INTRODUCTION

This short tract is preserved among the works of Xenophon, under the title *The Constitution of the Athenians*. It was already suggested in antiquity that it was not by Xenophon's hand (see Diogenes Laertius *Lives of the Philosophers* 2.57). It is quite unlike other works of Xenophon in both style and thought. We have, however, no direct evidence for who did write it, or for the date at which it was written.[1] All conclusions have to be derived from the work itself.

The work itself is peculiar. It begins abruptly, and ends with a whimper, with a series of apparent afterthoughts. But the work is also peculiarly interesting. It sets out to explain how the political arrangements at Athens, whatever their faults, are excellently designed to ensure the survival and health of democracy. It does so by describing those political arrangements and their relationship to Athens' situation, both in general terms and with reference to certain particular events. The author identifies himself as an Athenian (1.12, 2.12), and tries to show that it is reasonable for Athenians like himself, who do not approve of Athens' putting power into the hands of the masses rather than the élite, nevertheless to make no active attempt to subvert its democratic constitution.

But if this work would be interesting whatever the date and circumstances in which it was composed, its precise historical significance and importance depend entirely on when and why it was written. That it belongs to the classical period, indeed more or less to the life-time of Xenophon, who lived from c.430 to c.350 BC, has been generally accepted.[2] But within this broad range a wide variety of particular dates have been suggested. Arriving at a date is closely related to establishing the purpose of the work.

Why was *The Constitution of the Athenians* written?

'As to the constitution of the Athenians, I give no praise to their choice of this form of constitution, because this choice entails preferring the interests of bad men to those of good men; this is why I do not praise it. But since this is their decision, I shall demonstrate that they preserve their constitution well...' So begins this tract, as if continuing a conversation. Throughout the work the author addresses himself to objections which might be made, virtually carrying on a dialogue with a sceptical interlocutor (cf. esp. 1.5–6). This is quite different from what we find in other short works surviving among Xenophon's writings. Although use of the first person is common in those works – *The Constitution of the Spartans* begins 'I was amazed when I once realised...', and *Ways and Means* begins 'I have always held the view that...' – none of the certainly authentic works adopts this argumentative stance.

On first acquaintance *The Constitution of the Athenians* rambles around its subject matter in true conversational manner. The general argument that the various apparent defects of Athens' constitution and the Athenian way of life are in fact ways in which

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[1] The author has come to be known as the 'Old Oligarch'. I have resisted referring to the author in this way here since it gives a misleading impression that we know anything at all about the person who wrote *The Constitution of the Athenians*, and imports assumptions about the nature of the work. For comparison of his style and thought with Xenophon's, see Gray (2007) 56–7.

[2] The possibility that we are dealing with a very much later 'school exercise' has not been much entertained. This is largely because of the style in which the work is written, which is so individual that it seems unlikely to be a possible school product. The work *Peri Politeias* preserved under the name of Herodes Atticus offers a good example of what a high quality school exercise on late fifth-century politics might look like (U. Albini, *[Erode Attico] ΠΕΡΙ ΠΟΛΙΤΕΙΑΣ: Introduzione, testo critico e commento* (Florence, 1968).

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Edited and translated by Robin Osborne
Excerpt
More Information

democracy is protected rolls up together points about class relations within Athens, about the relationship of Athens to her allies, and about the peculiar advantages of sea power, in a way which can seem almost random. Sea power and its influence are discussed in 1.2, 1.19–20, 2.2–7, 2.12–14. The ways in which Athens controls her empire are discussed at 1.14–19, 2.1–3, 3.10–11. The number of festivals at Athens is discussed at 2.9, 3.2 and 3.8. The issue of the difference between good advice and good advisers absolutely, and good advice and good advisers for a democratic city, is discussed at 1.6–7 and 2.19 (cf. 3.10).

It is possible, however, to see a clear thread running through the whole work, and it is worth outlining the course of the argument in some detail in order to reveal this.

