

Politics

By Aristotle

Translated by Benjamin Jowett

Book 2, Chapter 1

OUR PURPOSE is to consider what form of political community is best of all for those who are most able to realize their ideal of life. We must therefore examine not only this but other constitutions, both such as actually exist in well-governed states, and any theoretical forms which are held in esteem; that what is good and useful may be brought to light. And let no one suppose that in seeking for something beyond them we are anxious to make a sophistical display at any cost; we only undertake this inquiry because all the constitutions with which we are acquainted are faulty.

We will begin with the natural beginning of the subject. Three alternatives are conceivable: The members of a state must either have (1) all things or (2) nothing in common, or (3) some things in common and some not. That they should have nothing in common is clearly impossible, for the constitution is a community, and must at any rate have a common place— one city will be in one place, and the citizens are those who share in that one city. But should a well ordered state have all things, as far as may be, in common, or some only and not others? For the citizens might conceivably have wives and children and property in common, as Socrates proposes in the Republic of Plato. Which is better, our present condition, or the proposed new order of society.

Book 2, Chapter 2

There are many difficulties in the community of women. And the principle on which Socrates rests the necessity of such an institution evidently is not established by his arguments. Further, as a means to the end which he ascribes to the state, the scheme, taken literally is impracticable, and how we are to interpret it is nowhere precisely stated. I am speaking of the premise from which the argument of Socrates proceeds, 'that the greater the unity of the state the better.' Is it not obvious that a state may at length attain such a degree of unity as to be no longer a state? since the nature of a state is to be a plurality, and in tending to greater unity, from being a state, it becomes a family, and from being a family, an individual; for the family may be said to be more than the state, and the individual than the family. So that we ought not to attain this greatest unity even if we could, for it would be the destruction of the state. Again, a state is not made up only of so many men, but of different kinds of men; for similars do not constitute a state. It is not like a military alliance

The usefulness of the latter depends upon its quantity even where there is no difference in quality (for mutual protection is the end aimed at), just as a greater weight of anything is more useful than a less (in like manner, a state differs from a nation, when the nation has not its population organized in villages, but lives an Arcadian sort of life); but the elements out of which a unity is to be formed differ in kind. Wherefore the principle of compensation, as I have already remarked in the Ethics, is the salvation of states. Even among freemen and equals this is a principle which must be maintained, for they cannot rule together, but must change at the end of a year or some other period of time or in some order of succession. The result is that upon this plan they all govern; just as if shoemakers and carpenters were to exchange their occupations, and the same persons did not always continue shoemakers and carpenters. And since it is better that this should be so in politics as well, it is clear that while there should be continuance of the same persons in power where this is possible, yet where this is not possible by reason of the natural equality of the citizens, and at the same time it is just that all should share in the government (whether to govern be a good thing or a bad), an approximation to this is that equals should in turn retire from office and should, apart from official position, be treated alike. Thus the one party rule and the others are ruled in turn, as if they were no longer the same persons. In like manner when they hold office there is a variety in the offices held. Hence it is evident that a city is not by nature one in that sense which some persons affirm; and that what is said to be the greatest good of cities is in reality their destruction; but surely the good of things must be that which preserves them. Again, in another point of view, this extreme unification of the state is clearly not good; for a family is more self-sufficing than an individual, and a city than a family, and a city only comes into being when the community is large enough to be self-sufficing. If then self-sufficiency is to be desired, the lesser degree of unity is more desirable than the greater.

Book 2, Chapter 3

But, even supposing that it were best for the community to have the greatest degree of unity, this unity is by no means proved to follow from the fact 'of all men saying "mine" and "not mine" at the same instant of time,' which, according to Socrates, is the sign of perfect unity in a state. For the word 'all' is ambiguous. If the meaning be that every individual says 'mine' and 'not mine' at the same time, then perhaps the result at which Socrates aims may be in some degree accomplished; each man will call the same person his own son and the same person his wife, and so of his property and of all that falls to his lot. This, however, is not the way in which people would speak who had their wives and children in common; they would say 'all' but not 'each.' In like manner their property would be described as belonging to them, not severally but collectively. There is an obvious fallacy in the term 'all': like some other words, 'both,' 'odd,' 'even,' it is ambiguous, and even in abstract argument becomes a source of logical puzzles. That all persons call the same thing mine in the sense in which each does so may be a fine thing, but it is impracticable; or if the words are taken in the other sense, such a unity in no way conduces to harmony. And there is another objection to the proposal. For that which is common to the greatest number has

the least care bestowed upon it. Every one thinks chiefly of his own, hardly at all of the common interest; and only when he is himself concerned as an individual. For besides other considerations, everybody is more inclined to neglect the duty which he expects another to fulfill; as in families many attendants are often less useful than a few. Each citizen will have a thousand sons who will not be his sons individually but anybody will be equally the son of anybody, and will therefore be neglected by all alike. Further, upon this principle, every one will use the word 'mine' of one who is prospering or the reverse, however small a fraction he may himself be of the whole number; the same boy will be 'so and so's son,' the son of each of the thousand, or whatever be the number of the citizens; and even about this he will not be positive; for it is impossible to know who chanced to have a child, or whether, if one came into existence, it has survived. But which is better—for each to say 'mine' in this way, making a man the same relation to two thousand or ten thousand citizens, or to use the word 'mine' in the ordinary and more restricted sense? For usually the same person is called by one man his own son whom another calls his own brother or cousin or kinsman—a blood relation or connection by marriage either of himself or of some relation of his, and yet another his clansman or tribesman; and how much better is it to be the real cousin of somebody than to be a son after Plato's fashion! Nor is there any way of preventing brothers and children and fathers and mothers from sometimes recognizing one another; for children are born like their parents, and they will necessarily be finding indications of their relationship to one another. Geographers declare such to be the fact; they say that in part of Upper Libya, where the women are common, nevertheless the children who are born are assigned to their respective fathers on the ground of their likeness. And some women, like the females of other animals—for example, mares and cows—have a strong tendency to produce offspring resembling their parents, as was the case with the Pharsalian mare called Honest.

Book 2, Chapter 4

Other evils, against which it is not easy for the authors of such a community to guard, will be assaults and homicides, voluntary as well as involuntary, quarrels and slanders, all which are most unholy acts when committed against fathers and mothers and near relations, but not equally unholy when there is no relationship. Moreover, they are much more likely to occur if the relationship is unknown, and, when they have occurred, the customary expiations of them cannot be made. Again, how strange it is that Socrates, after having made the children common, should hinder lovers from carnal intercourse only, but should permit love and familiarities between father and son or between brother and brother, than which nothing can be more unseemly, since even without them love of this sort is improper. How strange, too, to forbid intercourse for no other reason than the violence of the pleasure, as though the relationship of father and son or of brothers with one another made no difference.

