Themistocles started a rumor to the effect that Aristides had done away with the public courts of justice through his habit of private arbitration, and had without perception established a monarchy.³ This brought forth the multitude in B. C. 482, and the inevitable ostracism was visited upon Aristides in the Ecclesia.⁴ This placed Themistocles in a pre-eminent position since both the aristocratic and popular factions were now leaderless in the Ecclesia.

Themistocles now continued his policy of preparing for the Persian invasion which seemed to be drawing nearer. With the discovery of the mines of Maronea, funds were available for strengthening the navy, and Themistocles immediately proceeded with his preparation of the city for attack.⁵

At length the long awaited attack began with the visit of the Persian emissaries and their demand for earth and water. Themistocles, having become Strategus, set about arranging for the defeat

-
1. Plut. Arist. VII, 1; he probably did this after as well as during his Archonship.
 2. Aristides was still a favorite of the lower classes
 3. Cf. note 1
 4. Plut. Arist. VII, 1-2
 5. Arist. Ath. Const. XXII, 7

of the enemy. Seeing the public desire for the presence of Aristides and fearful lest he lend his abilities to the enemy, Themistocles introduced a bill permitting the return of all the exiles in order that they might serve their country against the Persian.¹ At the same time they established a boundary line from the southern point of Euboea to the southeastern point of Argolis within which no ostracised person might enter during his time of exile without absolute loss of citizenship.² Aristides, who even in exile had made every effort to incite the Greeks to unite in a fight for freedom, returned to the city and forgot for the time his rivalry with Themistocles. Even though his enemy was Strategus with sole powers he continued to give assistance in every way possible although such cooperation elevated his rival to the chief place in the city.³

Foreseeing the impossibility of holding the city should the Persians gain a land victory, Themistocles tried to persuade the citizens to take to their ships and defeat the enemy by sea. All his efforts thereto were in vain until the Medizing of the Thes-salians at the hands of Hippias became known.⁴ Themistocles next turned to Sparta for help, and even gave up his naval command in order to gain Lacedaemonian support,⁵ but the defeat at Thermopylae sealed the fate of the city since the Spartans determined to set up

1. Plut. Them. XI, 1

2. Arist. Ath. Const. XXII, 7-8

3. Plut. Arist. VIII, 1

4. Hdt. VII, 6. Hippias operated from Susa.

5. Plut. Them. VII, 3

their line of defense at the Peloponnesus.¹ Hippias now made his final offer of peace on condition that he be received back as tyrant presumably subject to Persian overlordship, but for a last time the Athenians rejected his overtures.² Athens was determined to fight to the finish.

The Areopagus Of all the instruments of government probably the most ancient except for the Basileus was the Areopagus. Probably originating as a council-chamber of nobles for the ancient kings, its first powers very likely were limited to control of the morals of the community, a power which it retained even under the most unfavorable circumstances.³ Nothing is known of the original method of choosing membership, but it is certain that the practice of passing ex-Archons into the body originated at an early period.⁴ As the power of the Basileus waned the Areopagus seized many of his powers among which was the important function of guardian of the laws. Building upon this power the Council increased in power until it reached a position of paramount importance in which it even chose the Archons.⁵

Under Draco the Areopagus found its powers increased in two respects. For one thing it kept a close watch on the Archons and prevented them from exceeding the letter of the law. Furthermore

1. Plut. Them. IX, 4

2. Hdt. VIII, 52

3. Arist. Ath. Const. I, 1

4. See page 12

5. Arist. Ath. Const. VIII, 2

anyone unjustly treated by the magistrates could apply to the Areopagus and gain a rehearing.¹

When Solon laid down his laws in B. C. 594 the Council was raised to an even higher position in the state. The power to choose the Archons was taken away, but in return the Areopagites received the honor and responsibility of watching over the most important affairs of state.² This duty included correcting offenders against the constitution with the right to inflict fines or other punishment in serious cases. Under the position of guardian of the laws it had the right to try those persons who made attempts at tyranny.³ With all these responsibilities and the excellence of the membership recruited, the Areopagus was rated as surpassing all other Councils in the city in excellence.⁴

Under the Peisistratids the body suffered eclipse since all of the Archons were hand picked consisting for the most part of members of the family of tyrants. The result was a Council which was entirely subversive to the wishes of the supreme head of the state. When the tyranny was overthrown the Areopagus made up of sympathizers with the Peisistratids was in disrepute and found itself more or less in the background. Even so it could rise to the occasion should an emergency threaten as was the case when the oligarchic efforts of Isagoras were withstood.⁵

1. Arist. Ath. Const. III, 5

2. Plut. Solon, XIX, 2

3. Arist. Ath. Const. VIII, 4

4. Isocrates, Areopagiticus, 37

5. See page 72

Under the reorganization of Cleisthenes the Areopagus seems to have retained most of its old powers, but the emergency created by the Persian Wars together with the interest of the people under the leadership of Themistocles and Aristides conspired to push the Council into the background.

We now come to an almost unbelievable development. So far in the conduct of the war the lower class had dominated proceedings in the Ecclesia under the leadership of Themistocles. One aristocratic arm of the government had been subdued, namely the Archonship, and the Generalship was becoming more and more a substitute for that official. Thus far the progress of the people had been steady; indeed, the Persian Wars were the ultimate cause of the final success of the democracy, but now the unbelievable occurred -- the Areopagus by a turn of fortune gained leadership of the state.

At this date, therefore, the state had advanced to this point, growing by slow stages with the growth of the democracy; but after the Persian Wars the Council on the Areopagus became powerful again, and carried on the administration having gained the leadership by no definite resolution but owing to its having been the cause of the naval battle of Salamis.¹

Seeing the Persian hosts bearing down upon them the Athenians became panic stricken because no public money was available to finance the impending naval expedition,² and the generals were on the verge of giving up hope. At this point the Areopagus, still considered the foremost Council in the state, proved its excellence by coming to the

1. Arist. Ath. Const. XXIII, 1

2. Plut. Them. X, 4

rescue and financing the expedition.¹ When the battle of Salamis relieved the Persian pressure the Athenians returned to their city to build anew. The Areopagus, having made the victory possible, was held in high esteem, and the Constitution though constantly subject to modification continued under its leadership for a period of seventeen years after the war.²

Development of the Ecclesia. At the same time the Ecclesia on the motion of Themistocles had voted the return of all ostracised citizens that they might join in the defense of their country.³ This generosity brought back Aristides, and the two rivals were quick to join hands against the enemy. Since Themistocles had proved his ability as a military man and the just practices of Aristides were exceeded by no one, it was agreed that the former act as general and the latter as his counsellor.⁴

With victory at Salamis a result of the cooperation of the two erstwhile enemies, we find the Athenians bestowing in B. C. 479 the sole generalship upon Aristides. "Having been elected general with sole powers in view of the expected battle, he came to Plataea at the head of eight thousand Athenian hoplites."⁵ Joining forces with the Spartans under Pausanias the armies after a long period of maneuvering dealt the Persians a conclusive defeat. After the victory the Athenians returned to their city and set about the task of reconstruction.⁶

1. Arist. Ath. Const. XXIII, 1-2

2. Ibid XXV, 1

3. See page 97

4. Arist. Ath. Const. XXIII, 3

5. Plut. Arist. XI, 1

6. Plut. Them. XIX, 1-2

Themistocles desired to rebuild the city wall, and hearing of Spartan opposition personally deceived them with the aid of Aristides¹ until the walls were in defensible condition.