The first section (1.1) sets out the overall argument, that democracy is not to be praised for preferring the lower classes to the élite, but does serve well its own interests. 1.2 links democracy and rule over the sea: the masses row, therefore the masses appropriately insist on political power. 1.3 points out that the masses are sensible enough to leave offices that require technical know-how to the élite. 1.4–6 elaborate that men of every class pursue their own interests, so that the élite would not pursue democracy. For this reason (1.6–7), allowing poor and ignorant men to speak in the Council and Assembly is vital, and in fact the poor do have some judgement. This does not make Athens the best city conceivable, but it does make for stability and keeps the poor from slavery (1.8–9).

At this point, the first instance of what will be a characteristic shift of argument occurs. Mention of (metaphorical) slavery raises the topic of slaves, and 1.10–12 turn to the behaviour of slaves and metics at Athens, arguing that their peculiar liberty is a product of their economic importance in a state that relies on a navy. But the same argument from the self-interest of the common people also applies to the way in which they restrict the behaviour of the rich (1.13), milking them to fund cultural festivals but opposing the old education the rich used to enjoy.

In a similar shift, mention at the end of 1.13 of the self-interest of the common people displayed in the courts leads into the very different context of use of the courts to control the allies, and from 1.14 to 1.18 the logic and advantages of the way in which the Athenians use law courts to control the Athenians are discussed. This raises the topic of Athenians travelling abroad to administer the empire, and 1.19 to 2.5 discuss the impact on the type of armed forces Athens needs of the fact that it is controlling allies through supremacy at sea.

The suggestion that control of the sea brings military advantages leads to a shift to discuss other advantages which it brings, in terms of supplies and a cosmopolitan experience (2.6–8). Athenians not only consumed imported goods particularly at festivals but also imported festivals of foreign gods, and cosmopolitanism therefore links easily to the discussion to festivals at Athens, and the way in which religious and other facilities, which used to be restricted to the rich, have been made generally available (2.9–10), thus returning to very much the topic of 1.13. Wealth being the topic, 2.11–12 discuss the way in which a power that controls the sea can monopolise wealth. This is demonstrated by the example of acquiring the materials to build ships, and so we return in 2.13–14 to the power that a navy gives, and then move (2.14–16) to discussion of the additional advantages that would accrue were Athens an island.

Discussion of islands leads naturally into issues of foreign relations, and 2.17 starts from the notion of alliances. But the discussion of 2.17 moves entirely away from Athens' relations with other cities and back to issues purely to do with the democratic

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Excerpt
More Information

constitution (as in 1.2–9). 2.17–18 deal with collective and individual responsibility within a democracy and 2.19 and 3.1, alluding back to 1.1, sum up the fundamental features of democratic self-interest, insisting once more on the class element.

Although discussion of Athens as a sea power earlier in the work had looked at practice as well as theory, discussion of democracy takes a sharp turn from theory to practice at 3.1. 3.1–9 are devoted to explaining why democracy is inefficient in transacting business, and why nothing substantial can be done about it. 3.10–11 are very difficult to link to 3.1–9. They turn back to Athens and her allies and explain why the Athenians tend to support the 'worse' rather than the 'better' elements in allied cities. The question of factions in other cities seems to raise the question of why there is no open factionalism in Athens, and, without explicitly raising this question, 3.12–13 explain that there are not enough individuals with a sufficient grudge because they have lost civic rights to form a nucleus of resistance at Athens.

Although there are some rather bumpy moments of transition, the way in which a topic raised obliquely in one argument becomes the central subject of the next makes the whole work flow very easily, and very like a conversation (compare below p.10). It might be a recipe for extremely partial coverage, but in fact the author manages to tackle most of the big questions of theory and practice and to offer an analysis which makes sense in political, social, and, perhaps most remarkably, economic terms. This is no mean achievement.

So should we take *The Constitution of the Athenians* to have the peculiar form it does because it has a different sort of origin from other short works surviving from the classical period? Is it, in other words, uniquely close to being a transcript of a live oral performance? Or is the form simply a useful and effective way of getting through the rather wide-ranging series of points that the author wants to make? Should we posit a close relationship between this work and some occasion on which the arguments were aired orally, or should we think that the work deliberately manufactures a pretence that it had derived from an oral performance?

