

Aristotle’s mixed constitution theory¹⁵⁷

By Eleni Krikona

Abstract

In the context of the theory of the *mesē politeia* (a moderate constitution), Aristotle shifts the criteria for characterizing the type of a constitution from those that determine political status in a city to the nature of state institutions and the balance of the political powers of heterogeneous social groups within a *polis*. Thus, a new constitutional type was invented: the moderate mixed *politeia*, which resembled another invented democratic constitution in the fourth century BCE, the Athenian *patrios politeia*. The Aristotelian theory of “mixed” and “moderate” *politeiai* has its share, within the broader framework of the 4th-century *patrios politeia* theory, in the inevitable constitutional change in Athens after the defeat in the Lamian War through the replacement of democracy (an “extreme” *politeia* in theory, which Aristotle remarkably often considers similar to tyranny) with a ‘moderate democracy,’ which was nevertheless no different from a ‘moderate oligarchy.’ The paper will focus on Aristotelian political theorizing in order to understand how Aristotle’s political thinking was developed within the *patrios politeia* theory in Athens, the main product of which is the pseudo-Aristotelian *Athenaion Politeia* that distorted the true nature of the archaic *politeiai* of the Athenians, i.e., the Athenian constitution in the times of Draco, Solon, and Kleisthenes.

Keywords: Aristotle; Politics; Athenaion Politeia; patrios politeia; qualitative mixture

Introduction

According to many political writers of the Classical period (particularly Plato, Xenophon, and Isocrates), the democracy of their time was an extreme constitution, i.e., a degeneration from previous, more moderate forms, which led the Athenians to disastrous military defeats. As a counterpoint to this “extreme” constitutional model, many of these thinkers resorted to the model

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of the Spartan constitution, which was perceived as a “mixed,” a “moderate” constitution that provided Sparta with the military might to defeat the “radical” Athenians in the Peloponnesian War.¹⁵⁸ According to fourth-century BCE¹⁵⁹ political theory, the Athenians should improve their constitution¹⁶⁰ by returning to their ancestral laws (created by Draco and Solon), which were believed to be more similar to those of their moderate Spartan counterparts. That ancestral constitution was, therefore, construed as a moderate democracy.

One of the most prominent figures in the fourth-century intellectual tradition of studying and even criticizing democracy¹⁶¹ is Aristotle,¹⁶² who, among others, developed the theory of the mixed constitution in the context of the debate on the political sovereignty of the *plēthos*.¹⁶³ Aristotle deals with the foundation of the sovereign claims of the *dēmos*,¹⁶⁴ mainly using the wisdom of the multitude argument, based on which he supports the intellectual and moral superiority of the people as a whole and justifies their sovereign claims in the areas where they collaborate, that is, in the legislation procedure, the election and control of the city’s elite.¹⁶⁵ Focusing on the Aristotelian theorizing of the mixed constitution, through the wisdom of the multitude argument and the idea

¹⁵⁸ The lack of a common front in the decision-making process is considered one of democracy’s weaknesses in comparison with the Spartan *homonoia* (concord), as derived from the obedience of the Spartans to their laws (τοῖς νόμοις πείθονται; see, e.g., Xenophon, Memorabilia 3.5.14-17; 4.4.15-16), which secured happiness in times of peace and great strength in times of war.

¹⁵⁹ All provided dates are BCE. Moreover, the English translations of the ancient Greek passages are mine, apart from those where the name of the translator is explicitly indicated.

¹⁶⁰ For the idea that democracy was responsible for the military defeats of the state since the Sicilian expedition onward, see, e.g., Xenophon, Memorabilia 3.5.15ff.; 4.4.15; Plato, Hippias Major 283c; 285d; Laws 629c; Isocrates, Panathenaicus 108ff.; 200ff.; 216ff.

¹⁶¹ Pseudo-Xenophon, Thucydides, Aristophanes, Plato, Xenophon, and Isocrates. For the perception of the fourth-century democracy as an “extreme” *politeia* in theory that is often related to tyranny by Aristotle, see Politics 1281a 21-24; 1292a 11-38; 1298a 30-33; 1310a 1-4; 1312b 4-6; 1313b 32-1314a 1; 1319b 27-28; cf. Eucken 1990, 281. Plato, Republic 577d calls democracy the marketplace of constitutions; see Ober 1998, 245. For Aristotle’s explicit statement about a close relationship between democracy and tyranny, e.g., Politics 1313b 32-38, see Mandt 1990, 658; Ober 2003, 215; Kallet 2003, 121. Heuss 1971, 15-16 also points out that Aristotle never questions Plato’s thesis on the close relationship between tyranny and democracy; see Kamp 1985, 17ff. For the relation between extreme tyranny and democracy in Aristotelian thought, see in detail Jordović 2011.