This community of wives and children seems better suited to the husbandmen than to the guardians, for if they have wives and children in common, they will be bound to one another

by weaker ties, as a subject class should be, and they will remain obedient and not rebel. In a word, the result of such a law would be just the opposite of which good laws ought to have, and the intention of Socrates in making these regulations about women and children would defeat itself. For friendship we believe to be the greatest good of states and the preservative of them against revolutions; neither is there anything which Socrates so greatly lauds as the unity of the state which he and all the world declare to be created by friendship. But the unity which he commends would be like that of the lovers in the Symposium, who, as Aristophanes says, desire to grow together in the excess of their affection, and from being two to become one, in which case one or both would certainly perish. Whereas in a state having women and children common, love will be watery; and the father will certainly not say 'my son,' or the son 'my father.' As a little sweet wine mingled with a great deal of water is imperceptible in the mixture, so, in this sort of community, the idea of relationship which is based upon these names will be lost; there is no reason why the so-called father should care about the son, or the son about the father, or brothers about one another. Of the two qualities which chiefly inspire regard and affection—that a thing is your own and that it is your only one—neither can exist in such a state as this.

Again, the transfer of children as soon as they are born from the rank of husbandmen or of artisans to that of guardians, and from the rank of guardians into a lower rank, will be very difficult to arrange; the givers or transferrers cannot but know whom they are giving and transferring, and to whom. And the previously mentioned evils, such as assaults, unlawful loves, homicides, will happen more often amongst those who are transferred to the lower classes, or who have a place assigned to them among the guardians; for they will no longer call the members of the class they have left brothers, and children, and fathers, and mothers, and will not, therefore, be afraid of committing any crimes by reason of consanguinity. Touching the community of wives and children, let this be our conclusion.

Book 2, Chapter 5

Next let us consider what should be our arrangements about property: should the citizens of the perfect state have their possessions in common or not? This question may be discussed separately from the enactments about women and children. Even supposing that the women and children belong to individuals, according to the custom which is at present universal, may there not be an advantage in having and using possessions in common? Three cases are possible: (1) the soil may be appropriated, but the produce may be thrown for consumption into the common stock; and this is the practice of some nations. Or (2), the soil may be common, and may be cultivated in common, but the produce divided among individuals for their private use; this is a form of common property which is said to exist among certain barbarians. Or (3), the soil and the produce may be alike common.

When the husbandmen are not the owners, the case will be different and easier to deal with; but when they till the ground for themselves the question of ownership will give a world of trouble. If they do not share equally enjoyments and toils, those who labor much

and get little will necessarily complain of those who labor little and receive or consume much. But indeed there is always a difficulty in men living together and having all human relations in common, but especially in their having common property. The partnerships of fellow-travelers are an example to the point; for they generally fall out over everyday matters and quarrel about any trifle which turns up. So with servants: we are most able to take offense at those with whom we most we most frequently come into contact in daily life.

These are only some of the disadvantages which attend the community of property; the present arrangement, if improved as it might be by good customs and laws, would be far better, and would have the advantages of both systems. Property should be in a certain sense common, but, as a general rule, private; for, when everyone has a distinct interest, men will not complain of one another, and they will make more progress, because every one will be attending to his own business. And yet by reason of goodness, and in respect of use, 'Friends,' as the proverb says, 'will have all things common.' Even now there are traces of such a principle, showing that it is not impracticable, but, in well-ordered states, exists already to a certain extent and may be carried further. For, although every man has his own property, some things he will place at the disposal of his friends, while of others he shares the use with them. The Lacedaemonians, for example, use one another's slaves, and horses, and dogs, as if they were their own; and when they lack provisions on a journey, they appropriate what they find in the fields throughout the country. It is clearly better that property should be private, but the use of it common; and the special business of the legislator is to create in men this benevolent disposition. Again, how immeasurably greater is the pleasure, when a man feels a thing to be his own; for surely the love of self is a feeling implanted by nature and not given in vain, although selfishness is rightly censured; this, however, is not the mere love of self, but the love of self in excess, like the miser's love of money; for all, or almost all, men love money and other such objects in a measure. And further, there is the greatest pleasure in doing a kindness or service to friends or guests or companions, which can only be rendered when a man has private property. These advantages are lost by excessive unification of the state. The exhibition of two virtues, besides, is visibly annihilated in such a state: first, temperance towards women (for it is an honorable action to abstain from another's wife for temperance' sake); secondly, liberality in the matter of property. No one, when men have all things in common, will any longer set an example of liberality or do any liberal action; for liberality consists in the use which is made of property.

Such legislation may have a specious appearance of benevolence; men readily listen to it, and are easily induced to believe that in some wonderful manner everybody will become everybody's friend, especially when some one is heard denouncing the evils now existing in states, suits about contracts, convictions for perjury, flatteries of rich men and the like, which are said to arise out of the possession of private property. These evils, however, are due to a very different cause—the wickedness of human nature. Indeed, we see that there is

much more quarrelling among those who have all things in common, though there are not many of them when compared with the vast numbers who have private property.

Again, we ought to reckon, not only the evils from which the citizens will be saved, but also the advantages which they will lose. The life which they are to lead appears to be quite impracticable. The error of Socrates must be attributed to the false notion of unity from which he starts. Unity there should be, both of the family and of the state, but in some respects only. For there is a point at which a state may attain such a degree of unity as to be no longer a state, or at which, without actually ceasing to exist, it will become an inferior state, like harmony passing into unison, or rhythm which has been reduced to a single foot. The state, as I was saying, is a plurality which should be united and made into a community by education; and it is strange that the author of a system of education which he thinks will make the state virtuous, should expect to improve his citizens by regulations of this sort, and not by philosophy or by customs and laws, like those which prevail at Sparta and Crete respecting common meals, whereby the legislator has made property common. Let us remember that we should not disregard the experience of ages; in the multitude of years these things, if they were good, would certainly not have been unknown; for almost everything has been found out, although sometimes they are not put together; in other cases men do not use the knowledge which they have. Great light would be thrown on this subject if we could see such a form of government in the actual process of construction; for the legislator could not form a state at all without distributing and dividing its constituents into associations for common meals, and into phratries and tribes. But all this legislation ends only in forbidding agriculture to the guardians, a prohibition which the Lacedaemonians try to enforce already.

But, indeed, Socrates has not said, nor is it easy to decide, what in such a community will be the general form of the state. The citizens who are not guardians are the majority, and about them nothing has been determined: are the husbandmen, too, to have their property in common? Or is each individual to have his own? And are the wives and children to be individual or common. If, like the guardians, they are to have all things in common, what do they differ from them, or what will they gain by submitting to their government? Or, upon what principle would they submit, unless indeed the governing class adopt the ingenious policy of the Cretans, who give their slaves the same institutions as their own, but forbid them gymnastic exercises and the possession of arms. If, on the other hand, the inferior classes are to be like other cities in respect of marriage and property, what will be the form of the community? Must it not contain two states in one, each hostile to the other? He makes the guardians into a mere occupying garrison, while the husbandmen and artisans and the rest are the real citizens. But if so the suits and quarrels, and all the evils which Socrates affirms to exist in other states, will exist equally among them. He says indeed that, having so good an education, the citizens will not need many laws, for example laws about the city or about the markets; but then he confines his education to the guardians. Again, he makes the husbandmen owners of the property upon condition of their

paying a tribute. But in that case they are likely to be much more unmanageable and conceited than the Helots, or Penestae, or slaves in general. And whether community of wives and property be necessary for the lower equally with the higher class or not, and the questions akin to this, what will be the education, form of government, laws of the lower class, Socrates has nowhere determined: neither is it easy to discover this, nor is their character of small importance if the common life of the guardians is to be maintained.