Closely related to these questions is the question of whether the work is to be taken at face value. Is this a serious work, or is it a spoof?[3] Should we take it, for instance, to be an attempt to persuade those who do not approve of Athenian democracy, and who think that the Athenian élite ought to be overturning it, that it is not practical to try to overthrow democracy? Or should we, at the other extreme, take this to be an imaginative composition in which the complacent view of Athenians in the late fifth century that their democracy and their imperial power were unassailable is shown up by putting words into the mouth of a member of the Athenian élite. Are we hearing such a man addressing the rich men of other cities in the Athenian empire and defending himself, and Athenians like him, for not acting against democracy in support of allies who revolt? The spoof funeral oration retailed in Plato's *Menexenos* by Socrates, who claims to have heard it from Pericles' mistress Aspasia, shows that some anti-democratic critics of Athenian democracy had fun imitating the clichés used by Athenian politicians who extolled the virtues of democracy. The frame of the *Menexenos*, and the transparent anachronism of some of its claims, mark it out as a spoof. *The Constitution of Athens* has no explicit frame, and no obvious anachronisms.

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[3] The view that *The Constitution of the Athenians* is a fourth-century 'work of imaginative fiction which perhaps belongs to the genre of literature associated with the *symposion*' has been championed by Hornblower (2000; quotation from p.363) and is also followed by Katsaros (2001).

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Edited and translated by Robin Osborne
Excerpt
More Information

Distinguishing whether it is a serious work or a spoof depends on our assessment of three things: the internal evidence for its date of composition; its relationship to other literary works, and in particular to Thucydides; and the credibility of its claims.

The internal evidence for date of composition

In the course of the work some historical events are alluded to explicitly, others implicitly, and there are many further statements which might relate to known incidents but which could have been made independently of any particular event. Equally, some events are not mentioned which would, or might, have provided powerful illustrations of the claims made in the text, and the failure to mention them might be best explained by their not yet having occurred.

The earliest date which has been championed in recent scholarship relies very largely on one particular failure to mention a major event. When, in 3.11, examples are given of cases in which the Athenians backed the élite (‘the best men’), only to have events turn out badly for them, the revolts of Miletos and Boiotia are mentioned. In Bowersock’s view (1966) the failure to add Samos to this list indicates a date prior to 440/39 for the work. However, the revolt of Samos was certainly not a straightforward consequence of backing the élite (Thucydides 1.115.2–5), and the omission of Samos from the examples seems unproblematic.

The date which has been most popular in recent scholarship is the 420s (Forrest 1970, de Ste. Croix 1972, Marr and Rhodes 2008). 3.2 (cf. 2.1) requires that there is a war going on, and 2.16 treats devastation of Attica as a matter of fact. On the other hand, the relatively casual treatment of the possibility of invasion at 2.14–16, surprising in any case, seems incompatible with the permanent presence of the enemy, as experienced during the Dekeleian War from 413–404. Within the period of the Archidamian War (431–21), both what is mentioned and what is ignored have been used to isolate a date in 424. The suggestion at 3.5 that tribute was ‘generally’ assessed every four years seems to require there having been some irregularity to the assessment. Although such irregularity has been suspected by scholars for 443/2 and 428/7, it is certain only for 425/4. The suggestion at 2.5 that long overland marches are impossible seems unlikely to have been written in the immediate aftermath of Brasidas’ march to Thrace (summer 424, Thucydides 4.78). However it might similarly be argued that the rather theoretical language of the observation that all land powers are liable to attack from the sea at 2.13 is unlikely to have been written in the immediate aftermath of the Athenian capture of Pylos and Sphacteria in summer 425, although some have precisely seen an allusion to Pylos in that observation.