Having restored the Athenian self-confidence, Themistocles began to increase the power of the common people at the expense of the nobles, and the new naval policy, drawing the people into the city placed the controlling power in the hands of those engaged in seafaring.² It was later said that maritime empire mothered the Athenian democracy.³ Another plan for securing naval domination through burning the Hellenic fleet was checked by Aristides,⁴ who having the confidence of the Ecclesia, refused to give his consent to the project. Themistocles now began to favor a more independent course for Athens and tried to destroy the Spartan hegemony over Greece. In return the Spartans tried to advance young Cimon, Son of Miltiades, in public favor and make him a political rival of Themistocles.⁵

...since he (Cimon) displayed brilliant and heroic qualities in the actual struggle at Salamis, he soon acquired reputation and good will in the city...So when he entered politics the people gladly welcomed him, and promoted him...to the highest honors and offices in the city, for he was engaging and attractive to the common folk by reason of his gentleness and artlessness. But it was Aristides...who more

1. Thuc. I, 90-91

2. Plut. Them. XIX, 4

3. Ibid.

4. Ibid. XX, 1-2

5. Ibid. XX, 3-4

than any one else furthered his career, for he saw the fine features of his character, and made him, as it were, a foil to the cleverness and daring of Themistocles.¹

Meanwhile Aristеides, seeing the desire for a more popular form of government, introduced a decree recommending that the administration of the city be extended to all classes and that the Archons be chosen from all the Athenians,² but nothing seems to have come of this proposal which was probably blocked through the influence of the Areopagus. Aristеides now joined with Cimon in the expedition against the Persians, and upon the misconduct of Pausanias, the Spartans decided to give up their leadership of the expedition abandoning Hellenic leadership against the Persians to Athens.³

Aristеides now, upon suggestion of the Allies, assessed the cities according to their worth and ability to pay, and thus instituted the Delian Naval League (B. C. 478).⁴ As a part of the agreement all of the cities swore with Athens to have the same enemies and friends,⁵ and a common treasury was established at Delos which was to be the meeting place of the League. Since collection of the "tribute" was entrusted to the Athenians they created the office of "Treasurers for Hellas" who took charge of the funds thus produced.⁶

-
1. Plut. Cimon, V, 4
 2. Plut. Arist. XXII, 1
 3. Plut. Cimon, VI, 1; also Arist. XXIII, 1
 4. Plut. Arist. XXIV, 1
 5. Arist. Ath. Const. XXIII, 4-5
 6. Thuc. I, 97

Aristeides also played an important part in the development of the Ecclesia when he advised the people to come down from their farms and live in the city thus keeping their leadership of the city.¹

...he began to advise them to aim at the leadership... telling them that there would be food for all, some serving in the army and others as frontier-guards and others conducting the business of the community, and then by this method they would keep the leadership... They...established a plentiful food-supply for the multitude, as Aristeides had proposed; for the combined proceeds of the tributes and the taxes and the allies served to feed more than twenty thousand men. For there were six thousand jurymen, one thousand six hundred archers and also one thousand two hundred cavalry, five hundred members of the Council, five hundred guardians of the docks, and also fifty watchmen in the city, as many as seven hundred officials at home and as many as seven hundred abroad; and in addition to these, when later they settled into the war, two thousand five hundred hoplites, twenty guard-ships and other ships conveying the guards to the number of two hundred elected by lot; and furthermore the prytaneum,² orphans, and warders of prisoners -- for all of these had their maintenance from public funds.³

While Themistocles and Aristeides were engaged in expanding the power of the people and were strengthening the position of the Ecclesia, Cimon the young leader of the nobility was building a reputation as a military leader, and with each successive victory his influence in the Ecclesia grew. One of his early achievements was the discovery of the bones of a giant which were identified by the Athenians as the remains of Theseus. The bringing back to the city

1. Arist. Ath. Const. XXIV, 1

2. The town hall

3. Arist. Ath. Const. XXIV

of the remains was said to be the chief reason for his popularity with the common folk.¹ Another means by which he courted popularity was the opening of his fields to all passersby that they might partake of the fruit of the land plus a daily dinner given at his house to which any poor man who wished might come and receive a free maintenance.² Thus his popularity with the masses grew, and yet he was the last great champion of the aristocracy, and as Aristides's³ protege succeeded to his position of leadership.

With the support of the Alcmaeonids and others, Cimon engineered a charge of Medizing against Themistocles as a means of offsetting his powerful leadership.⁴ The people, already jealous of Themistocles's strength began to welcome these slanders, and his earlier attempts to extract money from the allies were now remembered against him.⁵ The sequence is easily seen. His self-conceit and constant recital of his achievements soon became tiresome, and a final charge brought against him by the aristocratic combination brought about his ostracism.⁶ About four years after this Aristides passed from the scene in death.⁷

Cimon was now supreme and maintained the power of the Areopagus. Every challenge was successfully met through his brilliant reputation as a military leader. Courting the friendship of Sparta was a basic

1. Plut. Cimon, VIII, 6

2. Ibid. X, I

3. Ibid. V, 4

4. Plut. Arist. XXV, 7

5. Plut. Them. XXI, 1

6. Ibid. XXII, 1, 3

7. Nepos, Aristides, III, 3

policy, and so long as he remained successful with the Spartans in cooperation his aristocratic position and leadership were secure.¹

Downfall of the Areopagus. Cimon had not maintained the power of the Areopagus without opposition. Some time before his ostracism, Themistocles had conceived an aversion for that body even though he was a member.² In all probability this can be traced to his loss of influence with the nobles and the increasing scandals connected with his name. At any rate he seems to have plotted the downfall of the last stronghold of the aristocracy. At the same time the people appear to have turned from him and adopted for their leader one Ephialtes³ who had a reputation as one of extreme honesty.⁴

Themistocles now thought that he saw an opportunity to rid himself both of the aristocratic Council and his newly-found rival by pitting them against each other. He, therefore, informed Ephialtes that the Areopagus was planning to arrest him while he informed the Areopagites that certain persons were conspiring to destroy the Constitution, indicating to certain members the meetings (probably political) which were taking place at his rival's residence.⁵

Themistocles and Ephialtes now began to denounce the Areopagus before the Council of Five Hundred and later before the Ecclesia.⁶ Their efforts seem to have been premature, however, and Cimon's in-

1. Plut. Cimon, XVI, 1-2

2. Arist. Ath. Const. XXV, 3

3. Ibid. XXVIII, 2

4. Ibid. XXV, 1

5. Ibid. XXV, 3

6. Arist. Ath. Const. XXV, 4

fluence together with Themistocles's growing unpopularity gained the ostracism of the latter.¹ Ephialtes evidently remained suspicious of the Areopagus, but in face of Cimon's ascendancy seems to have been content to develop leadership of the people² while awaiting an opportunity to continue his attack.

In the following eight or nine years Cimon continued supreme. His naval career was one constant series of successes. Seeing the Delian allies little inclined to provide their portion of ships and men, he consented to accept as a substitute money to defray the expense. With this money new ships were built and manned by the Athenians themselves. Thus, Athens was becoming more and more predominant in the League.³ When Naxos withdrew from the League, Cimon suppressed the revolt, and Naxos found herself in consequence a subject instead of an ally. The revolt of Thasos had the same result. Thus by degrees Cimon was changing the League into an empire.

Cimon's career at length met with an effectual check. Ephialtes had formed an alliance with a young and rapidly rising member of the Alcmaeonid family -- Pericles.⁴ Doubtless encouraged by Ephialtes,⁵ Pericles challenged the accounts of Cimon⁶ following the reduction of Thasos, and Cimon, although acquitted of the charge, seems to

1. Plut. Cimon, X, 7-8

2. Arist. Ath. Const. XXVIII, 2

3. Plut. Cimon, XI, 1-3

4. Hdt. VI, 131

5. Plut. Pericles, X, 7

6. Arist. Ath. Const. XXVII, 1

have lost some part of his popularity.¹ The trial seems also to have secured the future for Pericles because he immediately gained stature with the populace and loomed as their eventual leader. Ephialtes now saw his long awaited opportunity to continue his attack on the Areopagus.² Forming an alliance with Pericles he directed another attack against the nobles, but as had been the case in all previous attacks Cimon managed to keep the people in check.³

He was however first and foremost a general, and duty called him away once more, this time with succor for the Spartans who were in the throes of a Helot revolution as a result of the confusion accompanying a recent earthquake.⁴ This time Cimon's system of control broke down, probably through the rising popularity of Pericles,⁵ and Ephialtes taking the lead⁶ directed the attack against the Areopagus. This time his effort succeeded. Persuaded of the disproportionate authority of that body, the Council of Five Hundred heard the charges, was convinced, and passed the matter on to the Ecclesia. There the matter was a foregone conclusion. With Cimon absent and the nobles leaderless the blow fell.