Again, if Socrates makes the women common, and retains private property, the men will see to the fields, but who will see to the house? And who will do so if the agricultural class have both their property and their wives in common? Once more: it is absurd to argue, from the analogy of the animals, that men and women should follow the same pursuits, for animals have not to manage a household. The government, too, as constituted by Socrates, contains elements of danger; for he makes the same persons always rule. And if this is often a cause of disturbance among the meaner sort, how much more among high-spirited warriors? But that the persons whom he makes rulers must be the same is evident; for the gold which the God mingles in the souls of men is not at one time given to one, at another time to another, but always to the same: as he says, 'God mingles gold in some, and silver in others, from their very birth; but brass and iron in those who are meant to be artisans and husbandmen.' Again, he deprives the guardians even of happiness, and says that the legislator ought to make the whole state happy. But the whole cannot be happy unless most, or all, or some of its parts enjoy happiness. In this respect happiness is not like the even principle in numbers, which may exist only in the whole, but in neither of the parts; not so happiness. And if the guardians are not happy, who are? Surely not the artisans, or the common people. The Republic of which Socrates discourses has all these difficulties, and others quite as great.

Book 2, Chapter 6

The same, or nearly the same, objections apply to Plato's later work, the Laws, and therefore we had better examine briefly the constitution which is therein described. In the Republic, Socrates has definitely settled in all a few questions only; such as the community of women and children, the community of property, and the constitution of the state. The population is divided into two classes- one of husbandmen, and the other of warriors; from this latter is taken a third class of counselors and rulers of the state. But Socrates has not determined whether the husbandmen and artisans are to have a share in the government, and whether they, too, are to carry arms and share in military service, or not. He certainly thinks that the women ought to share in the education of the guardians, and to fight by their side. The remainder of the work is filled up with digressions foreign to the main subject, and with discussions about the education of the guardians. In the Laws there is hardly anything but laws; not much is said about the constitution. This, which he had intended to make more of the ordinary type, he gradually brings round to the other or ideal form. For with the exception of the community of women and property, he supposes

everything to be the same in both states; there is to be the same education; the citizens of both are to live free from servile occupations, and there are to be common meals in both. The only difference is that in the Laws, the common meals are extended to women, and the warriors number 5000, but in the Republic only 1000.

The discourses of Socrates are never commonplace; they always exhibit grace and originality and thought; but perfection in everything can hardly be expected. We must not overlook the fact that the number of 5000 citizens, just now mentioned, will require a territory as large as Babylon, or some other huge site, if so many persons are to be supported in idleness, together with their women and attendants, who will be a multitude many times as great. In framing an ideal we may assume what we wish, but should avoid impossibilities.

It is said that the legislator ought to have his eye directed to two points—the people and the country. But neighboring countries also must not be forgotten by him, firstly because the state for which he legislates is to have a political and not an isolated life. For a state must have such a military force as will be serviceable against her neighbors, and not merely useful at home. Even if the life of action is not admitted to be the best, either for individuals or states, still a city should be formidable to enemies, whether invading or retreating.

There is another point: Should not the amount of property be defined in some way which differs from this by being clearer? For Socrates says that a man should have so much property as will enable him to live temperately, which is only a way of saying 'to live well'; this is too general a conception. Further, a man may live temperately and yet miserably. A better definition would be that a man must have so much property as will enable him to live not only temperately but liberally; if the two are parted, liberally will combine with luxury; temperance will be associated with toil. For liberality and temperance are the only eligible qualities which have to do with the use of property. A man cannot use property with mildness or courage, but temperately and liberally he may; and therefore the practice of these virtues is inseparable from property. There is an inconsistency, too, in too, in equalizing the property and not regulating the number of the citizens; the population is to remain unlimited, and he thinks that it will be sufficiently equalized by a certain number of marriages being unfruitful, however many are born to others, because he finds this to be the case in existing states. But greater care will be required than now; for among ourselves, whatever may be the number of citizens, the property is always distributed among them, and therefore no one is in want; but, if the property were incapable of division as in the Laws, the supernumeraries, whether few or many, would get nothing. One would have thought that it was even more necessary to limit population than property; and that the limit should be fixed by calculating the chances of mortality in the children, and of sterility in married persons. The neglect of this subject, which in existing states is so common, is a never-failing cause of poverty among the citizens; and poverty is the parent of revolution and crime. Pheidon the Corinthian, who was one of the most ardent legislators, thought

that the families and the number of citizens ought to remain the same, although originally all the lots may have been of different sizes: but in the Laws the opposite principle is maintained. What in our opinion is the right arrangement will have to be explained hereafter.

There is another omission in the Laws: Socrates does not tell us how the rulers differ from their subjects; he only says that they should be related as the warp and the woof, which are made out of different wools. He allows that a man's whole property may be increased fivefold, but why should not his land also increase to a certain extent? Again, will the good management of a household be promoted by his arrangement of homesteads? For he assigns to each individual two homesteads in separate places, and it is difficult to live in two houses.

The whole system of government tends to be neither democracy nor oligarchy, but something in a mean between them, which is usually called a polity, and is composed of the heavy-armed soldiers. Now, if he intended to frame a constitution which would suit the greatest number of states, he was very likely right, but not if he meant to say that this constitutional form came nearest to his first or ideal state; for many would prefer the Lacedaemonian, or, possibly, some other more aristocratic government. Some, indeed, say that the best constitution is a combination of all existing forms, and they praise the Lacedaemonian because it is made up of oligarchy, monarchy, and democracy, the king forming the monarchy, and the council of elders the oligarchy while the democratic element is represented by the Ephors; for the Ephors are selected from the people. Others, however, declare the Ephoralty to be a tyranny, and find the element of democracy in the common meals and in the habits of daily life. In the Laws it is maintained that the best constitution is made up of democracy and tyranny, which are either not constitutions at all, or are the worst of all. But they are nearer the truth who combine many forms; for the constitution is better which is made up of more numerous elements. The constitution proposed in the Laws has no element of monarchy at all; it is nothing but oligarchy and democracy, leaning rather to oligarchy. This is seen in the mode of appointing magistrates; for although the appointment of them by lot from among those who have been already selected combines both elements, the way in which the rich are compelled by law to attend the assembly and vote for magistrates or discharge other political duties, while the rest may do as they like, and the endeavor to have the greater number of the magistrates appointed out of the richer classes and the highest officers selected from those who have the greatest incomes, both these are oligarchical features. The oligarchical principle prevails also in the choice of the council, for all are compelled to choose, but the compulsion extends only to the choice out of the first class, and of an equal number out of the second class and out of the third class, but not in this latter case to all the voters but to those of the first three classes; and the selection of candidates out of the fourth class is only compulsory on the first and second. Then, from the persons so chosen, he says that there ought to be an equal number of each class selected. Thus a preponderance will be given to the better sort of people, who have the

larger incomes, because many of the lower classes, not being compelled will not vote. These considerations, and others which will be adduced when the time comes for examining similar polities, tend to show that states like Plato's should not be composed of democracy and monarchy. There is also a danger in electing the magistrates out of a body who are themselves elected; for, if but a small number choose to combine, the elections will always go as they desire. Such is the constitution which is described in the Laws.