Gomme (1962) long ago suggested a date of 420 to 415, and Mattingly (1997) argued that the work can be dated to precisely 414. He bases this on the mention at 3.4 of the festival of the Hephaistia, a festival the arrangements for which at Athens are attested by an inscription of the year 421/0 (*Inscriptiones Graecae* i^3 82), and on the allusion at 3.5 to unaccustomed acts of insolence or sacrilege, which he links to the affairs of the mutilation of the Herms and the profanation of the Mysteries in 415. Together these establish a date after 415, but the discussion of tribute as on-going (1.15, 2.1, 3.5) must date before its (temporary) replacement with a harbour tax in 413. The argument about tribute here seems strong, but the interpretation of *Inscriptiones Graecae* i^3 82 is much less certain. The conventional scholarly view is that the inscription, which is not completely preserved, marks the reorganisation, rather than the invention, of Hephaistos’ festival (Parker 1996: 154), and one scholar has suggested that the inscription may in fact prescribe only what is to happen on one particular occasion (Rosivach 1994: 154).

If we are to take this work at face value, we can be confident that it is a product of the years of the Peloponnesian War, before 413. Choosing a particular date within those years depends on making assumptions about the tone of the text: just how knowing and allusive, on the one hand, or naïve, on the other, should we take this author to be? Is the assumption of democratic stability found throughout the text compatible with the fear in 415, which Thucydides 6.27.3 describes, that the religious scandals were a sign of a plot against democracy? This question of tone becomes even more crucial when considering the relationship between this text and other texts of the late fifth century.

The relationship of *The Constitution of the Athenians* to other texts

At various points the arguments expressed in *The Constitution of the Athenians* are closely parallel to arguments to be found in other texts. In particular there is a close relationship with certain passages of Thucydides.[4]

The greatest density of overlap is with Pericles' speech recommending the rejection of the Spartan ultimatum, at the end of Thucydides Book 1. Pericles, at 1.142, discusses the advantages of Athenian naval experience (compare *The Constitution of the Athenians* 1.19–20). At 1.143.4 Pericles notes that in the face of a land invasion by Sparta the Athenians can ravage the Peloponnese, and he notes (143.5) that, were the Athenians islanders, their position would be impregnable. *The Constitution of the Athenians* mentions ravaging the lands of others from the sea at 2.4, and draws attention to the additional advantage, were Athens an island, at 2.14. Pericles draws attention at 1.143.4 to the Athenians having land on the islands, and Thucydides at 2.14 will describe the Athenians conveying property to the islands in the face of Spartan invasion; *The Constitution of the Athenians* mentions the Athenians depositing their property on the islands in 2.16. Athenian inferiority in infantry is noted by Pericles at 1.143.5, and by *The Constitution of the Athenians* at 2.1.

There is also some overlap with Pericles' Funeral Speech, as recorded by Thucydides in Book 2. There, at 2.38.1, Pericles mentions the way in which the Athenians celebrate festivals all the year through; at *The Constitution of the Athenians* 2.9 the enjoyment of sacrifices and festivals by the common people is picked out, and at 3.2 it is stated that Athens has more of them than other cities. And just as Pericles at 2.38.2 comments on the size of Athens drawing all good things to it, so *The Constitution of the Athenians* 2.11 draws attention to Athens' command of the sea meaning that it can dominate the supply of anything (a point made by the Corinthians in Thucydides 1.120.2).

Other sentiments variously expressed in the first three books of Thucydides are also paralleled. The Mytilenaians' observation that they had maintained their independence by flattery of the Athenians (3.11.7) is comparable to *The Constitution of the Athenians'* observation at 1.18 that the allies are compelled to fawn upon the Athenians in order to secure fair treatment in Athenian courts. (That the allies have to come to Athens for judicial proceedings is something noted by 'the Athenians' in Thucydides 1.77.1 as well as in *The Constitution of the Athenians* 1.16). There is some parallel too between

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[4] See de Romilly (1962). The relationship of *The Constitution of the Athenians* to Thucydides is the major reason why Hornblower (2000) regards the work as of fourth-century date.