Ephialtes attacked various members of the Areopagus through the Heliaea and brought about their retirement.⁷ With the whole body thus suffering in esteem the Ecclesia proceeded to deprive the Are-

1. Plut. Cimon XIV, 2-4; XV, 1

2. Paus. I, xxix, 15

3. Plut. Cimon, XV, 1

4. Ibid. XVI, 7-8. Ephialtes opposed the relief expedition

5. Plut. Per. IX, 3-4

6. Plut. Moralia, 802 D, 805 D; also Per. VII, 5-6

7. Arist. Ath. Const. XXV, 2

opagus of all its added powers¹ leaving it only the ancient right of supervision over the public morals. Joining with Pericles he made himself master of the Heliaea² which had been effectively opened to the people by Pericles when he instituted payment for service in it.³ This payment for Heliaea duty made possible active participation by the Thetes by affording to them a recompense for time lost from their farming duties. By urging the people further towards naval power Pericles created additional interest in the masses who became all the more interested in controlling the government.⁴ It is also probable that at this time the Council of Five Hundred lost its sovereign power to pass verdicts of guilt and sentence being henceforth required to submit such findings to the Heliaea through the Thesmothetae.⁵

With the people now in full control of the government Ephialtes and Pericles were now ready for the return of Cimon. When he came back and attempted to restore the Areopagus to its old position of influence the people withstood him.⁶ The refusal of Sparta to accept the solicited help of Athens against the Helots brought into disrepute Cimon's long advocated policy of friendship for Lacedaemon, and the populace in fury ostracised him.⁷ Ephialtes did not long survive his triumph for shortly thereafter he was

1. Arist. Ath. Const. XXV, 2

2. Plut. Cimon, XV, 1

3. Arist. Polit. II, ix, 3; also Ath. Const. XXVII, 2

4. Arist. Ath. Const. XXVII, 1

5. Ibid. XLV, 1

6. Plut. Cimon, XV, 2

7. Ibid. XVII, 2

murdered, apparently at the instigation of the aristocracy, but their cause was hopeless.¹ Pericles was now undisputed leader of the people, and the opening of the Archonship to the Zeugitae completed the democratic triumph.²

State of the Democracy in B. C. 457 The Constitution at the accession of Pericles had undergone important changes. When compared with the work of Cleisthenes the Contrast is great. Whereas the latter had left the government largely aristocratic, the state had now become genuinely democratic. The Archons were now entirely subservient to the will of the people, and in their degraded position no longer played an important part in the administration.³

The Areopagus, stripped of its administrative powers, retained only its ancient prerogative of supervising the public morals.⁴ The Council of Five Hundred, divested of its sovereign powers of fine and punishment was subject to the will of the Ecclesia operating more or less as a committee.⁵ The center of all power in the state now rested with the Ecclesia consisting of the sovereign people and therefore expressive of their will.⁶

The Heliaea was the guarantee of the people's power and had ultimate decision as an appeal body.⁷ Under complete control of the people the Courts served to back up the decisions of the Ecclesia.

1. Plut. Per. X, 7

2. Arist. Ath. Const. XXVI, 2; in B. C. 457

3. Due to the functioning of the lot.

4. Arist. Ath. Const. XXV, 2

5. Ibid. XLV, 1

6. Arist. Polit. II, vi, 12; see also Hdt. II, 80

7. Arist. Ath. Const. XXIV, 3, XXVII, 2

The position of leadership had been transferred from the Archonship to the Strategi, but even though he was the agent of leadership the Strategus was subject in most cases to the will of the Ecclesia which appointed him and supervised his activities.¹

In the hands of Pericles, then, the Athenian Constitution had become a democracy in which the people ruled and were destined to rule until overcome by Alcibiades, a descendant of the same family which had been responsible for the new constitution and the institution of the democracy.

Cleisthenes's Constitution in B. C. 457. The Archonship was much weakened by B. C. 457 although the method of election was not greatly changed. The tribes still elected ten candidates each, but the method was by lot² and the nine Archons were chosen from them by lot.³ The Zeugitae were admitted to the preliminary rolls from which the Archons were chosen.⁴ The election took place in the Ecclesia and the officers were called to account by that body. Prospective Archons were still subject to a qualification check by the Areopagus, but had now the right of appeal to the Heliaea.⁵ The term of office was one year without the privilege of reelection.

The familiar distinctions of Archon Eponymus, Basileus, Polemarch, and Thesmothetae remained, but their public functions were greatly

1. Thuc. II, 65; Plut. Per. XVI, 3; also Mor. 802 C

2. Arist. Ath. Const. VIII, 1

3. Ibid. The method by which the Thetes were excluded is not definitely known.

4. Ibid. XXVI, 2

5. Ibid. XLV, 3

limited. The Archon Eponymus still retained certain ceremonial duties such as appointing the Chorus-leaders for the tragedies, and the Polemarch still retained his ancient ancestral duties connected with the war responsibilities,¹ but his leadership of the army seems to have been eliminated. The Basileus retained his ancestral rights and religious duties, but as he had already been reduced in early times nothing remained to be done to him. It is probable that even the power to pronounce curses had been circumscribed. The Thesmothetae held the preliminary trial in lawsuits and seem to have had little power to do anything else.² In other words the Archonship had been reduced to a group of officials who had nothing but routine jobs to perform.

The Areopagus still contained only ex-Archons who were life members, but they had been sheared of all important powers. Individually the members were subject to attack and retirement through the Heliaea,³ and leave of absence still remained to be gained only by application to the government. The old Council still retained the power to supervise the public morals,⁴ and its ancient rights of trial of sacrilege and murder cases remained. Other than this little remained since all the added powers of safeguarding the Constitution had been removed by Ephialtes and Pericles.⁵

-
1. The specific duties are unknown
 2. Arist. Ath. Const. III, 5
 3. Ibid. XXV, 2
 4. Ibid.
 5. Ibid.

The Council of Five Hundred consisted of five hundred members, fifty from each tribe all chosen by lot from the three upper classes although this latter requirement seems to have been ignored.¹ As before no person could hold office a second time until the entire list of eligibles had been run through, and the lot was open to citizens thirty years of age or older. The members were subject to an oath of induction, and failure to attend the meetings resulted in a fine. The Council, like the Areopagus, had lost most of its important powers. Verdicts of guilt and penalties passed in connection therewith had to be submitted to the Heliaea by the Thesmothetae,² and the power to reject officers-elect was also subject to appeal to the Heliaea.³ The Council retained power of the Naucrariae,⁴ and still had some control over actions of the Strategi, but its main business was the consideration of subjects to be introduced to the Ecclesia.⁵ This latter function seems to have lost much of its potency, and it is probable that the Council acted in this respect as a committee effectively controlled by the now more powerful Ecclesia.

The legislative power now was completely in the hands of the Ecclesia. It was composed of all groups -- tradesmen, farmers, and nobles, -- and group action seems to have taken place by faction

1. Arist. Ath. Const. VII, 4

2. Ibid. XLV, 1

3. Ibid. XLV, 3

4. See page 31

5. Thuc. I, 45

leaders, the so-called "heads of parties." The body was convoked by the Strategoi¹ who received their appointment through it,² and arbitrated all counsels.³ It held the sovereign power in the state and used those powers to dethrone the Areopagus and limit the Council of Five Hundred. It was a deliberative body, and although all topics were subject to previous action by the Council, the Ecclesia had final decision as to the agenda.⁴ It had the power to provide for safety of individuals and therefore of the state, and the device of ostracism took place under its supervision. The Ecclesia was certainly the "center" of the government in Athens.