Book 2, Chapter 7

Other constitutions have been proposed; some by private persons, others by philosophers and statesmen, which all come nearer to established or existing ones than either of Plato's. No one else has introduced such novelties as the community of women and children, or public tables for women: other legislators begin with what is necessary. In the opinion of some, the regulation of property is the chief point of all, that being the question upon which all revolutions turn. This danger was recognized by Phaleas of Chalcedon, who was the first to affirm that the citizens of a state ought to have equal possessions. He thought that in a new colony the equalization might be accomplished without difficulty, not so easily when a state was already established; and that then the shortest way of compassing the desired end would be for the rich to give and not to receive marriage portions, and for the poor not to give but to receive them.

Plato in the Laws was of opinion that, to a certain extent, accumulation should be allowed, forbidding, as I have already observed, any citizen to possess more than five times the minimum qualification. But those who make such laws should remember what they are apt to forget—that the legislator who fixes the amount of property should also fix the number of children; for, if the children are too many for the property, the law must be broken. And, besides the violation of the law, it is a bad thing that many from being rich should become poor; for men of ruined fortunes are sure to stir up revolutions. That the equalization of property exercises an influence on political society was clearly understood even by some of the old legislators. Laws were made by Solon and others prohibiting an individual from possessing as much land as he pleased; and there are other laws in states which forbid the sale of property: among the Locrians, for example, there is a law that a man is not to sell his property unless he can prove unmistakably that some misfortune has befallen him. Again, there have been laws which enjoin the preservation of the original lots. Such a law existed in the island of Leucas, and the abrogation of it made the constitution too democratic, for the rulers no longer had the prescribed qualification. Again, where there is equality of property, the amount may be either too large or too small, and the possessor may be living either in luxury or penury. Clearly, then, the legislator ought not only to aim at the equalization of properties, but at moderation in their amount. Further, if he prescribe this moderate amount equally to all, he will be no nearer the mark; for it is not the possessions but the desires of mankind which require to be equalized, and this is impossible, unless a sufficient education is provided by the laws. But Phaleas will probably reply that this is precisely what he means; and that, in his opinion, there ought to be in

states, not only equal property, but equal education. Still he should tell precisely what he means; and that, in his opinion, there ought to be in being one and the same for all, if it is of a sort that predisposes men to avarice, or ambition, or both. Moreover, civil troubles arise, not only out of the inequality of property, but out of the inequality of honor, though in opposite ways. For the common people quarrel about the inequality of property, the higher class about the equality of honor; as the poet says,

The bad and good alike in honor share.

There are crimes of which the motive is want; and for these Phaleas expects to find a cure in the equalization of property, which will take away from a man the temptation to be a highwayman, because he is hungry or cold. But want is not the sole incentive to crime; men also wish to enjoy themselves and not to be in a state of desire—they wish to cure some desire, going beyond the necessities of life, which preys upon them; nay, this is not the only reason—they may desire superfluities in order to enjoy pleasures unaccompanied with pain, and therefore they commit crimes.

Now what is the cure of these three disorders? Of the first, moderate possessions and occupation; of the second, habits of temperance; as to the third, if any desire pleasures which depend on themselves, they will find the satisfaction of their desires nowhere but in philosophy; for all other pleasures we are dependent on others. The fact is that the greatest crimes are caused by excess and not by necessity. Men do not become tyrants in order that they may not suffer cold; and hence great is the honor bestowed, not on him who kills a thief, but on him who kills a tyrant. Thus we see that the institutions of Phaleas avail only against petty crimes.

There is another objection to them. They are chiefly designed to promote the internal welfare of the state. But the legislator should consider also its relation to neighboring nations, and to all who are outside of it. The government must be organized with a view to military strength; and of this he has said not a word. And so with respect to property: there should not only be enough to supply the internal wants of the state, but also to meet dangers coming from without. The property of the state should not be so large that more powerful neighbors may be tempted by it, while the owners are unable to repel the invaders; nor yet so small that the state is unable to maintain a war even against states of equal power, and of the same character. Phaleas has not laid down any rule; but we should bear in mind that abundance of wealth is an advantage. The best limit will probably be, that a more powerful neighbor must have no inducement to go to war with you by reason of the excess of your wealth, but only such as he would have had if you had possessed less. There is a story that Eubulus, when Autophradates was going to besiege Atarneus, told him to consider how long the operation would take, and then reckon up the cost which would be incurred in the time. 'For,' said he, 'I am willing for a smaller sum than that to leave

Atarneus at once.' These words of Eubulus made an impression on Autophradates, and he desisted from the siege.

The equalization of property is one of the things that tend to prevent the citizens from quarrelling. Not that the gain in this direction is very great. For the nobles will be dissatisfied because they think themselves worthy of more than an equal share of honors; and this is often found to be a cause of sedition and revolution. And the avarice of mankind is insatiable; at one time two obols was pay enough; but now, when this sum has become customary, men always want more and more without end; for it is of the nature of desire not to be satisfied, and most men live only for the gratification of it. The beginning of reform is not so much to equalize property as to train the nobler sort of natures not to desire more, and to prevent the lower from getting more; that is to say, they must be kept down, but not ill-treated. Besides, the equalization proposed by Phaleas is imperfect; for he only equalizes land, whereas a man may be rich also in slaves, and cattle, and money, and in the abundance of what are called his movables. Now either all these things must be equalized, or some limit must be imposed on them, or they must an be let alone. It would appear that Phaleas is legislating for a small city only, if, as he supposes, all the artisans are to be public slaves and not to form a supplementary part of the body of citizens. But if there is a law that artisans are to be public slaves, it should only apply to those engaged on public works, as at Epidamnus, or at Athens on the plan which Diophantus once introduced.

From these observations any one may judge how far Phaleas was wrong or right in his ideas.

Book 2, Chapter 8

Hippodamus, the son of Euryphon, a native of Miletus, the same who invented the art of planning cities, and who also laid out the Piraeus—a strange man, whose fondness for distinction led him into a general eccentricity of life, which made some think him affected (for he would wear flowing hair and expensive ornaments; but these were worn on a cheap but warm garment both in winter and summer); he, besides aspiring to be an adept in the knowledge of nature, was the first person not a statesman who made inquiries about the best form of government.