¹⁶² See Schmidt 2010, 36-43, esp. 40. On the notion of ‘critical community’ and other synonymous terms such as ‘community of political critics’ and ‘community of critical political discourse,’ see Ober 1998, 7-12, esp. 11, 15, 23, 33, 43-51, 154-155, 250, 258, 286-288, 290-351, esp. 350.

¹⁶³ Regarding the *πλήθος πολιτικόν*, a *plēthos* (people) made up of citizens of free spirit that respect the laws, see Aristotle, Politics III, 1283b 2 and 1288a 7ff. See also in detail Touloumakos 1979, 205-223.

¹⁶⁴ Aristotle, Politics III, 1281a 40-1281b 38.

¹⁶⁵ Aristotle, Politics III, 1281b 38-1282a 41. See here Touloumakos 1979, 206.

of the qualitative political mixture, the article aims to highlight and understand how Aristotle’s political theorizing was developed within the ancestral constitution theory that dominated the 4th-century political scene in Athens and found its historiographical application in the pseudo-Aristotelian *Athenaion Politeia* of the late 4th century.

The wisdom of the multitude argument

First, we should briefly examine the Aristotelian ‘wisdom of the multitude’ argument¹⁶⁶ in order to understand his main political theorizing on the mixed and middle constitution. The argument is developed in the third book of *Politics* regarding the constitutional problem, or, in the philosopher’s own words ἀπορία, of who should be the primary carrier of political power. Specifically, Aristotle examines the argument related to each social class: the claims of the *plēthos*/ the “many” (πλήθη or πλῆθος and ὄχλος/ the mob), i.e., the *dēmos*, of the “few,” which are distinguished either for their wealth or their intellectual and moral superiority (ἐπιεικεῖς) and are the elite of wealth or the elite in spirit respectively, and of the “one,” with a highly qualified personality (βέλτιστος πάντων), that is, the monarch. The philosopher’s research concludes that none of these political claims can be recognized as entirely fair. The central idea of the wisdom of the multitude argument is that the people as a whole are better or more potent than the few or the one. Depending on the criteria considered (ἀρετή-virtue, φρόνησις-wisdom, πλούτος-wealth), this superiority can be moral, spiritual, or material.

This argument underlines the political need for more equality amongst citizens or, even better, for ‘analogical’ equality: every citizen should be politically recognized according to their qualifications. Furthermore, freedom and respect of the state laws are prerequisites for a successful political multitude. On the other hand, Aristotle considers it necessary to have a ruling class in the state, that is, an elite (τοῦς βελτίονας), referring to the criteria of wealth and spiritual as well as moral

¹⁶⁶ See in detail Waldron 1995, 563-584; Schofield 2021, 285-301; Lane 2013, 247-274.

qualifications for political status,¹⁶⁷ indirectly criticizing the democracy of his time for allowing ordinary citizens, i.e., those without riches or merit from virtue, to occupy high offices in the city.¹⁶⁸

The ‘moderate mixed democracy’ concept

In his work, Aristotle favors a moderate type of democracy,¹⁶⁹ projecting the ancestral Athenian *politeiai*,¹⁷⁰ especially that of Solon,¹⁷¹ as models for this ideal moderate mixed democratic constitution.¹⁷² Specifically, in the sixth book of his *Politics*,¹⁷³ Solon’s regime is characterized as βέλτιστη (the best) or ἀρχαιοτάτη δημοκρατία (the oldest democracy)¹⁷⁴ and, in 1273b 36-42, the philosopher notes that: Σόλωνα δ’ ἔνιοι μὲν οἴονται νομοθέτην γενέσθαι σπουδαῖον, ὀλιγαρχίαν τε γὰρ καταλῦσαι λίαν ἄκρατον οὔσαν καὶ δουλεύοντα τὸν δῆμον παῦσαι καὶ δημοκρατίαν καταστήσαι τὴν πατριὸν μίξαντα καλῶς τὴν πολιτείαν. εἶναι γὰρ τὴν μὲν ἐν Ἀρείῳ πάγω βουλήν ὀλιγαρχικόν, τὸ δὲ τὰς ἀρχὰς αἰρετὰς ἀριστοκρατικόν, τὰ δὲ δικαστήρια δημοτικόν (‘as for Solon, he is considered by some people to have been a good lawgiver, as having put an end to oligarchy when it was too unqualified and having liberated the people from slavery and established the ancestral democracy with a skilful blending of the constitution: the Council on the Areopagus being an oligarchic element, the elective magistracies aristocratic and the law-courts democratic’), underlining the connection between the Solonian *patrios politeia* and the ideal constitutional mixture. This ideal moderate mixed democratic constitution is defined, according to the philosopher, as follows: the archons are selected by election (and not by lot as under the extreme democracy¹⁷⁵), and prerequisites for the occupation of the