The Heliaea was considered by the people to be the foundation of their democracy. It was a system of courts of justice controlled by the people and representing all classes. The juries consisted of at least three hundred members, and every citizen had the right of appeal to the Courts. The jurors were elected by lot, and by the time of Pericles were being paid for their services.⁵

As umpire in all disputes public or private the Heliaea was the source of the people's power. A third person could introduce to the Heliaea any dispute between two other individuals. The Heliaea had a check on everybody and every organ of government except the Ecclesia. The Thesmothetae were required to submit final hearings to it; all cases in the Council of Five Hundred could be appealed to the Heliaea;

1. Thuc. II, 59

2. Xenophon, Memorabilia, II, vi, 38

3. Hdt. III, 80

4. Thuc. I, 45

5. Arist. Polit. II, ix, 3

and disputed cases of disqualifications of officers by the Areopagus could be heard. The only legal groups not elected by the people were the Local Justices, and they were elected by the Council of Five Hundred¹ which was itself subject to Ecclesia pressure.

The power of administration still remained with the Ecclesia, but on rare occasions a dominating personality such as Pericles or Themistocles could under favorable circumstances direct public affairs almost at will. These men as Strategi worked in close conjunction with the Ecclesia through which they were appointed. Their election took place by tribes, each of which provided one Strategus. Although the Polemarch was closely connected with the Strategi, his power seems to have been curtailed for he is never mentioned and must have had only a religious significance. In general these military leaders were subject to the supervision of the Ecclesia by which they could be fined or removed, but the Strategi seem nevertheless to have had power to conclude treaties without consent of the Ecclesia even though contrary to general opinion in the sovereign body.² That the Strategi had superseded the Archon Eponymus in administrative leadership can be seen not only in his active leadership, but also in the fact that he convened and presided over the Ecclesia which was now the most important body in the state.³

1. Arist. Ath. Const. LIII, 1; XXVI, 3. They were chosen by lot.

2. Thuc. I, 61; II, 70

3. Ibid. II, 59

The Heliaea. In the Athenian mind the whole democracy could be explained in terms of the law courts. This belief probably arose from the fact that in the period from Pericles on, the courts could be seen acting as a check on practically every agency of the government. The Archonship was limited in that the Thesmothetae were required to submit everything to the courts, holding only preliminary trials. The Areopagus had been stripped of its powers and retained only cases involving sacrilege and homicide under its jurisdiction. The Council of Five Hundred had lost its sovereign power to fine and punish, being required to submit its findings to the courts. Furthermore, a citizen had the free right of appealing any case from these agencies to the juries for final decision. Only the Ecclesia, the sovereign people collectively, were above the Heliaea.

In the formative period of Athenian history we find the judicial powers in the hands of the king and the Council. As the nobility circumscribed the powers of the monarchy, the judicial powers came to be concentrated more and more into the hands of the Archons and the Areopagus until scarcely any power remained to the Basileus except certain religious duties. As power became concentrated in the hands of the Archon Eponymus he tended to gather in his hands the judicial duties as well as the administrative responsibilities.

The action of the nobles in dividing these two powers and creating the six Thesmothetae was a first move toward the emancipation of the court system. The Junior Archons (as the Thesmothetae were

sometimes known) were entrusted with the recording of the public laws and thus preserving them for use in the trial of litigents.¹ Under Solon the power of these officials was expanded so that they were empowered to give final judgment in lawsuits. This power was retained until the onslaught of the Periclean democracy, and even then the Thesmothetae continued to hold preliminary trials.²

The first real appearance of the Jury Court as a popular device can be traced to Solon. As a part of his reforms Solon divorced the law courts from the other parts of government and made them independent throwing the election for membership open to the lot.³ All classes were permitted to serve as jurors, even the lowly Thetes, and everyone was permitted the privilege of appeal to the Heliaea even from the findings of the magistrates.⁴ It was further permitted that every citizen might exercise the privilege of entering suit in behalf of any injured person. "If a man was assaulted and suffered violence or injury it was the privilege of any one who had the ability and the inclination, to indict the wrong-doer and prosecute him."⁵ Thus it came about that the Heliaea had the final say in all legal matters public or private.⁶ According to Plutarch:

...it is said that his laws were obscurely and ambiguously worded on purpose to enhance the power of the popular courts. For since parties to a controversy could not get satisfaction from the laws, the result

-
1. Arist. Ath. Const. XXX, 4
 2. Ibid. III, 5
 3. Arist. Polit. II, ix, 3
 4. Plut. Solon, XVIII, 2
 5. Ibid. XVIII, 5
 6. Arist. Ath. Const. IX, 2

was that they always wanted jurors to decide it, and every dispute was laid before them, so that they were in a manner masters of the laws.¹

Thus we see the reason why Athenians considered the *Heliaea* to be democratic and a source of the peoples' power. It was open to all classes and had ultimate decision in all matters of legal dispute. Yet, the fact that the Thetes were unable to leave their farm duties and come to the city to exercise their legal rights without financial loss negated the practical value of the set-up.

Under Peisistratus the law courts continued to function in their normal manner, though restricted by the tyrant. However, it is not likely that they suffered seriously, since there was little occasion for them to conflict with the Peisistratid system.² The courts do seem to have undergone an expansion, for we have seen that he organized a group known as the Local Justices as a consequence of his increase in revenue.³ These consisted of thirty judges who went on circuit and tried cases in each of the districts (later demes)⁴ thus making it possible for the citizens to obtain justice without taking the trouble to journey to Athens. The Local Justices were apparently abolished after the expulsion of Hippias, but were instituted again by Pericles in B. C. 453.⁵

1. Plut. Solon, XVIII, 3

2. Due to the operation of the Local Justices

3. Arist. Ath. Const. XVI, 4-5

4. Ibid. LIII, 1

5. Ibid. XXVI, 3; possibly a means of serving the increasing number of non-citizens flowing into Athens.

There is no evidence on the Heliaea for the period of Cleisthenes, but it is certain that they were functioning during the entire time and, further, that the Courts were held in high esteem by the people. It is interesting to note that Themistocles in his effort to secure the ostracism of Aristides appealed to this feeling when he accused his rival of abolishing the "public courts of Justice by his determining and judging everything in private."¹

The Heliaea reached its final state of growth under Pericles. When with Ephialtes he took part in the overthrow of Cimon, the Courts were his principal target. Desiring to find a counter-device against Cimon's wealth, Pericles used the public funds to gain popularity² and the principle of the paid jury court was his solution to the problem.³ Thus were the people finally able to take the Heliaea completely in their own hands.⁴ With a panel of six thousand jurymen available,⁵ and assurance of pay for service the citizen no longer faced a loss when participating in jury service, and was able to serve at every opportunity that afforded.

The result, then, was a court system that dominated all instruments of government save the Ecclesia. The Thesmothetae were able to hold only a preliminary trial in lawsuits with the final decision in the hands of the Heliaea.⁶ The Areopagus was powerless to oppose

-
1. Plut. Arist. VII, 1
 2. Plut. Per. IX, 2
 3. Arist. Ath. Const. XXVII, 2
 4. Plut. Cimon, XV, 1-2
 5. Arist. Ath. Const. XXIV, 3
 6. Ibid. XLV, 1

popular will. Although the Council of Five Hundred had received the old power of the Areopagus to check the qualifications of those persons elected to hold office the following year, it no longer had sovereign power to reject the disqualified, but had to submit to possible appeal to the courts.¹ Only the Ecclesia withstood the all embracing authority of the Heliaea, and it was exempt only because it, too was composed of the people. Otherwise the Heliaea was supreme.