The city of Hippodamus was composed of 10,000 citizens divided into three parts—one of artisans, one of husbandmen, and a third of armed defenders of the state. He also divided the land into three parts, one sacred, one public, the third private: the first was set apart to maintain the customary worship of the Gods, the second was to support the warriors, the third was the property of the husbandmen. He also divided laws into three classes, and no more, for he maintained that there are three subjects of lawsuits—insult, injury, and homicide. He likewise instituted a single final court of appeal, to which all causes seeming to have been improperly decided might be referred; this court he formed of elders chosen for

the purpose. He was further of opinion that the decisions of the courts ought not to be given by the use of a voting pebble, but that every one should have a tablet on which he might not only write a simple condemnation, or leave the tablet blank for a simple acquittal; but, if he partly acquitted and partly condemned, he was to distinguish accordingly. To the existing law he objected that it obliged the judges to be guilty of perjury, whichever way they voted. He also enacted that those who discovered anything for the good of the state should be honored; and he provided that the children of citizens who died in battle should be maintained at the public expense, as if such an enactment had never been heard of before, yet it actually exists at Athens and in other places. As to the magistrates, he would have them all elected by the people, that is, by the three classes already mentioned, and those who were elected were to watch over the interests of the public, of strangers, and of orphans. These are the most striking points in the constitution of Hippodamus. There is not much else.

The first of these proposals to which objection may be taken is the threefold division of the citizens. The artisans, and the husbandmen, and the warriors, all have a share in the government. But the husbandmen have no arms, and the artisans neither arms nor land, and therefore they become all but slaves of the warrior class. That they should share in all the offices is an impossibility; for generals and guardians of the citizens, and nearly all the principal magistrates, must be taken from the class of those who carry arms. Yet, if the two other classes have no share in the government, how can they be loyal citizens? It may be said that those who have arms must necessarily be masters of both the other classes, but this is not so easily accomplished unless they are numerous; and if they are, why should the other classes share in the government at all, or have power to appoint magistrates? Further, what use are farmers to the city? Artisans there must be, for these are wanted in every city, and they can live by their craft, as elsewhere; and the husbandmen too, if they really provided the warriors with food, might fairly have a share in the government. But in the republic of Hippodamus they are supposed to have land of their own, which they cultivate for their private benefit. Again, as to this common land out of which the soldiers are maintained, if they are themselves to be the cultivators of it, the warrior class will be identical with the husbandmen, although the legislator intended to make a distinction between them. If, again, there are to be other cultivators distinct both from the husbandmen, who have land of their own, and from the warriors, they will make a fourth class, which has no place in the state and no share in anything. Or, if the same persons are to cultivate their own lands, and those of the public as well, they will have difficulty in supplying the quantity of produce which will maintain two households: and why, in this case, should there be any division, for they might find food themselves and give to the warriors from the same land and the same lots? There is surely a great confusion in all this.

Neither is the law to be commended which says that the judges, when a simple issue is laid before them, should distinguish in their judgement; for the judge is thus converted into an arbitrator. Now, in an arbitration, although the arbitrators are many, they confer with one

another about the decision, and therefore they can distinguish; but in courts of law this is impossible, and, indeed, most legislators take pains to prevent the judges from holding any communication with one another. Again, will there not be confusion if the judge thinks that damages should be given, but not so much as the suitor demands? He asks, say, for twenty minae, and the judge allows him ten minae (or in general the suitor asks for more and the judge allows less), while another judge allows five, another four minae. In this way they will go on splitting up the damages, and some will grant the whole and others nothing: how is the final reckoning to be taken? Again, no one contends that he who votes for a simple acquittal or condemnation perjures himself, if the indictment has been laid in an unqualified form; and this is just, for the judge who acquits does not decide that the defendant owes nothing, but that he does not owe the twenty minae. He only is guilty of perjury who thinks that the defendant ought not to pay twenty minae, and yet condemns him.

To honor those who discover anything which is useful to the state is a proposal which has a specious sound, but cannot safely be enacted by law, for it may encourage informers, and perhaps even lead to political commotions. This question involves another. It has been doubted whether it is or is not expedient to make any changes in the laws of a country, even if another law be better. Now, if an changes are inexpedient, we can hardly assent to the proposal of Hippodamus; for, under pretense of doing a public service, a man may introduce measures which are really destructive to the laws or to the constitution. But, since we have touched upon this subject, perhaps we had better go a little into detail, for, as I was saying, there is a difference of opinion, and it may sometimes seem desirable to make changes. Such changes in the other arts and sciences have certainly been beneficial; medicine, for example, and gymnastic, and every other art and craft have departed from traditional usage. And, if politics be an art, change must be necessary in this as in any other art. That improvement has occurred is shown by the fact that old customs are exceedingly simple and barbarous. For the ancient Hellenes went about armed and bought their brides of each other. The remains of ancient laws which have come down to us are quite absurd; for example, at Cumae there is a law about murder, to the effect that if the accuser produce a certain number of witnesses from among his own kinsmen, the accused shall be held guilty. Again, men in general desire the good, and not merely what their fathers had. But the primeval inhabitants, whether they were born of the earth or were the survivors of some destruction, may be supposed to have been no better than ordinary or even foolish people among ourselves (such is certainly the tradition concerning the earth-born men); and it would be ridiculous to rest contented with their notions. Even when laws have been written down, they ought not always to remain unaltered. As in other sciences, so in politics, it is impossible that all things should be precisely set down in writing; for enactments must be universal, but actions are concerned with particulars. Hence we infer that sometimes and in certain cases laws may be changed; but when we look at the matter from another point of view, great caution would seem to be required. For the habit of lightly changing the laws is an evil, and, when the advantage is small, some errors both of lawgivers and rulers had

better be left; the citizen will not gain so much by making the change as he will lose by the habit of disobedience. The analogy of the arts is false; a change in a law is a very different thing from a change in an art. For the law has no power to command obedience except that of habit, which can only be given by time, so that a readiness to change from old to new laws enfeebles the power of the law. Even if we admit that the laws are to be changed, are they all to be changed, and in every state? And are they to be changed by anybody who likes, or only by certain persons? These are very important questions; and therefore we had better reserve the discussion of them to a more suitable occasion.

Book 2, Chapter 9

In the governments of Lacedaemon and Crete, and indeed in all governments, two points have to be considered: first, whether any particular law is good or bad, when compared with the perfect state; secondly, whether it is or is not consistent with the idea and character which the lawgiver has set before his citizens. That in a well-ordered state the citizens should have leisure and not have to provide for their daily wants is generally acknowledged, but there is a difficulty in seeing how this leisure is to be attained. The Thessalian Penestae have often risen against their masters, and the Helots in like manner against the Lacedaemonians, for whose misfortunes they are always lying in wait. Nothing, however, of this kind has as yet happened to the Cretans; the reason probably is that the neighboring cities, even when at war with one another, never form an alliance with rebellious serfs, rebellions not being for their interest, since they themselves have a dependent population. Whereas all the neighbors of the Lacedaemonians, whether Argives, Messenians, or Arcadians, were their enemies. In Thessaly, again, the original revolt of the slaves occurred because the Thessalians were still at war with the neighboring Achaeans, Perrhaebians, and Magnesians. Besides, if there were no other difficulty, the treatment or management of slaves is a troublesome affair; for, if not kept in hand, they are insolent, and think that they are as good as their masters, and, if harshly treated, they hate and conspire against them. Now it is clear that when these are the results the citizens of a state have not found out the secret of managing their subject population.