¹⁶⁷ See Touloumakos 1979, 217 fn. 32.

¹⁶⁸ Aristotle, *Politics* III, 1281b 24-25ff; see also AP 28, esp. 28.3.

¹⁶⁹ For the view that Aristotle strongly implies that the Athenian regime of his day was an extreme democracy and, therefore, should become more moderate, see, e.g., Strauss 1991, 216-218, 222f., 229, 231f.; Piepenbrink 2001, 171-173, 175.

¹⁷⁰ For the so-called ‘*patrios politeia*,’ see, e.g., Finley 1981, 209-251; Lintott 1982; Mossé 1978, 81-89, and in detail my forthcoming doctoral dissertation. For the *patrios politeia* theory, as it is developed through the works of Plato, Xenophon, and Isocrates, see Fuks 1972; Atack 2010.

¹⁷¹ For the figure of Solon as constructed from the last decades of the fifth century onward, see Mossé 1979, 425-437; Robertson 1986, 147-176; Thomas 1994, 119-134; Ruzé 1997, 311-322, 350-368.

¹⁷² AP 6-12; *Politics* III, 1281b, V, 1305a 27ff.

¹⁷³ VI, 1318b 27-1319a 4.

¹⁷⁴ Moreover, Xenophon, in his *Symposium* 8.39, underlines that Solon established κράτιστους νόμους.

¹⁷⁵ For the procedure of selection by lot as an essential weakness of the radical democracy, see Xenophon, *Memorabilia* 1.2.9.

highest offices are property and personal abilities. However, in the election and control of the upper class, all citizens participate as they constitute the Assembly. According to Aristotle, such a constitution works ideally because the best citizens occupy the offices¹⁷⁶ according to the people’s will.¹⁷⁷ At the same time, the selected citizens (the political elite) are satisfied because qualitatively inferior people do not govern them. Still, they are restricted, as the People’s Assembly controls them. Moreover, moderate is the *ἐννομος δημοκρατία* (democracy where the rule of law is sovereign) mentioned by the philosopher in the fifth book of his *Politics*,¹⁷⁸ as opposed to radical democracy.¹⁷⁹ The sovereignty of the law is guaranteed by the fact, as stated in the fourth book,¹⁸⁰ that this democracy excludes the presence of demagogues,¹⁸¹ and the governance of the city is exercised by optimal citizens (οἱ βέλτιστοι τῶν πολιτῶν εἰσιν ἐν προεδρίᾳ: IV, 1292a 9).

To achieve this ideal moderation in the democratic *politeia*, a constitutional change in Athens is considered necessary, although never explicitly proposed by anyone apart from Isocrates, mainly through the restoration of the aristocratic Council of Areopagus in the dominant role it had before the reforms of Ephialtes,¹⁸² according to the model of the *πάτριος πολιτεία* (ancestral constitution). In the thought of the 4th-century theorists, mainly of Plato, Isocrates, and (to a lesser extent) Xenophon, this *politeia* sometimes corresponds to the Solonian constitution,¹⁸³ sometimes to the

¹⁷⁶ See Aristotle, *Politics* IV, 1292a 7ff.

¹⁷⁷ Aristotle, *Politics* IV, 1318b 11-22.

¹⁷⁸ V, 1306b 20.

¹⁷⁹ See *Politics* 1305a 28-32 for the constitutional change in Athens from the ‘ancestral democracy’ into the most recent form of Aristotle’s time, the rule of the *dēmos*.

¹⁸⁰ IV, 1292a 7ff.

¹⁸¹ In comparison, e.g., with the Athenian *politeia* after its seventh *metabole*: AP 26.1.