The Strategi. Although the democracy had triumphed and all power was in the hands of the people, it was possible for powerful men to control the government. The Areopagus and Council of Five Hundred had fallen before the democratic movement, and was forced to acknowledge the supremacy of the Ecclesia. The Archons were compelled to submit their judicial findings to the Heliaea for confirmation or rejection and in general were effectively checked. Yet the two agencies of the common people were handicapped. The law courts (Heliaea) while able to protect the individual rights of the citizen-body and prevent encroachment on the laws were by their nature unsuited for leadership and unfit to carry on an administration. The Ecclesia although holding the sovereign power in the state suffered from the lack of an official leader who could be certain of retaining his position for a set period of time. The Archon Eponymus had through the lot been degraded to a position of

1. Arist. Ath. Const. XLV, 1-3

impotence since the holding of the office was now purely a matter of chance. Under the circumstances leadership had to come from some part of the government which could provide both a stated term of service and a means by which the most fit might be selected. The answer to both requirements was found in the Generalship.

The Strategi were the result of a long period of evolution as was true of all other Athenian governing agents. In the early legendary period all military power had been entrusted to the kings, and the mythical rulers were for the most part men of warlike character.¹ The creation of the Polemarch was a step which separated the military and administrative powers. The new officer by giving his whole attention to military affairs was able to provide for defense much more easily than the earlier all-embracing kingship since the choice of a man fitted to the task was possible, and the element of cowardice was limited to a great degree.² Creation of the six Thesmothetae eliminated his legislative duties, and from about B. C. 630 the Polemarch was purely a military leader with only those judicial powers traditionally connected with his office.³

Under the laws of Draco we find a new group of military men appearing on the scene -- the Strategi or Generals. They were elected by the citizen-body from those persons who possessed an unencumbered estate worth at least one hundred minae and who had legitimate sons

1. Theseus is the type of the hero king

2. Arist. Ath. Const. III, 2-3

3. Ibid. III, 4

over ten years of age.¹ We also see that these new military leaders were required to submit to an annual accounting to the people as was the case of the other elective groups.² It is not definitely stated that these men were constitutional officers, but the importance of their position plus the system of qualification and audit seems to imply such status.³ Under Solon we find that the position of the Strategi is raised in dignity and that the Thetes were prohibited from serving as such.⁴

Under Cleisthenes the Strategi were elected by the tribes with one from each tribe.⁵ This definitely puts the generalship on a constitutional basis for we find them subject to the same checks, the same property qualifications, and the same method of election as other officers. Indeed, judging from these requirements, it would seem that they were approaching the Polemarch in importance and classification even though that officer continued to direct the whole army and was therefore leader of the armed forces.⁶ Officially the ten Strategi took their position in the governmental set-up in B. C. 501. At some time during this period the election of the Strategi took place in the Council of Five Hundred, and the fact that election is by show of hands indicates the practical importance of the office with each man selected on a basis of merit rather than chance.⁷

1. Arist. Ath. Const. IV, 1-2

2. Ibid.

3. Ibid.

4. Ibid. VII, 4

5. Ibid. XXII, 3

6. Ibid. XXII, 1-3

7. Ibid. LXI, 1

With the Persian War period we see a constant increase in the power of the Strategi and a corresponding waning of influence of the Polemarch. In the popularity of Miltiades we see the possibilities of leadership through the office when a person of strong personality and reputation held it. It is interesting to note that Miltiades was appointed through the influence of the people¹ and that he was ranked as least influential.² Yet his experience was such that he commanded the respect of all, and when the ten failed to agree upon the policy at Marathon it was the persuasion of Miltiades which won over Callimachus the Polemarch (who held the deciding vote) and led to a determination to do battle.³

The prerogatives of the Generals in B. C. 490 is interesting. The Polemarch is still nominal leader of the army holding the honorary first position of command or the right wing,⁴ but it seems that he had little power to determine military policy since his vote was only needed should it be required to break a tie among the ten.⁵ We further see that the officers were graded with the Polemarch in position of honor and the Strategi rated from highest to lowest. Also it happened that the Strategi took turns at leading the forces with each taking a day in turn. This tradition was evidently so strong that Miltiades hesitated to accept the rights relinquished

1. Hdt. VI, 104

2. Ibid. VI, 103

3. Ibid. VI, 109

4. Ibid. VI, 111

5. Ibid. VI, 109

to him by others, but preferred to wait his own turn before doing battle at Marathon.¹

Under Themistocles we find the Strategus in control of the government. In this capacity he actually seems to have carried on the administration subject to criticism and moral restraint from Aristides -- another Strategus.

From the time of the battle of Marathon we find that the leaders of Athenian policy are Strategi. Themistocles, Aristides, Cimon, Pericles -- each determined public policy through control of the military leadership. Themistocles without a definite factional alignment managed to keep control subject to the veto of Aristides. Aristides managed to keep moral control of the situation until his death. Cimon through his succession of brilliant victories kept control of the situation for nine years until his defeat at the hands of Pericles -- another Strategus. The Generalship with its possibility of continuous reelection was the only agency through which a unified and consistent policy might be maintained, and the pressure of external politics forced Athens to acquiesce to such leadership.

By the time of Pericles we find the Generalship at the apex of its influence. The Strategi were in close touch with the Ecclesia, and worked through that popular group. They were appointed by the Ecclesia² and were subject to its will, being compelled to submit to fine or removal if the people felt such measures necessary.³ On the

1. Hdt. VI, 110-111

2. Xen. Mem. II, vi, 38

3. Thuc. II, 65

other hand the Strategi were empowered to convene the Ecclesia¹ and to conclude treaties² apparently at times without consent of the sovereign body.³ Thus by degrees had the General emerged from obscurity and climbed to a position of preeminence in the state.

Pericles as Leader of the State. Pericles through his long tenure of the office of Strategus held control of the state and through wise use of his position was practically an autocrat. He was a man of illustrious ancestry. His father was Xanthippus, a former leader of the popular party, and his mother, Agariste, was an Alcmaeonid and niece of Cleisthenes the law-giver.⁴ Thus by ancestry he was connected with the merchant and popular factions, possibly an important factor in his later influence upon the people; yet, he was by nature of an aristocratic and sensitive nature. As a young man he was said to resemble Peisistratus closely in appearance and manner.⁵ With a brilliant lineage and powerful friends, Pericles feared that entrance into public life might lead to ostracism, so he turned to a military career as an outlet for his talents.⁶

Though brave and enterprising he avoided public life until the death of Aristides and the banishment of Themistocles had removed the most formidable opposition. Then with Cimon away from the city

1. Thuc. II, 59

2. Ibid. I, 61

3. Ibid. II, 70

4. Hdt. VI, 131

5. Plut. Per. VII, 1

6. Ibid. VII, 2

with his long campaigns, Pericles thought that the proper time for his entrance into politics was at hand. Unable to match the great wealth of Cimon, he espoused the cause of the poor, allied himself with Ephialtes, audaciously attacked Cimon in the Ecclesia, and soon became a powerful champion of the people.¹ In order to match the generosity of Cimon he devised the plan of using public monies for public services.² In the course of this activity payment for jury duty was instituted, and the objections of Cimon were met by the ostracism of that aristocratic leader.³

And soon, what with festival grants and jurors' wages and other fees and largesses, he bribed the multitude by the wholesale, and used them in opposition to the Council of the Areiopagus. Of this body he himself was not a member since the lot had not made him either First Archon, or Archon Thesmothete, or King Archon, or Archon Polemarch. These offices were in ancient times filled by lot, and through them those who properly acquitted themselves were promoted into the Areiopagus. For this reason all the more did Pericles, strong in the affections of the people, lead a successful party against the Council of the Areiopagus. Not only was the Council robbed of most of its jurisdiction by Ephialtes, but Cimon also, on the charge of being a lover of Sparta and a hater of the people, was ostracized ...Such was the power of Pericles among the people.⁴

With the death of Ephialtes by assassination Pericles was master of Athens. Yet he never made himself too familiar with the public. It was his policy to avoid public contact except on important occasions when emergencies were at hand. Otherwise he refrained from speaking in the Ecclesia or addressing the people preferring to carry

-
1. Plut. Per. VII
 2. Ibid. IX, 2
 3. Ibid. IX, 3-4
 4. Ibid.

out his public policies through his friends and with public speakers as agents.¹ It was this tendency of his which led the Greeks to attribute all happenings in Pericles's time as emanating from his leadership. This probably accounts for the designation of Ephialtes as a tool of Pericles when in all probability the case was just the opposite.