Again, the license of the Lacedaemonian women defeats the intention of the Spartan constitution, and is adverse to the happiness of the state. For, a husband and wife being each a part of every family, the state may be considered as about equally divided into men and women; and, therefore, in those states in which the condition of the women is bad, half the city may be regarded as having no laws. And this is what has actually happened at Sparta; the legislator wanted to make the whole state hardy and temperate, and he has carried out his intention in the case of the men, but he has neglected the women, who live in every sort of intemperance and luxury. The consequence is that in such a state wealth is too highly valued, especially if the citizen fall under the dominion of their wives, after the manner of most warlike races, except the Celts and a few others who openly approve of male loves. The old mythologer would seem to have been right in uniting Ares and Aphrodite, for all warlike races are prone to the love either of men or of women. This was

exemplified among the Spartans in the days of their greatness; many things were managed by their women. But what difference does it make whether women rule, or the rulers are ruled by women? The result is the same. Even in regard to courage, which is of no use in daily life, and is needed only in war, the influence of the Lacedaemonian women has been most mischievous. The evil showed itself in the Theban invasion, when, unlike the women of other cities, they were utterly useless and caused more confusion than the enemy. This license of the Lacedaemonian women existed from the earliest times, and was only what might be expected. For, during the wars of the Lacedaemonians, first against the Argives, and afterwards against the Arcadians and Messenians, the men were long away from home, and, on the return of peace, they gave themselves into the legislator's hand, already prepared by the discipline of a soldier's life (in which there are many elements of virtue), to receive his enactments. But, when Lycurgus, as tradition says, wanted to bring the women under his laws, they resisted, and he gave up the attempt. These then are the causes of what then happened, and this defect in the constitution is clearly to be attributed to them. We are not, however, considering what is or is not to be excused, but what is right or wrong, and the disorder of the women, as I have already said, not only gives an air of indecorum to the constitution considered in itself, but tends in a measure to foster avarice.

The mention of avarice naturally suggests a criticism on the inequality of property. While some of the Spartan citizen have quite small properties, others have very large ones; hence the land has passed into the hands of a few. And this is due also to faulty laws; for, although the legislator rightly holds up to shame the sale or purchase of an inheritance, he allows anybody who likes to give or bequeath it. Yet both practices lead to the same result. And nearly two-fifths of the whole country are held by women; this is owing to the number of heiresses and to the large dowries which are customary. It would surely have been better to have given no dowries at all, or, if any, but small or moderate ones. As the law now stands, a man may bestow his heiress on any one whom he pleases, and, if he die intestate, the privilege of giving her away descends to his heir. Hence, although the country is able to maintain 1500 cavalry and 30,000 hoplites, the whole number of Spartan citizens fell below 1000. The result proves the faulty nature of their laws respecting property; for the city sank under a single defeat; the want of men was their ruin. There is a tradition that, in the days of their ancient kings, they were in the habit of giving the rights of citizenship to strangers, and therefore, in spite of their long wars, no lack of population was experienced by them; indeed, at one time Sparta is said to have numbered not less than 10,000 citizens. Whether this statement is true or not, it would certainly have been better to have maintained their numbers by the equalization of property. Again, the law which relates to the procreation of children is adverse to the correction of this inequality. For the legislator, wanting to have as many Spartans as he could, encouraged the citizens to have large families; and there is a law at Sparta that the father of three sons shall be exempt from military service, and he who has four from all the burdens of the state. Yet it is obvious that, if there were many children, the land being distributed as it is, many of them must necessarily fall into poverty.

The Lacedaemonian constitution is defective in another point; I mean the Ephoralty. This magistracy has authority in the highest matters, but the Ephors are chosen from the whole people, and so the office is apt to fall into the hands of very poor men, who, being badly off, are open to bribes. There have been many examples at Sparta of this evil in former times; and quite recently, in the matter of the Andrians, certain of the Ephors who were bribed did their best to ruin the state. And so great and tyrannical is their power, that even the kings have been compelled to court them, so that, in this way as well together with the royal office, the whole constitution has deteriorated, and from being an aristocracy has turned into a democracy. The Ephoralty certainly does keep the state together; for the people are contented when they have a share in the highest office, and the result, whether due to the legislator or to chance, has been advantageous. For if a constitution is to be permanent, all the parts of the state must wish that it should exist and the same arrangements be maintained. This is the case at Sparta, where the kings desire its permanence because they have due honor in their own persons; the nobles because they are represented in the council of elders (for the office of elder is a reward of virtue); and the people, because all are eligible to the Ephoralty. The election of Ephors out of the whole people is perfectly right, but ought not to be carried on in the present fashion, which is too childish. Again, they have the decision of great causes, although they are quite ordinary men, and therefore they should not determine them merely on their own judgment, but according to written rules, and to the laws. Their way of life, too, is not in accordance with the spirit of the constitution—they have a deal too much license; whereas, in the case of the other citizens, the excess of strictness is so intolerable that they run away from the law into the secret indulgence of sensual pleasures.

Again, the council of elders is not free from defects. It may be said that the elders are good men and well trained in manly virtue; and that, therefore, there is an advantage to the state in having them. But that judges of important causes should hold office for life is a disputable thing, for the mind grows old as well as the body. And when men have been educated in such a manner that even the legislator himself cannot trust them, there is real danger. Many of the elders are well known to have taken bribes and to have been guilty of partiality in public affairs. And therefore they ought not to be irresponsible; yet at Sparta they are so. But (it may be replied), 'All magistracies are accountable to the Ephors.' Yes, but this prerogative is too great for them, and we maintain that the control should be exercised in some other manner. Further, the mode in which the Spartans elect their elders is childish; and it is improper that the person to be elected should canvass for the office; the worthiest should be appointed, whether he chooses or not. And here the legislator clearly indicates the same intention which appears in other parts of his constitution; he would have his citizens ambitious, and he has reckoned upon this quality in the election of the elders; for no one would ask to be elected if he were not. Yet ambition and avarice, almost more than any other passions, are the motives of crime.

Whether kings are or are not an advantage to states, I will consider at another time; they should at any rate be chosen, not as they are now, but with regard to their personal life and conduct. The legislator himself obviously did not suppose that he could make them really good men; at least he shows a great distrust of their virtue. For this reason the Spartans used to join enemies with them in the same embassy, and the quarrels between the kings were held to be conservative of the state.

Neither did the first introducer of the common meals, called 'phiditia,' regulate them well. The entertainment ought to have been provided at the public cost, as in Crete; but among the Lacedaemonians every one is expected to contribute, and some of them are too poor to afford the expense; thus the intention of the legislator is frustrated. The common meals were meant to be a popular institution, but the existing manner of regulating them is the reverse of popular. For the very poor can scarcely take part in them; and, according to ancient custom, those who cannot contribute are not allowed to retain their rights of citizenship.

The law about the Spartan admirals has often been censured, and with justice; it is a source of dissension, for the kings are perpetual generals, and this office of admiral is but the setting up of another king.