¹⁸² However, it is possible that the so-called ‘reforms of Ephialtes,’ orchestrated by Themistocles, are no more than a 4th-century invention, probably of the time of Demetrius from Phalerum; see in detail Zaccarini 2018. Canevaro (2011, 69) states: ‘The reforms of Ephialtes are generally a topic for which fourth-century reconstructions are dubious and often unreliable, and betray political aims relevant to the fourth century, rather than the fifth’; cf. Gehrke 1978, 51-52 fn. 6; Bearzot 2007, 41ff.; Banfi 2010, 146-149. Although we have no direct evidence, Demetrius wrote a lot in praise of Themistocles’ rival Aristides, both in his book *Aristides* and in that on Socrates (SOD nos. 95, 102-105), and he may have also given a critical account of Themistocles in his two books *On Demagogy* (SOD 1.67); see van Wees 2011, 98 fn. 11. If the reforms of Ephialtes are indeed a 4th-century invention (see here the monograph of Zaccarini 2017), this constitutes another example of the invented history of archaic and early classical Athens that occurred in the late fourth century, such as the *patrios politeia* of Solon and Draco.

¹⁸³ AP 9.1-2; *Politics* II, 1274a 2ff.; Isocrates, *Areopagiticus* 16ff.

Kleisthenic,¹⁸⁴ and sometimes to the Draconian one,¹⁸⁵ but alternately corresponds to an ancestral form, chronologically undefined, that harmoniously combines institutional elements from at least three different periods of Athenian archaic history.¹⁸⁶

Consequently, the return to an ancestral *politeia* inevitably leads to the reduction of the power of the Assembly and the public lawcourts, that is, to the removal of the political standing of the *thētes* involved in both of these state bodies and, at the same time, to the upgrading of those citizens who belong to the upper-income classes. In other words, the theory of the *patrios politeia* proposes the abolition of the institutions of ‘radical democracy,’ which are considered to have led Athens to its military defeat by the Spartans in the Peloponnesian War, while aiming to justify the establishment of an oligarchic *politeia* in Athens in the form of a moderate constitution; “in the form of another type of ‘democracy,’” as Birgalias precisely stresses.¹⁸⁷

The “mixed” constitution: the qualitative political mixture

A new mixed-constitution terminology¹⁸⁸ is introduced by Plato and Aristotle in the 4th-century political discussions in Athens as a methodological tool for analyzing the nature of the Greek *politeiai*. The ‘mixed *politeia*,’ a mixture of different institutional characteristics, is defined as a democracy, but it retains the positive attributes of its moderate version. Besides, there is also the regime of the winners of the Peloponnesian War, the Spartans, with whom Athens does not need to

¹⁸⁴ *AP* 41.2; *Politics* 1319b 21-29; Isocrates, *Areopagiticus* 16; *Antidosis* 231-2, 306.

¹⁸⁵ *AP* 4; *Politics* 1297b 1-28. See also McCoy 1975, 140; Gagarin 1981; Ruzé 1997, 341-350; Stroud 1979; Birgalias 2007, 124.

¹⁸⁶ For example, we can say that the political theorists of the late 5th and the 4th centuries keep from the draconian era the concept of the citizen-hoplite, according to which Athens is a *polis* of hoplites, that is maintained, as they project, in the time of Solon. From the *politeia* of 594/3, they retain the income criteria for the election to the city authorities (also maintained in 508/7). Moreover, the Areopagus Council is the state’s guardian and holds extensive administrative and judicial powers. Finally, from the Kleisthenic regime they keep the city’s administration that lies in the hands of the elite, as even the Council of 500 is composed of the wealthiest citizens. This *patrios politeia* proved strong, effective, and beneficial for Athens during the Persian Wars. In all three of the *politeiai* mentioned above, the institution of pay (*μισθοφορία*) is absent, and the archons are elected without using the lot (*κλήρωσις*). See also here Ruschenbusch 1958.

¹⁸⁷ Birgalias 2007, 125.