By such means Pericles was able to control the populace. He held his position as leader for forty years mostly by means of his annual occupation of the office of Strategus which he held on one occasion for fifteen successive years.² He was not entirely without opposition, however. Thucydides³ met with ostracism at his hands, and on another occasion ^{who?} he was fined and apparently severely censured by the Ecclesia, but the following year witnessed his reelection and continued control of all public affairs.⁴

Because of this marvelous control of the populace and his continued success as a holder of the office of Strategus, his position resembled that of the princeps under Augustus Caesar -- an implication apparent to at least one writer of the imperial period at Rome.⁵

For this reason the government⁶ in Pericles's time was "in name," as Thucydides says, "a democracy, but in fact the rule of the foremost man," because of his power of speech.

1. Plut. Per. VII, 5-6

2. Ibid. XVI, 3

3. Not to be confused with the historian of like name

4. Thuc. II, 65

5. Plut. Mor. 802 C

6. Thuc. II, 65

7. Plut. Mor. 802 C

WHY THE DEMOCRACY GREW AND TRIUMPHED

PART IV

WHY THE DEMOCRACY GREW AND TRIUMPHED

The democracy developed in Athens only after a hard struggle. It grew as did the Constitution -- step by step. The first gains were insignificant and at first sight do not appear democratic, but every check on an official, or every restriction on irresponsible power was a move toward the ultimate goal of rule by the people as exemplified in the Ecclesia and the Heliaea. Nobility checked royalty, and the traders and merchants checked the nobles. As the two latter groups struggled for power they bargained with the common people. As the common people developed leaders, they began to develop power, and once they realized their strength they were invincible.

The first step towards democracy was the growth of the nobility at the expense of royalty. The early kings were absolute rulers able by their might to inspire fear and respect thus gaining their ends through superior might.¹ They ruled by divine right and were descended from the gods through some great hero. In the unification of Attica we see the method by which the nobles stripped the king of his power.² The king seeks to centralize or otherwise strengthen

1. Plutarch, Theseus, XXIV

2. Ibid. XXIV

his power, but to attain his end he must give something in return -- in this instance he grants a council chamber to the nobles. Even so he holds all of the powers. He is commander in war and guardian of the laws, and in addition knows the will of the gods thus serving as a religious leader. It was up to the nobility to bring the king down to their level by stripping him of his privileges until he retained no advantages more than they.

The first attack on royalty was directed at the hereditary right of the sovereign, and the institution of more than one royal house was the first step in the reduction of the royal authority.¹ The second onslaught robbed him of a great part of his religious authority when nobles gained the control and care of the religious rites in the city.² Next came the knowledge of the laws of the state swiftly followed by control of the magistracies which interpreted those laws.³ Having taken his halo away, the king stood revealed as merely the most powerful of the nobles, and it was not so difficult to carry the process to the desired conclusion.

The next serious step in debilitating the ruler was the stripping off of the military powers through the creation of the Polemarch.⁴ This officer took all military control from the jurisdiction of the king including religious and judicial rights connected therewith. The vital blow, was struck, however, in the creation of the Archon

1. Plut. Thes. XXXV

2. Ibid. XXV

3. Ibid.

4. Aristotle, The Athenian Constitution, III, 2

who took over the administrative powers of the king.¹ After the creation of that new official the king was without power, for the Archon now did the ruling, the Polemarch went to war, and the King managed the religious affairs of the city. Recognizing their impotence the royal dynasty gave up the kingship for the office of Archon,² and with that step royalty was destroyed.

The second step towards democracy was the struggle among the nobles for equality. The king had now become a figurehead in the modern sense of the expression, and the power of state became concentrated in the Archon because of his capacity for adding new duties to his original administrative responsibilities.³ But the Archonship was a life job and the exclusive possession of one family -- the Medontids. So the Archonship was at some time declared open to the other nobles by means of limiting the term of office first to a period of ten years and then in a short time to a one year job without privilege of reelection.⁴ Once more nobles had succeeded in destroying the privileges of one family, and in the future the Archonship would be open to all of the nobility on equal terms.

The Archon with the passage of years had become too powerful, however, and our first historical glimpse of the Athenian government reveals a system of six assistants or Junior Archons who

1. Arist. Ath. Const. II, 3

2. Ibid.

3. Ibid.

4. Ibid. III, 1-2

took charge of the legal responsibilities of the Major Archons.¹ This measure weakened somewhat the Archon Eponymus (as the First Archon came to be called) but he was destined to remain the superior of his colleagues.

Meanwhile the Council of the Areopagus began to grow in influence. When we meet it in history we find it consisting of ex-Archons holding their office for life acting as guardian of the laws and guardian of the morals of the community. Meeting on the Areopagus and having the religious function of trying cases of sacrilege the Council was destined to be the ruling body of the nobility.² Thus as the curtain of history is lifted we find Athens to be a city-state under the rule of an oligarchy of noble families.

The third step towards democracy took place when the common people gained knowledge of the laws. As the nobles strengthened their hold on the land they oppressed those less fortunate than themselves, and as time passed the nobles continued to increase in wealth while the poorer classes passed into a condition resembling serfdom. When the common people needed help, their debts became secured on their persons, and failure to meet their obligations entailed forfeiture of their persons or families.³ As family after family passed into slavery discontent grew until the commons apparently rose in revolt and demanded knowledge of

1. Arist. Ath. Const. II, 4

2. Ibid. III, 6

3. Ibid. IV, 4

the laws by which they were being sold into slavery. The Code of Draco was the first important gain for the commons. Their situation was not improved, but they at least knew the law as it had been written by the law-giver.¹

The fourth step towards democracy was taken when the nobles and commons began to organize themselves into factions and to contest for the supremacy. The important feature of Athenian factional disputes is the creation of a third group representing the merchants who were in most cases without citizenship having arrived in the city for business purposes, but without the necessary birth connection for citizenship. With the existence of two disfranchised factions the breaking out of disputes among the nobility created a situation where the rival Eupatrids would line up one or both of the lower class groups to gain a victory.

With the quarrel between the descendents of Cylon and Alcmaeon over the blood taint the factional strife reached a climax, and the Hill, Shore, and Plain submitted to the arbitration of one man, Solon, who attempted to arrange a compromise for all.² With the great constitutional work of Solon the fourth step towards democracy had been completed. For the first time the common people had rights, including a jury court and a deliberative body -- the Ecclesia -- although the concessions were so hedged about with restrictions that they probably never operated effectively.

1. Plut. Solon, XVII

2. Arist. Ath. Const. V, 1-3

The fifth step towards democracy came with the tyranny of Peisistratus. Taking to himself the powers of the king-Archon of old,¹ Peisistratus and his sons took charge of the administration; and by controlling the Archonship and Areopagus through personal selection of candidates managed to seriously impede the political machinery of the nobility. The common folk did not seem to suffer under his rule, but on the contrary benefitted as evidenced by the prosperity making possible the reduction of the tax on produce from ten to five percent.² Solon's laws, however, had been lying dormant so long that the expulsion of Hippias found them incapable of functioning as before,³ and the new Constitution of Cleisthenes was a distinct gain for democracy since it provided the foundation for seizure of power by the common people.