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Edited and translated by Robin Osborne
Excerpt
More Information

the point in Diodotos' speech in the Mytilenaian debate, at which he observes that, when it comes to issues of being ruled or being free, men do not calculate the risks rationally (3.45.6) and the observation in *The Constitution of the Athenians* (1.8) that the Athenians tolerate lawlessness in the interests of maintaining freedom.

How much significance should we attach to these parallels? Given that the majority of parallels occur with speeches in Thucydides, four positions are possible. One is that *The Constitution of the Athenians* expresses similar sentiments simply because it was written by an individual who was Thucydides' contemporary and was involved in similar sorts of discussion. A second is that the speeches ascribed by Thucydides to Pericles and Diodotos do in fact closely reproduce what those men said in public, and that *The Constitution of the Athenians* was also influenced by those speeches. A third possibility is that Thucydides, in putting together the speeches, was himself influenced by *The Constitution of the Athenians*. A fourth is that *The Constitution of the Athenians* quarried Thucydides. The first three cases would leave the *The Constitution of the Athenians* as a fifth-century work, but the fourth possibility would make it almost certain that it was not composed before the fourth century (the date of publication of Thucydides' work is not known but is certainly later than 404, although parts of the work may have been circulated earlier). If *The Constitution of the Athenians* quarries Thucydides, it might do so simply for information, as part of an attempt to write a work that could pass itself off as written between 431 and 413, or it might do so to draw attention to the hollowness of the claims and beliefs which it cites.

Can we establish which of these positions is most plausible? One factor here is the degree to which other contemporary texts also say similar things. We might note, for instance, that the description of all the good things that flow into Athens seems to have been something of a cliché: we meet it in a passage from the comic poet Hermippos (frg. 63 K–A), quoted by Athenaios (*Deipnosophistai* 1. 27e–28a) along with similar passages. The Hermippos passage comes from his play *Phormophoroi*, which was performed shortly before 424. The Athenians' propensity for festivals at all times of the year is remarked upon by the chorus of clouds in Aristophanes' play (*Clouds* 298–313; original version 423, revised subsequently). The observation that the allies have to flatter (or bribe) Athenians is one common to Aristophanes: we might compare the passage in the *parabasis* of *Acharnians* (ll. 633–45; performed 425) where Aristophanes claims credit for having held up before the Athenians a mirror in which they could see themselves being flattered and tricked.

Passages which make parallel observations about matters of fact (the Athenians taking property to the islands (2.16), or Athenian allies coming to Athens for judicial proceedings (1.16–18) can hardly bear much weight in an argument for the dependence of one text upon another. It must be true of other matters also, as Gomme comments on Thucydides 1.143.5 of the question of Athens (not) being an island, that 'the idea must often have been discussed at Athens' (*A Historical Commentary on Thucydides* vol. 1, p.461).

Even if we conclude that the case for interdependence between Thucydides and *The Constitution of the Athenians* has not been made, and so resist the third and fourth possibilities aired above, the density of the common allusions should nevertheless not be ignored. It is striking that, although it is possible to find Isokrates thinking about similar issues in the fourth century, the parallels for the matters discussed in *The Constitution of Athens* come primarily from works written in, or concerning, the 420s.

How credible are the claims which *The Constitution of the Athenians* makes?
Before concluding that *The Constitution of the Athenians* is what it seems, a genuine attempt by a member of the Athenian élite to enlighten non-Athenians as to the self-preserving features of Athenian democracy, it is important to look a bit more closely at its claims. In asking whether the claims made in *The Constitution of the Athenians* are credible, there are two separate types of credibility involved. We need to distinguish between the question of whether the facts relayed are credible (e.g., whether there were 400 trierarchs each year), and the question of whether the arguments which the author constructs are arguments which he expects readers generally to find persuasive, even if they are strictly not quite accurate. When, for instance, the suggestion is made that 'those who rule a land empire cannot travel many days' journey from home', are we to expect that most readers would take the truth of this for granted, or that most would see this as a statement only credible if you were as complacent as were fifth-century Athenian democrats? Are these arguments whose hollowness is so patent that we must assume that any reader would have no choice but to take the work to be poking fun at those who make claims of this sort? What we decide about the latter type of statement will depend in part on what we make of the former type of statement: that Plato has the Socratic Funeral Oration in *Menexenos* claim that the Athenians won the Peloponnesian War is one reason for taking the sentiments expressed in that oration as a whole to be being 'sent up' (*Menexenos* 243d).