¹⁸⁸ For the origin of the mixed-constitution theory, see Ste. Croix 1981, 109-110. For the quality mixture in the thought of Plato and Aristotle, see Touloumakos 1979, 74-91.

differentiate constitutionally,¹⁸⁹ according to the political philosophers of the 4th century, primarily Plato and Aristotle.¹⁹⁰

Plato, in particular, in his *Laws* (691d- 692a, 693b), defines the Spartan *politeia* as a mixed constitution that combines monarchy and democracy harmoniously.¹⁹¹ This idea is also reflected in Aristotle’s *Politics* (1265b 35-42). Despite his criticism of several Spartan institutions,¹⁹² Plato believes that the Spartan mixed constitution succeeded in avoiding extremities, i.e., on the one hand, the extreme monarchy (the most characteristic example of which is the Persian Empire) and on the other hand, the extreme democracy (with the most characteristic example the Athenian constitution), and was, therefore, a well-balanced *politeia* (*Laws* 693d-e), under which a just representation of all social classes is secured (*Laws* 756e).¹⁹³

Plato heavily influenced his pupil regarding his perception of the nature of the Spartan constitution; Aristotle, therefore, considers the Lacedaemonian *politeia* as a mixed constitutional order (*Politics* 1265b 35-42). The philosopher appears particularly skeptical and judgmental concerning most of the Spartan institutions,¹⁹⁴ but this is due to his intention, as I believe, to

¹⁸⁹ See Romilly 1959, 85-87; Birgalias 2007, 117-142.

¹⁹⁰ See also the relevant references of Isocrates regarding the close connection between the Athenian ancestral constitution and the Spartan in *Areopagiticus* 61 and *Panathenaicus* 153-155, where he stresses that Lycurgus did not invent any new institution but imitated the *patrios politeia* of the Athenians by creating another type of democracy, which was mixed with aristocratic institutional elements; for the *Panathenaicus* passage, see, in detail, Gray 1994, 223-271. For the interest of Athens in the Spartan society and its constitution from the end of the fifth century onward, see Ollier 1933; Tigerstedt 1974.

¹⁹¹ Moreover, in his *Politeia* 544c, Plato puts the Spartan constitution, which he calls ‘mixed,’ in second place after the ideal *politeia*; and then oligarchy, democracy, tyranny, and last *Basileia*. See also Isocrates, *Areopagiticus* 61 and *Panathenaicus* 153-155; Xenophon, *Lacedaemonion Politeia* 15.1; *Agésilas* 1.4; Archytas, *On Law and Justice* from Stobaeus 43.134. For Sparta in the *Laws* of Plato, see Powell 1994, 273-321.

¹⁹² Regarding, e.g., the dominance of the military virtue (*Laws* 626ff.); too much appreciation for goods (*Politeia* 548); the mistakes concerning the helots (*Politeia* 496bff.; *Laws* 776ff.); the lack of legislation concerning women (*Laws* 781a); *oliganthropia*, i.e., the reduction of the Spartan citizenry through the years (*Laws* 740bff.; 924dff.; *Alcibiades* I. 122ff.; *Hippias Major* 283b. See also Aristotle, *Politics* 1294b 14ff.; 1334a 40ff.; 1337aff.; 1339a 41ff. Moreover, the oldest citizens, who participate in the *Gerousia* in Sparta, do not seem to have a political position in Plato’s ideal *politeia*; *Laws* 755a; 923b. For a similar opinion, see Aristotle, *Politics* 1329a.

¹⁹³ Moreover, for the admiration of Xenophon for the Spartan *politeia*, see, e.g., *Lacedaemonion Politeia* 15.1; *Agésilas* 1.4.

¹⁹⁴ E.g., the existence of kings, the *gerousia*, the ephors, the *sysstia*; see, in detail, *Politics* 1270b-1271b. He also finds disadvantages regarding the inequalities in ownership and the dowry (1270a 11-15) as well as the position of women (1269b 5-1270a 11), the phenomenon of *oliganthropia* (1270a 16-1270b 19), and the position of helots (1269a 2-1269b

underline the flaws of a *polis* in its effort to establish the ideal *politeia* rather than systematic disbelief towards the mixed Spartan constitution.¹⁹⁵ No matter how harsh his criticisms are, they mainly concern the way the institutions were applied (e.g., *Politics* 1269a-1271b) rather than the nature of the very institutions and what the fundamental question of the philosopher is how the mixture of the *politeia* will be accomplished in the best possible way (*Politics* 1265b 35-36) in order for all conflicting parts of a *polis* to coexist harmoniously and live happily with one another (*Politics* 1270b 21-22).