The sixth step towards democracy came with the Persian Wars which made the common people conscious of their power. Through the exhortations of men such as Themistocles, Aristides, and Ephialtes, the people were made familiar with their strength. The attempts of the tyrant Hippias to regain the city made most Athenians all the more determined to preserve their city by opposing the principles for which he stood. Themistocles turned the mind of Athens toward the sea⁴ and brought about greater

-
1. Diogenes Laertius, Peisistratus to Solon, I, 53
 2. Arist. Ath. Const. XVI, 4; Thuc. VI, 55
 3. Arist. Ath. Const. XXII, 1-3
 4. Thuc. I, 94

participation of the common people in the struggle. Aristides advised the admission of the common people to the administrative offices,¹ and later advised the people to come down from their farms and dwell in the city in order to gain the leadership of the city.² Ephialtes directed an attack against the Areopagus and destroyed the last stronghold of aristocratic authority.³

The seventh step towards democracy came when the expansion of the empire threw control of affairs into the hands of the naval element. Themistocles, through his encouragement of the construction of a large navy, laid the foundation of eventual superiority of the common people when the empire developed, since the many duties connected with the allies threw controlling power into the hands of the "skippers and boatswains and pilots."⁴ The influence of the naval group toward democracy was recognized by the aristocrats who regarded the maritime empire with its expansion of responsibility towards the common folk as the "mother of democracy."⁵

Aristides won the leadership of the allies from Sparta by tactful means and succeeded in organizing the Delian League which was pledged to drive the Persian out of the Aegean. The custom of the allies of paying a contribution to the Spartans for the

-
1. Plut. Aristides, XXII, 1
 2. Arist. Ath. Const. XXIV, 1
 3. Plut. Pericles, VII, 5-6
 4. Plut. Themistocles, XIX, 4
 5. Ibid.

war was continued with Athens and Aristides associating each city according to its ability to pay.¹ As the duties of Athens spread farther and farther, more and more of her citizens became involved until the common people were actively engaged in the maritime pursuits of the city. As the city became more dependent upon its empire, in like manner it became dependent upon the will of those who made the empire possible -- the common people.

The final step toward democracy was taken when the Ecclesia and Heliaea began to function in full strength. When the Ecclesia began to strip the Council of Five Hundred and the Areopagus of their restrictive powers, the doom of the aristocracy was sealed, and the ostracism of Cimon² was merely a symbol of the overwhelming supremacy of the people. The payment of the common people for jury service made possible the exercise of the jury privilege by all citizens, while the extending of the final decision in legal matters to the jury assured the common citizens that their rights would be taken care of.

1. Plut. Arist. XXIV, 1

2. Plut. Cimon, XVI, 2

CONCLUSION

CONCLUSION

In the course of this work the author has given attention to five forms of the Athenian Constitution. The different periods considered were 1) the Legendary and Formative State; 2) the Reforms of Solon; 3) the Effect of the Peisistratid Tyranny; 4) the Cleisthenean Reforms; and 5) the Periclean Constitution. In the course of the discussion each of the questions propounded in the introduction has been considered at length, and their interdependent positions have been pointed out. In summing up the author would like to recall to the reader the important characteristics of each period in outline form.

In studying the Athenian Constitution we saw among other things:

1. That there was already a constitution when Solon came to power
 - a) that it consisted of a class system
 - b) that the Archonship was well established
 - c) that the Areopagus controlled the administration of affairs and was the center of power in the city
 - d) that the Ecclesia was in existence though apparently not very strong

- e) that jury courts were in existence though probably for exclusive use of the nobility
 - f) that the Council of Four Hundred existed, and excluded the Thetes
 - g) that the Strategi were elected by the citizens
2. That Solon's reforms were based upon the then existing constitution
- a) that the tribal system was undisturbed
 - b) that the upper classes continued to rule
 - c) that his reforms were a compromise giving the people no more power than was necessary
 - d) that he centered the power of his system in the Areopagus
 - e) that the lower classes were admitted to the Ecclesia
 - f) that the Council of Four Hundred was strengthened and checked the Ecclesia
 - g) that the Heliaea was the center of Solon's democratic reforms
3. That the Peisistratids did not seriously interfere with the Solonian Constitution
- a) that they held administrative powers according to the pre-Solonian Archonship
 - b) that as administrators they could assess and collect taxes
 - c) that as administrators they could dominate the Council
 - d) that they had administrative control of the Courts

- e) that they were heads of the people, thus dominating the
Ecclesia
 - f) that they did not hold legislative or judicial powers
 - g) that the tyranny negated the laws through disuse, not
by destroying them
4. That Cleisthenes's Constitution was based upon the Solonian model
- a) that the tribal reorganization was the principal change
 - b) that the Council of Five Hundred was a direct result of
the tribal change
 - c) that the Archonship was not seriously affected
 - d) that the Areopagus retained sovereign power in the state
 - e) that the Ecclesia held theoretical power although it did
not exercise it
 - f) that ostracism was a weapon of control
5. That the Periclean Constitution was entirely democratic
- a) that the Archons were entirely subservient to the will
of the people
 - b) that the Areopagus retained only its ancient powers over
public morals
 - c) that the Council of Five Hundred was subject to the will
of the Ecclesia
 - d) that all governmental power centered in the Ecclesia and
its will

- e) that the Heliaea was the guarantee of the peoples' power
- f) that the Generalship, though the agency of leadership, was subject to the Ecclesia

Having given consideration to the above outlines, I submit that the seven main points of the thesis have been proved. From the study as conducted from the legendary period to the days of Pericles it has been evident that

1. There was a constitution functioning when Solon came to power.
2. Solon's Constitution was a constitution of the nobility, and all democratic powers were effectually checked.
3. Peisistratus did not destroy the Constitution of Solon but operated under it using the laws for his position as administrator with the old powers of the life-Archon.
4. Cleisthenes's reforms did not have the democratic effect that is commonly supposed, but took place gradually.
5. Cleisthenes definitely increased the power of the Ecclesia or popular Assembly.
6. The Ecclesia was the instrument by which complete democracy was achieved, and the Heliaea were used as a means of backing up the decisions of the Ecclesia.
7. The development of democracy was due to the rise of Athens commercially, and a partial result of her imperialism.

CHRONOLOGICAL TABLE

- B. C. 650-630 The Six Thesmothetae
 632 Cylon's Conspiracy
 629 Megarian War
 621 Draco's Code
 620 Banishment of the Alcmaeonids
 599 Trial of the Alcmaeonids
 594 Solon's Code
 588 No Archon Appointed because of Party Strife
 583 Tyranny of Damasias
 581 The Ten Archons Instituted
 570 Peisistratus (Polemarch) against Megara (Salamis, Nisaea)
 565 Conquest of Salamis
 560 Peisistratus Tyrant at Athens
 559 Death of Solon
 559-556 Acquisition of the Thracian Chersonese by Miltiades
 556 First Exile of Peisistratus
 550 Second Tyranny of Peisistratus
 549 Second Exile of Peisistratus
 539 Third Tyranny of Peisistratus
 535 Recapture of Sigeum
 527 Death of Peisistratus; accession of Hippias to the Tyranny
 514 Assassination of Hipparchus
 510 Expulsion of the Peisistratids; Athens Enters the Peloponnesian League
 508 Constitution of Cleisthenes; Isagoras Archon
 507 Cleisthenes Institutes his Reforms; Isagoras Defeated
 506 Defeat of Chalcidians and Boeotians by Athens
 503 Cleisthenian Constitution Goes into Effect
 502 Oath of Induction for the Council of Five Hundred
 501 Institution of the Ten Generals
 499 The Ionian Revolt
 498 Burning of Sardis
 496 Darius's Scythian Expedition
 494 Suppression of the Ionic Revolt; Miltiades seizes Lemnos
 493 Themistocles Archon; Persians Conquer Thrace
 492 Miltiades flees from Chersonese to Athens
 491 Persia Demands Earth and Water
 490 Battle of Marathon
 489 Aristides Archon
 487 Archons Chosen by Lot out of Council of 500; Hipparchus Ostracised
 486 Accession of Xerxes; Egypt Revolts from Persia; Megacles Ostracised
 485 Unknown Friend of the Tyrants Ostracised
 484 Egyptian Revolt Suppressed; Xanthippus Ostracised