Much of the data in *The Constitution of the Athenians* is unproblematic. That any citizen had the right to speak in the Assembly and serve on the Council (1.2, 1.6), that violence against slaves could be prosecuted (1.10), that metics were important in Athenian workshops and served in the Athenian fleet (1.12), that the Athenians obliged their allies to bring (certain classes of) prosecutions to be heard in Athens (1.16), that Athenians and their slaves served together as rowers (1.19), that tribute was generally reviewed at four-yearly intervals (3.5), all these claims can be supported from independent evidence.

Even if what is made of the data is tendentious, the data themselves seem sound. We may be sceptical about the motivation attributed to the lower classes, but it is true that generals and cavalry commanders do seem to have come more or less exclusively from the well-born (1.3). Whether the majority of juries voted for the verdict that they regarded as in their best interests rather than the verdict they regarded as just (1.13) cannot have been known to the author, any more than it is to us, but the potential opposition between the just and the expedient is a prevailing theme in Thucydides and in Plato (above all in *Republic*; and see further below p.13). It is a surprise when, at 1.17, we read that there was a tax of 1% levied at the Peiraieus, since by 400 a 2% tax was being levied there (Andokides 1.133–4); but Bdelycleon's mention in Aristophanes *Wasps* 658–9 of harbour taxes among the 'many 1% taxes' encourages confidence that the rate of taxation may have doubled at some point in the last two decades of the fifth century. That one can find in Athens foods and other objects from all over the Mediterranean is a commonplace (cf. above p.6); the idea that the Attic dialect is particularly receptive to imported words seems to be an original one (2.8), but true. The claim that the Athenians will not allow their competitors to sell their produce elsewhere goes against a much-repeated modern view that ancient cities did not interfere in trade except to secure food and military supplies, but it fits with the Corinthians' claim at Thucydides 1.120.2 that the Athenians are in a position to make trade in foodstuffs more difficult, with Thucydides' claim at 3.86.4 that the Athenians wanted to prevent import of Sicilian grain to the Peloponnese, and with the control of goods passing from the Black Sea into the Aegean by means of the Athenian officials at Byzantium known as 'Hellespont guards' (*Hellespontophylakes*), who are attested in inscriptional evidence (LACTOR 1 ed. 4 no.s 121–2). The claim that there were 400 trierarchs each year (3.4) contrasts with the figure of 300 triremes given by Thucydides for the start of the war (Thuc. 2.13.8, cf. Aristophanes *Acharnians* 545), but Andokides 3.8 gives a figure of 400 triremes for the number Athens had in the period after the Peace of Nikias (admittedly in a list of rather optimistic estimates), and in the fourth century Athens certainly had over 400 trireme hulls at times (even if not all were fitted out for sailing). The use of the term *dokimasia* (examination) of orphans in 3.4 is surprising, but that there was a state concern for orphans is well attested (Thuc. 2.46.1). Athenian support for the 'best people' in Miletos (3.11) is not otherwise attested, but it is certainly compatible with the epigraphic evidence, and the truth of the other claims in that section, that the Athenians supported the élite in Boiotia and supported the Spartans against the Messenians (in 462), encourages belief.

Against this long list of what is known to be accurate or can plausibly be reckoned to be, there is very little that is even probably false.[5] The claim that the Athenians 'do not allow' the common people (*demos*) to be the object of comic abuse (2.18) has been much discussed. Scholiasts on Aristophanes allege that on two occasions, at least, specific legislation against comic ridicule was passed. Whatever the truth of these claims, and they have been much debated, the passage in *The Constitution of the Athenians* does not require that there was legislation (a weaker sense of 'allow' is sufficient), and it would not be falsified even if it could be proved that there never was any legislation on the topic.[6] On the other hand, it is hard to think that it would occur to the author to observe that the common people do not allow themselves to be abused unless there had been some incident which had made the issue topical.