The charge which Plato brings, in the Laws, against the intention of the legislator, is likewise justified; the whole constitution has regard to one part of virtue only—the virtue of the soldier, which gives victory in war. So long as they were at war, therefore, their power was preserved, but when they had attained empire they fell for of the arts of peace they knew nothing, and had never engaged in any employment higher than war. There is another error, equally great, into which they have fallen. Although they truly think that the goods for which men contend are to be acquired by virtue rather than by vice, they err in supposing that these goods are to be preferred to the virtue which gains them.

Once more: the revenues of the state are ill-managed; there is no money in the treasury, although they are obliged to carry on great wars, and they are unwilling to pay taxes. The greater part of the land being in the hands of the Spartans, they do not look closely into one another's contributions. The result which the legislator has produced is the reverse of beneficial; for he has made his city poor, and his citizens greedy.

Enough respecting the Spartan constitution, of which these are the principal defects.

Book 2, Chapter 10

The Cretan constitution nearly resembles the Spartan, and in some few points is quite as good; but for the most part less perfect in form. The older constitutions are generally less elaborate than the later, and the Lacedaemonian is said to be, and probably is, in a very great measure, a copy of the Cretan. According to tradition, Lycurgus, when he ceased to be

the guardian of King Charillus, went abroad and spent most of his time in Crete. For the two countries are nearly connected; the Lyctians are a colony of the Lacedaemonians, and the colonists, when they came to Crete, adopted the constitution which they found existing among the inhabitants. Even to this day the Perioeci, or subject population of Crete, are governed by the original laws which Minos is supposed to have enacted. The island seems to be intended by nature for dominion in Hellas, and to be well situated; it extends right across the sea, around which nearly all the Hellenes are settled; and while one end is not far from the Peloponnese, the other almost reaches to the region of Asia about Triopium and Rhodes. Hence Minos acquired the empire of the sea, subduing some of the islands and colonizing others; at last he invaded Sicily, where he died near Camicus.

The Cretan institutions resemble the Lacedaemonian. The Helots are the husbandmen of the one, the Perioeci of the other, and both Cretans and Lacedaemonians have common meals, which were anciently called by the Lacedaemonians not 'phiditia' but 'andria'; and the Cretans have the same word, the use of which proves that the common meals originally came from Crete. Further, the two constitutions are similar; for the office of the Ephors is the same as that of the Cretan Cosmi, the only difference being that whereas the Ephors are five, the Cosmi are ten in number. The elders, too, answer to the elders in Crete, who are termed by the Cretans the council. And the kingly office once existed in Crete, but was abolished, and the Cosmi have now the duty of leading them in war. All classes share in the ecclesia, but it can only ratify the decrees of the elders and the Cosmi.

The common meals of Crete are certainly better managed than the Lacedaemonian; for in Lacedaemon every one pays so much per head, or, if he fails, the law, as I have already explained, forbids him to exercise the rights of citizenship. But in Crete they are of a more popular character. There, of all the fruits of the earth and cattle raised on the public lands, and of the tribute which is paid by the Perioeci, one portion is assigned to the Gods and to the service of the state, and another to the common meals, so that men, women, and children are all supported out of a common stock. The legislator has many ingenious ways of securing moderation in eating, which he conceives to be a gain; he likewise encourages the separation of men from women, lest they should have too many children, and the companionship of men with one another—whether this is a good or bad thing I shall have an opportunity of considering at another time. But that the Cretan common meals are better ordered than the Lacedaemonian there can be no doubt.

On the other hand, the Cosmi are even a worse institution than the Ephors, of which they have all the evils without the good. Like the Ephors, they are any chance persons, but in Crete this is not counterbalanced by a corresponding political advantage. At Sparta every one is eligible, and the body of the people, having a share in the highest office, want the constitution to be permanent. But in Crete the Cosmi are elected out of certain families, and not out of the whole people, and the elders out of those who have been Cosmi.

The same criticism may be made about the Cretan, which has been already made about the Lacedaemonian elders. Their irresponsibility and life tenure is too great a privilege, and their arbitrary power of acting upon their own judgment, and dispensing with written law, is dangerous. It is no proof of the goodness of the institution that the people are not discontented at being excluded from it. For there is no profit to be made out of the office as out of the Ephoralty, since, unlike the Ephors, the Cosmi, being in an island, are removed from temptation.

The remedy by which they correct the evil of this institution is an extraordinary one, suited rather to a close oligarchy than to a constitutional state. For the Cosmi are often expelled by a conspiracy of their own colleagues, or of private individuals; and they are allowed also to resign before their term of office has expired. Surely all matters of this kind are better regulated by law than by the will of man, which is a very unsafe rule. Worst of all is the suspension of the office of Cosmi, a device to which the nobles often have recourse when they will not submit to justice. This shows that the Cretan government, although possessing some of the characteristics of a constitutional state, is really a close oligarchy.

The nobles have a habit, too, of setting up a chief; they get together a party among the common people and their own friends and then quarrel and fight with one another. What is this but the temporary destruction of the state and dissolution of society? A city is in a dangerous condition when those who are willing are also able to attack her. But, as I have already said, the island of Crete is saved by her situation; distance has the same effect as the Lacedaemonian prohibition of strangers; and the Cretans have no foreign dominions. This is the reason why the Perioeci are contented in Crete, whereas the Helots are perpetually revolting. But when lately foreign invaders found their way into the island, the weakness of the Cretan constitution was revealed. Enough of the government of Crete.

Book 2, Chapter 11

The Carthaginians are also considered to have an excellent form of government, which differs from that of any other state in several respects, though it is in some very like the Lacedaemonian. Indeed, all three states—the Lacedaemonian, the Cretan, and the Carthaginian—nearly resemble one another, and are very different from any others. Many of the Carthaginian institutions are excellent. The superiority of their constitution is proved by the fact that the common people remain loyal to the constitution the Carthaginians have never had any rebellion worth speaking of, and have never been under the rule of a tyrant.

Among the points in which the Carthaginian constitution resembles the Lacedaemonian are the following: The common tables of the clubs answer to the Spartan phiditia, and their magistracy of the 104 to the Ephors; but, whereas the Ephors are any chance persons, the magistrates of the Carthaginians are elected according to merit—this is an improvement. They have also their kings and their gerusia, or council of elders, who correspond to the kings and elders of Sparta. Their kings, unlike the Spartan, are not always of the same

family, nor that an ordinary one, but if there is some distinguished family they are selected out of it and not appointed by seniority—this is far better. Such officers have great power, and therefore, if they are persons of little worth, do a great deal of harm, and they have already done harm at Lacedaemon.