- 482 Themistocles Develops Navy; Aristеides Ostracised
- 480 Thermopylae and Salamis; Ostracised Generals Recalled; Areopagus Begins Leadership of Constitution
- 479 Plataea and Mycale; Aristеides General with Sole Powers
- 478 Delian League Instituted; Aristеides Assesses the Tribute; Capture of Sestos
- 477 Aristеides Advises Ionians to Come down from Farms and Live in the City to Keep Leadership of Public Affairs
- 476 Themistocles Rebuilds the Athenian Walls; Cimon Captures Eion
- 474 Cimon Conquers Scyrus
- 472 Cimon Reduced Carystus; Themistocles Ostracised
- 470 Naxos Secedes from the Delian League
- 468 Suppression of Naxos by Cimon
- 467 Cimon's Victory at Eurymedon; Death of Aristеides
- 466 Cimon Victorious at the Hellespont
- 465 Revolt of Thasos
- 463 Cimon Conquers Thasos; Pericles Challenges the Audits of Cimon; The Areopagus Relinquishes Leadership of the Constitution
- 462 Reforms of Ephialtes and Pericles; Cimon Rebuffed by Sparta
- 461 Cimon Ostracised; Pericles Supreme
- 457 Archonship Opened to the Zeugitae

B I B L I O G R A P H Y

Aristotle, The Athenian Constitution, with an English translation by H. Rackham, Harvard University Press, Cambridge, 1935

The principal source for the thesis. In general the constitution is accurate and dependable. Aristotle is mostly interested in the mechanics of government in Athens and sketches the high points in constitutional development from the legendary period to the government of his day. Reference to later sections is frequently necessary in order to comprehend earlier governmental bodies.

Aristotle, The Politics, with an English translation by H. Rackham, G. P. Putnam's Sons, New York, 1932

A general work on government. Mostly theoretical in nature the value of the Politics lies in its illustrations which frequently fortify or elaborate upon a point introduced briefly in the Constitution. Due to its universal character care must be exercised in making use of its materials subordinating them to information gained from the work on the Constitution.

Plutarch, Parallel Lives, with an English translation by Bernadotte Perrin, 11 volumes, William Heinemann, London, 1914

Theseus, Themistocles, Aristides, Solon, Cimon, and Pericles are the works used. Were of great importance and second only to the Constitution of Aristotle. As a moralist Plutarch directed his attention toward the actions of his characters with reference to their moral effect on the state and themselves. It is through this approach that much was gained relative to the motives for each statesman's actions.

Plutarch, Moralia, English translation by H. W. Fowler, 14 volumes, Harvard University Press, Cambridge, 1936

Of little value except for confirming information found in other works. Occasionally references clarify the inner workings of the governmental agencies. All information in these works must be gleaned by careful reading. Usually the information desired is treated as an unimportant or isolated reference to a topic unrelated to the purpose of the thesis.

Herodotus, History, with an English translation by A. D. Godley,
4 volumes, William Heinemann, London, 1920

A work of primary importance where political events are concerned. The relations of Athens with neighboring city-states are of major interest to Herodotus. Various intrigues between factions are of special interest. All events bearing on the military development of the Persian Wars are treated. Because of his nearness in point of time to his subject, Herodotus is usually most dependable in cases of conflict, and was accepted by the author when in doubt.

Thucydides, The Peloponnesian War, translated by Crawley, The Modern Library, New York, 1934

The most dependable of all sources, but limited in its scope. For the purposes of the thesis information was restricted to a few early chapters and a digression toward the end of the work. The Periods of Peisistratus and Pericles were the most valuable extracts from the work, but due to the care exercised by Thucydides in the selection and use of his materials practically all of his statements could be accepted at face value.

Diogenes Laertius, Lives of Eminent Philosophers, with an English translation by R. D. Hicks, 2 volumes, G. P. Putnam's Sons, New York, 1925

Solon, and Peisistratus's letter to Solon are the works used. In general Solon only repeats Plutarch's fuller version, and due to the careless use of his sources Diogenes Laertius must always be accepted with a question mark. The letter, however, is valuable since it indicates Peisistratus's conception of his position in Athens after the establishment of the tyranny.

Cornelius Nepos, Lives of the Great Generals, with an English translation by J. C. Rolfe, (bound with Florus Epitome of Roman History), William Heinemann, Limited, London, 1929

Miltiades, Themistocles, and Aristides were the works used. Of the three Miltiades is the most important although Nepos confuses the early Miltiades with his greater nephew of the same name. The line of demarcation is easily drawn, however, and the work is of value as the only exclusive treatment of that important man. The other works are of little interest except for isolated details. All three accounts are sketchy in nature and brief in treatment.

Pausanias, Description of Greece, 6 volumes, with an English translation by W. H. S. Jones, William Heinemann, London, 1918

The author is mostly interested in antiquities, and the little historical information is merely incidental background for his word travels. All data gleaned from the first section on Attica (the only section used) is of an isolated character and merely confirms materials appearing in other works.

Xenophon, Memorabilia, and Oeconomicus, with an English translation by E. C. Marchant, William Heinemann, London, 1923

Similar in character to Plutarch's Memorabilia. Of little value to this work except for a few references on the make-up of the Ecclesia.

Isocrates, with an English translation by George Norlin, 3 volumes, G. P. Putnam's Sons, New York, 1929

The Areopagiticus is one of the two works used. Its chief value lies in the conception which the author had of the Areopagus in its period of power and honor as leader of the state. Some idea of the dignity and influence of that body is indicated in the work. The second work used, Panathenaicus, contains isolated references to Themistocles.

Cicero, De Natura Deorum, English translation by H. Rackham, G. P. Putnam's Sons, New York, 1933

Has no connection with the study of the Athenian Constitution. Except for one reference to the understood preeminent position of the Council of the Areopagus, the work has no use for the purpose at hand.

George Grote, A History of Greece, 4 volumes, Wm. L. Allison, New York

The earliest and still one of the most important works on Greece from the earliest times to Alexander the Great. Based upon a careful study of the classical sources, the history is quite detailed and valuable for study involving interpretations of the classics. For the Athenian Constitution certain adjustments must be made in view of the fact that the author produced his work before the discovery of Aristotle's Athenian Constitution. Otherwise the work is still of great practical value.

J. B. Bury, A History of Greece, The Modern Library, New York, 1937

Probably the best known work on ancient Greece embracing the usual period. Not quite so detailed as Grote, the Bury history is superior in that it embodies many of the recent findings in archaeology as well as the all-important work of Aristotle on the Constitution of Athens. A literary as well as scholarly work, the history was one of the principal reference works utilized in preparation of the thesis. It was especially helpful in placing dates.

George W. Botsford, Hellenic History, The MacMillan Company, New York, 1925

A scholarly work with emphasis on the cultural aspects of ancient Greece. Although a brief treatment the Botsford history is extremely useful for reference due to complete system of footnotes which direct the reader to the classical sources. Much material was produced for the thesis through references to these footings which might otherwise have been missed.

Alfred Zimmern, The Greek Commonwealth, fourth edition, revised, The Clarendon Press, Oxford, 1924

An interesting work on Greek institutions and civilization. It is devoted to a study of Athens, and is a masterly attempt to reconstruct ancient thought and purpose. Well documented and lately revised the work of Zimmern is up to date and profitable within its scope. The footnotes served to aid in preparation of the thesis although not to the extent of Botsford.

W. Warde Fowler, The City-State of the Greeks and Romans, Macmillan and Co., Limited, London, 1931

A handy little work on the origins of democratic government and the conflict between the nobility and the lower classes. Although a general work and somewhat old (the text dates back to 1895) the general lines of thought are still acceptable. As is true with Grote, several details are out of line with latest discoveries mostly through lack of acquaintance with Aristotle's Athenian Constitution. The period of this thesis is exactly covered by the work.