The accuracy of the data goes with tendentious presentation. This is an argumentative work, and the data are embedded in an argument. The idea that, were striking slaves not illegal, Athenians would often strike free men (1.10) after mistaking them for slaves because of their similar clothing, is bizarre if taken literally, but it is effective partly because amusingly overstated. We know enough about the rather low rate of tribute paid by most allies to be sure that the claim that the Athenians' attempt to leave the allies with only just enough to live off (1.15) is a gross exaggeration.[7] It can hardly be the case that court fees entirely funded the pay for juries (1.16) or, in the same passage, that the allies were entirely administered by the Athenians sitting at home. It is plausible neither that, but for being forced to come to the Athenian courts, the allies would honour only those Athenians who visited them (1.18), nor that only trierarchs, generals and ambassadors visited the allies. The Athenians certainly did build public facilities for athletics etc., but the suggestions that these were large in number and exclusive to the masses (2.10), excluding the élite, are untenable. Thucydides' and Aristophanes' pictures of the effect of Spartan invasions upon the

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[5] Gomme (1962) claimed that 3.2–8 displayed a complete confusion over the function of Council and courts and between judgement and adjudication (*diadikasia*). But *diadikasia* was the name given to a variety of contested claims and was used in a wide range of contexts in public and private life, and we do not know enough of fifth-century Athenian practice to convict the author of *The Constitution of the Athenians* on this point. See briefly Todd (1993) 119–21.

[6] Halliwell (1991), Mastromarco (1994), and Medda in Bearzot et al. (2011) 143–68 for further discussion.

[7] See LACTOR 1 ed. 4 pp. 86–92.

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Excerpt
More Information

Athenians are undoubtedly themselves to some degree misleading, as Hanson (1983) has shown, but the idea that the Athenian masses lived through devastation of the countryside without any anxiety (2.14) must err in the other direction. Far from the Athenians being peculiarly ready to repudiate agreements (2.17), surviving historical narratives suggest that they were quite as reluctant as other Greek states to do so. However litigious the Athenians were, the author cannot have known for certain that they had to judge more court cases than all the rest of the Greeks put together (3.2).

There is nothing peculiar to *The Constitution of the Athenians* in this combination of historical reliability of fact and tendentious presentation of the significance or general truth of those facts. We certainly find the same in Aristophanes, in Plato (even where the facts themselves are reliable), and in the orators. Historians are not exempt from such practices: in different ways Herodotos, Thucydides and Xenophon have all been accused, with greater or less force, of presenting what happened in tendentious ways. The slant of the tendentious interpretation is consistent in *The Constitution of the Athenians* but the degree of exaggeration and misrepresentation is relatively mild.

The crucial question for the historian is not whether some particular facts are wrong, or whether some claims are exaggerated, but rather whether what we are offered is a sociological description that is at all plausible, or might have been considered plausible at the time the work was written. *The Constitution of the Athenians* presents Athenian society as split between two groups, essentially the poor and the rich, each of which single-mindedly pursues its own material interests. The belief that whichever 'class' acquired power would rule to its own advantage is widely shared across Greek political thought, both in the fifth century (cf. Euripides' *Suppliant Women* 238–45 and Pericles at Thucydides 2.37.1) and in the fourth, when it is found in Plato and Aristotle. But whereas Aristotle acknowledges that within states that are democracies because the poor are in a majority, the ruling majority will contain a range of different interest groups, so that it is large states that are the most stable since they have the largest number of people in the middle (*Politics* 1280a), *The Constitution of the Athenians* thinks in terms of two monolithic blocks (see further below pp. 12–14).