The Spartan regime was purely oligarchic.¹⁹⁶ However, Aristotle often characterizes the public offices of Sparta using different terms according to the criteria he sets each time;¹⁹⁷ in this sense, the Spartan *Gerousia* can sometimes converge with the aristocracy, sometimes with democracy, and sometimes with the oligarchy. Similarly, this is also the case with the institution of the five ephors. However, Aristotle’s point here is that the Lacedaemonians have managed to ideally balance the rights of the few with those of the majority in their state, in other words, to balance the heterogeneity of political interests between the political groups that constitute the *polis*. In this context, the philosopher acknowledges that in Sparta, there is a mixture of all constitutions,¹⁹⁸ especially of democracy and oligarchy.¹⁹⁹ That constitution did not fail, no matter how the number of citizens grew thinner throughout the years.²⁰⁰ Of course, that political mix stipulates that the *plēthos* is

4). For an analysis of the opinion of Aristotle concerning the Spartan *politeia*, see in detail Cloché 1942, 289-313; Schütrumpf 1994, 323-345.

¹⁹⁵ See in *Politics* 1296a 19-21, where Aristotle characterizes Lycurgus as one of the greatest lawgivers. For an overview of the philosopher’s opinion on the Spartan *politeia*, see *Politics* 1333b 13-1334b 28.

¹⁹⁶ For the Spartan state’s oligarchic nature, e.g., Demosthenes, 20.108; Thucydides 4.126.2; Isocrates, *Nicodes* (III) 24; see also Ollier 1933, 353-354.

¹⁹⁷ For example, how to access them or whether they are paid and unpaid, their duration or how those who hold them award justice, or on the basis of the process of the *probouleusis* procedure; see *Politics* 1273a 5-7 and Birgalias 2007, 129-130, esp. fn. 68.

¹⁹⁸ *Politics* 1265b 33ff. Another distinctive example of this tactic concerns the Solonian *politeia*, where the Council of Areopagus constitutes the oligarchic institutional element of this *patrios* mixed and moderate constitution, the election of the magistracies, the aristocratic element, and the access of the Athenian *dēmos* to law courts as well as his authority over the election and accountability of the archons is the democratic one; see *Politics* II, 1273b 35-1274a 22.

¹⁹⁹ *Politics* 1294b 14ff.

²⁰⁰ As we saw above, Aristotle discusses the phenomenon of *oliganthropia* in Sparta, but his analysis reflects not on the number of those who possess political power but on the nature of power each citizen has; see *Politics* 1252a.

involved in public affairs and votes, but the rich are the ones who maintain the administration of the state. In other words, the constitution is based on the fundamental principle of oligarchy: wealth.

Nevertheless, while characterizing the nature of a *politeia*, Aristotle’s methodology is based mainly on the shift of interest from the criteria that determine the political identity in a state to the nature of the state institutions and the balance of the political powers of the heterogeneous social parts of a *polis*. In addition, the philosopher essentially criticizes the Spartan system in his study of the *politeiai* that were considered to have good governance (*εὐνομία*/ a well-ordered *politeia*).²⁰¹ However, his criticisms are not based on the main principle of the Spartan state, wealth, but are related to the offenses against citizens during their archonship (blatant discrimination against equality, corruption, etc.).²⁰² In practice, no matter how harsh his criticisms are against the Lacedaemonian state of his time, they methodologically reinforce, as we will see below, the view that a ‘mixed *politeia*’ is the best possible constitution,²⁰³ maintaining and promoting the following political quest: how does a constitutional form combine democratic and oligarchic institutional elements moderately and harmoniously?²⁰⁴

The Aristotelian *Politeia*

By examining Aristotle’s theory on the virtues of the political authority of the multitude (Book III),²⁰⁵ the constitutional mixture²⁰⁶ through the establishment of the *politeia*, a moderate constitutional government (Book IV), and the promotion of the proper *παιδεία*, education (Book

²⁰¹ *Politics* 1270b-1271b.

²⁰² *Politics* 1269a-1271b.

²⁰³ See Birgalias 2007, 132-133.

²⁰⁴ *Politics* 1265b 35-36; see also Lintott 2000, 152-166.

²⁰⁵ See 1281b 4-9; and esp. 1281a 40-1281b 38; cf. Plato, *Laws* 700a -701b, 670b, who referred to ἀμούσους βοᾶς πλήθους (people’s voices without refinement) and in 670a: γελοῖος γὰρ ὁ γε πολὺς ὄχλος ἡγούμενος ἱκανῶς γιγνώσκειν τό τε εὐάρμοστον καὶ εὐρυθμον καὶ μὴ (it is absurd of the general crowd to imagine that they can fully understand what is harmonious and rhythmical), being sarcastic towards the importance of the collective wisdom, will, and consciousness that Aristotle considered more important than the opinion of the few. For the theory of the political authority of the multitude in Aristotle’s theorizing, see in detail Touloumakos 1979, 205-223.