Most of the defects or deviations from the perfect state, for which the Carthaginian constitution would be censured, apply equally to all the forms of government which we have mentioned. But of the deflections from aristocracy and constitutional government, some incline more to democracy and some to oligarchy. The kings and elders, if unanimous, may determine whether they will or will not bring a matter before the people, but when they are not unanimous, the people decide on such matters as well. And whatever the kings and elders bring before the people is not only heard but also determined by them, and any one who likes may oppose it; now this is not permitted in Sparta and Crete. That the magistrates of five who have under them many important matters should be co-opted, that they should choose the supreme council of 100, and should hold office longer than other magistrates (for they are virtually rulers both before and after they hold office)—these are oligarchical features; their being without salary and not elected by lot, and any similar points, such as the practice of having all suits tried by the magistrates, and not some by one class of judges or jurors and some by another, as at Lacedaemon, are characteristic of aristocracy. The Carthaginian constitution deviates from aristocracy and inclines to oligarchy, chiefly on a point where popular opinion is on their side. For men in general think that magistrates should be chosen not only for their merit, but for their wealth: a man, they say, who is poor cannot rule well—he has not the leisure. If, then, election of magistrates for their wealth be characteristic of oligarchy, and election for merit of aristocracy, there will be a third form under which the constitution of Carthage is comprehended; for the Carthaginians choose their magistrates, and particularly the highest of them—their kings and generals—with an eye both to merit and to wealth.

But we must acknowledge that, in thus deviating from aristocracy, the legislator has committed an error. Nothing is more absolutely necessary than to provide that the highest class, not only when in office, but when out of office, should have leisure and not disgrace themselves in any way; and to this his attention should be first directed. Even if you must have regard to wealth, in order to secure leisure, yet it is surely a bad thing that the greatest offices, such as those of kings and generals, should be bought. The law which allows this abuse makes wealth of more account than virtue, and the whole state becomes avaricious. For, whenever the chiefs of the state deem anything honorable, the other citizens are sure to follow their example; and, where virtue has not the first place, their aristocracy cannot be firmly established. Those who have been at the expense of purchasing their places will be in the habit of repaying themselves; and it is absurd to suppose that a poor and honest man will be wanting to make gains, and that a lower stamp of man who has incurred a great expense will not. Wherefore they should rule who are able to rule best.

And even if the legislator does not care to protect the good from poverty, he should at any rate secure leisure for them when in office.

It would seem also to be a bad principle that the same person should hold many offices, which is a favorite practice among the Carthaginians, for one business is better done by one man. The legislator should see to this and should not appoint the same person to be a flute-player and a shoemaker. Hence, where the state is large, it is more in accordance both with constitutional and with democratic principles that the offices of state should be distributed among many persons. For, as I said, this arrangement is fairer to all, and any action familiarized by repetition is better and sooner performed. We have a proof in military and naval matters; the duties of command and of obedience in both these services extend to all.

The government of the Carthaginians is oligarchical, but they successfully escape the evils of oligarchy by enriching one portion of the people after another by sending them to their colonies. This is their panacea and the means by which they give stability to the state. Accident favors them, but the legislator should be able to provide against revolution without trusting to accidents. As things are, if any misfortune occurred, and the bulk of the subjects revolted, there would be no way of restoring peace by legal methods.

Such is the character of the Lacedaemonian, Cretan, and Carthaginian constitutions, which are justly celebrated.

Book 2, Chapter 12

Of those who have treated of governments, some have never taken any part at all in public affairs, but have passed their lives in a private station; about most of them, what was worth telling has been already told. Others have been lawgivers, either in their own or in foreign cities, whose affairs they have administered; and of these some have only made laws, others have framed constitutions; for example, Lycurgus and Solon did both. Of the Lacedaemonian constitution I have already spoken. As to Solon, he is thought by some to have been a good legislator, who put an end to the exclusiveness of the oligarchy, emancipated the people, established the ancient Athenian democracy, and harmonized the different elements of the state. According to their view, the council of Areopagus was an oligarchical element, the elected magistracy, aristocratical, and the courts of law, democratical. The truth seems to be that the council and the elected magistracy existed before the time of Solon, and were retained by him, but that he formed the courts of law out of an the citizens, thus creating the democracy, which is the very reason why he is sometimes blamed. For in giving the supreme power to the law courts, which are elected by lot, he is thought to have destroyed the non-democratic element. When the law courts grew powerful, to please the people who were now playing the tyrant the old constitution was changed into the existing democracy. Ephialtes and Pericles curtailed the power of the Areopagus; Pericles also instituted the payment of the juries, and thus every demagogue in turn increased the power of the democracy until it became what we now see. All this is true;

it seems, however, to be the result of circumstances, and not to have been intended by Solon. For the people, having been instrumental in gaining the empire of the sea in the Persian War, began to get a notion of itself, and followed worthless demagogues, whom the better class opposed. Solon, himself, appears to have given the Athenians only that power of electing to offices and calling to account the magistrates which was absolutely necessary; for without it they would have been in a state of slavery and enmity to the government. All the magistrates he appointed from the notables and the men of wealth, that is to say, from the pentacosio-medimni, or from the class called zeugitae, or from a third class of so-called knights or cavalry. The fourth class were laborers who had no share in any magistracy.

Mere legislators were Zaleucus, who gave laws to the Epizephyrian Locrians, and Charondas, who legislated for his own city of Catana, and for the other Chalcidian cities in Italy and Sicily. Some people attempt to make out that Onomacritus was the first person who had any special skill in legislation, and that he, although a Locrian by birth, was trained in Crete, where he lived in the exercise of his prophetic art; that Thales was his companion, and that Lycurgus and Zaleucus were disciples of Thales, as Charondas was of Zaleucus. But their account is quite inconsistent with chronology.

There was also Philolaus, the Corinthian, who gave laws to the Thebans. This Philolaus was one of the family of the Bacchiadae, and a lover of Diocles, the Olympic victor, who left Corinth in horror of the incestuous passion which his mother Halcyone had conceived for him, and retired to Thebes, where the two friends together ended their days. The inhabitants still point out their tombs, which are in full view of one another, but one is visible from the Corinthian territory, the other not. Tradition says the two friends arranged them thus, Diocles out of horror at his misfortunes, so that the land of Corinth might not be visible from his tomb; Philolaus that it might. This is the reason why they settled at Thebes, and so Philolaus legislated for the Thebans, and, besides some other enactments, gave them laws about the procreation of children, which they call the 'Laws of Adoption.' These laws were peculiar to him, and were intended to preserve the number of the lots.

In the legislation of Charondas there is nothing remarkable, except the suits against false witnesses. He is the first who instituted denunciation for perjury. His laws are more exact and more precisely expressed than even those of our modern legislators.

(Characteristic of Phaleas is the equalization of property; of Plato, the community of women, children, and property, the common meals of women, and the law about drinking, that the sober shall be masters of the feast; also the training of soldiers to acquire by practice equal skill with both hands, so that one should be as useful as the other.)

Draco has left laws, but he adapted them to a constitution which already existed, and there is no peculiarity in them which is worth mentioning, except the greatness and severity of the punishments.

Pittacus, too, was only a lawgiver, and not the author of a constitution; he has a law which is peculiar to him, that, if a drunken man do something wrong, he shall be more heavily punished than if he were sober; he looked not to the excuse which might be offered for the drunkard, but only to expediency, for drunken more often than sober people commit acts of violence.

Androdamas of Rhegium gave laws to the Chalcidians of Thrace. Some of them relate to homicide, and to heiresses; but there is nothing remarkable in them.

And here let us conclude our inquiry into the various constitutions which either actually exist, or have been devised by theorists.