

## 7.1. pseudo-Xenophon / On the Athenian Constitution

*The Polity of the Athenians* was written c. 424 BCE by an unknown author. It can be contrasted with Thucydides's paean of the Athenian constitution, the Periclean Funeral Oration.

Note on the name "Pseudo-Xenophon": Though compiled with Xenophon's *Polity of the Lacedaemonians* since Hellenistic times, the current treatise was proven in the 1930s not to have been written by Xenophon. Modern classicists flag longstanding, but wrong, attributions with the prefix "pseudo"; thus Pseudo-Xenophon. The author is also referred to as "The Old Oligarch."

Ps.-Xen. *Const. Ath.* Source: [Pseudo-]Xenophon. *The Old Oligarch; Being the Constitution of the Athenians Ascribed to Xenophon*. Trans. James Alexander Petch. Oxford: Basil Blackwell, 1926.

As for the constitution of the Athenians, their choice of this type of constitution I do not approve, for in choosing thus they choose that thieves should fare better than the elite. This then is why I do not approve. First of all, then, I shall say that at Athens the poor and the commons seem justly to have the advantage over the well-born and the wealthy; for it is the poor which mans the fleet and has brought the state her power, and the steersmen and the boatswains and the shipmasters and the lookout-men and the shipwrights—these have brought the state her power much rather than the hoplites and the best-born and the elite.

This being so, it seems right that all should have a share in offices filled by lot or by election, and that any citizen who wishes should be allowed to speak. Then, in those offices which bring security to the whole people if they are in the hands of good citizens, but, if not, ruin, the poor desires to have no share. They do not think that they ought to have a share through the lot in the supreme commands or in the cavalry commands, for the poor realize that they reap greater benefit by not having these offices in their own hands, but by allowing men of standing to hold them. All those offices, however, whose end is pay and family benefits the poor do seek to hold.

Secondly, some people are surprised that everywhere they give the advantage to thieves, the poor, and the radical elements rather than to the elite. This is just where they will be seen to be preserving democracy. For if the poor and the common people and the worse elements are treated well, the growth of these classes will exalt the democracy; whereas if the rich and the elite are treated well the democrats strengthen their own opponents. In every land the elite are opposed to democracy. Among the elite there is very little license and injustice, very great discrimination as to what is worthy, while among the poor there is very great ignorance, disorderliness, and thievery; for poverty tends to lead them to what is disgraceful as does lack of education and the ignorance which befall some men as a result of poverty.

It may be said that they ought not to have allowed everyone in turn to make speeches or sit on the Council, but only those of the highest capability and quality. As it is, anyone who wants, a thief maybe, gets up and makes a speech, and devises what is to

the advantage of himself and those like him. From such procedure then a city would not attain the ideal, but the democracy would be best preserved. For it is the wish of the poor not that the state should be well-ordered and the poor themselves in complete subjection, but that the poor should have their freedom and be in control; disorderliness is of little consequence to it. From what you consider lack of order come the strength and the liberty of the commons itself. If, on the other hand, you investigate good order, first of all you will see that the most capable make laws for others; then the elite will keep the thieves in check and will deliberate on matters of state, refusing to allow madmen to sit on the Council or make speeches or attend the general assemblies. Such advantages would indeed very soon throw the poor into complete subjection.

The license allowed to slaves and foreigners at Athens is extreme, and a blow to them is forbidden there, nor will a slave make way for you! I shall tell you why this is the custom of the country. If it were legal for a slave or a foreigner or a freedman to be beaten by a free man, you would often have taken the Athenian for a slave, and struck him, for the poor there do not dress better than the slaves and the foreigners! If anyone is surprised also at their allowing slaves—at least some of them—to live luxuriously and magnificently there, here too they would be seen to act with wisdom. In a naval state slaves must serve for hire, that we may receive the fee for their labor, and we must let them go free. Where there are rich slaves it is no longer profitable that my slave should be afraid of you. In Sparta my slave is afraid of you. If your slave is afraid of me there will be a danger even of his giving his own money to avoid personal risks. This then is why we placed even slaves on a footing of equality with free men; and we placed foreigners on a footing of equality with citizens because the state has need of foreigners, owing to the number of skilled trades and because of the fleet.

As for the states allied to Athens, the Athenians enforce democracy in these states because they know that if the rich and the elite have control the rule of the poor back at Athens will be short-lived. This then is why they disenfranchise the elite, rob them of their wealth, drive them into exile, or put them to death, while they exalt the thieves. The poor of Athens protect the poor in the allied cities, realizing that it is to their own advantage always to protect the elite elements in the various cities.....Of such mainland states as are subject to Athenian rule the large are in subjection because of fear, the small simply because of need; there is not a city which does not require both import and export trade, and it will not have that unless it is subject to Athens—the rulers of the seas....The Athenians alone possess the wealth of the Hellenes and the foreigners. If a city is rich in shipbuilding timber, where will it dispose of it unless it win the consent of the Athenians? What if some city is rich in iron or bronze or cloth? Where will it dispose of it unless it win the consent of the rulers of the seas?

Again, oligarchical states must abide by their alliances and their oaths. If they do not keep to the agreement, penalties can be exacted from the few who made it. But whenever the poor of Athens make an agreement they can lay the blame on the

individual speaker or the proposer, and say to the other party that it was not present and does not approve what they know was agreed upon in full assembly; and should it be decided that this is not so, the poor have discovered a hundred excuses for not doing what they do not wish to do. If anything bad result from a decision of the Assembly, they lay the blame on a minority for opposing and working its ruin, whereas if any good comes about they take the credit to themselves. They do not allow caricature and abuse of the commons, lest they should hear themselves the butt of endless jokes, but they do allow you to caricature any person you wish to. They well know that generally the man who is caricatured is not of the poor or of the crowd, but someone rich or well-born or influential, and that

few of the poor and democrats are caricatured, and they only because they are busy-bodies and try to overreach the commons; so they are not angry when such men are caricatured either.

I say, then, that the poor at Athens realize which citizens are good and which are thieves. With this knowledge, they favor those who are friendly and useful to them, even if they are thieves, whereas they hate rather the elite. This type of constitution of the Athenians I do not approve, but as they saw fit to be a democracy, in my opinion they preserve their democracy well by employing the means I have pointed out.