Scholars have had no trouble showing that it cannot in fact have been the case that the poor (particularly not the purely urban poor or those with no land) were in a majority at Athens.[8] More important, however, than the question of how carefully *The Constituiton of the Athenians* delineates the nature of the majority is the question of the coherence of that majority. It is massively implausible that the majority at Athens constitutes a monolithic block. Even poor Athenians had diverse economic interests and belonged to diverse communities. Athenian citizens divided between an unknown number of phratries (descent groups) and between 139 demes, where deme membership was determined by the place of residence of one's ancestor in the male line at the time of Kleisthenes. Demes varied not only in size, by a factor of at least 20, but also in situation – some were wards of the town of Athens, others were country villages; some were in the heart of the mining district, others agricultural villages; some were coastal ports, others remote mountain hamlets. The distinctive character of individual demes was picked up both by Thucydides (2.20–21 on the deme of Acharnai) and by comic writers who named various plays after individual demes.[9] By attempting to combine an analytical model with a sociological description, *The Constitution of the Athenians* ends up giving a misleading picture of Athenian society.

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[8] See Marr and Rhodes (2008) 21–2.

[9] On the demes see Osborne (1985), Whitehead (1986), and Osborne (2010) chs. 3 and 8.

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But if the model in *The Constituiton of the Athenians*, like all models, involves oversimplification, that oversimplification is useful in allowing some of the basic dynamics structuring society to emerge. What is more, the author is honest enough to reveal some of the problems with the model, and in particular that in material terms (1.18, 2.11–12), and even in terms of individual political power as far as the holding of 'risky' positions such as that of general were concerned (1.3), the interests of the wealthy were well served by Athenian democracy. It is very unlikely that this author was the only Athenian whose understanding of the society in which he lived was distorted by ideology, and understanding such ideological distortions is essential to understanding Athenian politics as it unfolds during the Peloponnesian War.

Date and purpose of *The Constitution of the Athenians*: some tentative conclusions

The discussion so far has suggested that *The Constitution of the Athenians* is a work well-informed about late fifth-century Athenian politics, although very willing to offer a distorted view. It is a work which has much in common with Thucydides, but relatively little of the information which it gives can have been derived from Thucydides, or indeed from any other extant text. The work presents itself as a product of the years 431–413 and nothing that it refers to, or might refer to, requires a date later than 414. Although there is plenty of mild tendentiousness in the presentation of its data, the work is not so grossly absurd in its claims that a fifth-century audience could not have taken it seriously.

We are only required to adopt a later date for *The Constitution of the Athenians* if we convince ourselves, with Hornblower (2000), that the work could have been written only by someone who knew Thucydides' text. Believing that *The Constitution of the Athenians* was written later than the publication of Thucydides' work requires believing that someone carefully researched late fifth-century Athenian history and carefully constructed a close relationship to, in particular, the speeches of Pericles in Thucydides 1 and 2, in order to make fun, perhaps in the 380s, of self-confidence in democracy among even the anti-democratic members of the fifth-century Athenian élite. Such a send-up would be effective only if those who heard or read it were themselves aware of the arguments used by Pericles and others in Thucydides' *History*. Such a send-up would be much more subtle and demanding than that offered by Plato in *Menexenos*.

The Constitution of the Athenians is not an overtly subtle work. Gomme (1962: 54) wrote of it that 'This work has little or no pretensions to literary merit, either in arrangement or style; it is not a display. But it is meant to be clever; it is an essay maintaining a paradox'. This sort of cleverness is what we associate with the sophistic movement. It seems very much at home in the 420s or 410s, when the central issue of whether or not anti-democratic Athenians should or could attempt revolution was a live one. Anyone opting for a fourth-century date has to think that the unpretentious manner is itself part of the conceit. Alkidamas' short work *On those who write written speeches*, itself written in the first half of the fourth century BC, discusses (esp. chs. 9–20) how oral discourse is marked by use of common words, repetition, lack of polish, and structural dislocation caused by bringing in material that one has forgotten to mention earlier. If Alkidamas could make these observations, then a contemporary could surely employ them to give an essay the appearance of a spoken speech, whether as a persuasive strategy or as part of a parody. But those who are tempted by the thought that *The Constitution of the Athenians* might be a highly sophisticated spoof have to