²⁰⁶ See Barker 1959, 471-483. For the ‘mixed’ constitution as Plato treats it in his *Laws*, see, e.g., Sabine 1980, 92-95.

V),²⁰⁷ we notice that although he seems to find many institutional virtues in the *Basileia*,²⁰⁸ Aristotle promotes mainly the idea of a mixed, *mesē* constitution that calls ‘Politeia,’ which combines democratic and oligarchic institutional elements,²⁰⁹ and constitutes a *politeia* of hoplites (*Politics* 1297b 17-24). This *politeia* appears to be the most ideal and feasible type of constitutional government to be established and also maintained, leading the community of a *polis* as a whole to εὐδαιμονία (happiness).

Moreover, in *Politics* 1297b 23-24, Aristotle highlights that the term ‘*politeia*’ is the one the ancestors used to call their democracies, making a genuinely democratic constitution and the Spartan *politeia* appear less different than they actually are. This *politeia* that could be characterized either as a moderate democracy or a moderate oligarchy seems to be, in theory, the most ideal and feasible type of constitutional government to be established and also maintained, leading the community of a polis as a whole to εὐδαιμονία, but, practically, it constitutes the means for the replacement of democracy by an oligarchy in 4th-century Athens. At this point, however, we should stress that Aristotle did not make any direct concrete political suggestions for establishing the *Politeia*,

²⁰⁷ *Politics* 1337a 10-1338b 8; see also e.g. Kullmann 2003, 111; Romilly 2010, 264.

²⁰⁸ His good relations with the Macedonian King possibly have something to do with this political view that we are not going to discuss here; see Glotz 1994, 395; Ober 1998; Oikonomou 2008, 39-41; Plaggesis 2009, 46-47.

²⁰⁹ *Politics* 1286b 20, 1294b. See also Thucydides 2.3711 on the mixture of democratic and aristocratic elements in the time of Pericles, as well as the sarcastic reference of Plato, *Menexenus* 238c-d, where (238c) he refers to a polity as a thing which nurtures men, good men when it is noble, bad men when it is base. Then, Plato underlines the need to demonstrate that the polity wherein the Athenian forefathers were nurtured was a noble one, such as caused goodness not only in them but also in their descendants of his present age, amongst whom the Athenians number these men who were fallen. He precisely points out that: ἡ γὰρ αὐτὴ πολιτεία καὶ τότε ἦν καὶ νῦν, ἀριστοκρατία, ἐν ἣ νῦν τε πολιτευόμεθα καὶ τὸν αἰὶ χρόνον ἐξ ἐκείνου ὡς τὰ πολλά. καλεῖ δὲ ὁ μὲν αὐτὴν δημοκρατίαν, ὁ δὲ ἄλλο, ᾧ ἂν χαίρη, ἔστι δὲ τῇ ἀληθείᾳ μετ’ εὐδοξίας πλήθους ἀριστοκρατία. βασιλεῖς μὲν γὰρ αἰὶ ἡμῖν εἰσιν· οὗτοι δὲ τοτὲ μὲν ἐκ γένους, τοτὲ δὲ αἰρετοί· ἐγκρατὲς δὲ τῆς πόλεως τὰ πολλά τὸ πλῆθος, τὰς δὲ ἀρχὰς δίδωσι καὶ κράτος τοῖς αἰὶ δόξασιν ἀρίστοις εἶναι, καὶ οὔτε ἀσθενείᾳ οὔτε πενίᾳ οὔτ’ ἀγρωσίᾳ πατέρων ἀπελήλαται οὐδεὶς οὐδὲ τοῖς ἐναντίοις τετιμηται, ὥσπερ ἐν ἄλλαις πόλεσιν, ἀλλὰ εἷς ὅρος, ὁ δόξας σοφὸς ἢ ἀγαθὸς εἶναι κρατεῖ καὶ ἄρχει (‘for it is the same polity which existed then and exists now, under which polity we are living now and have been living ever since that age with hardly a break. One man calls it “democracy,” another man, according to his fancy, gives it some other name; but it is, in very truth, an “aristocracy” (the rule of the best) backed by popular approbation. Kings (i.e., Basileus archons) we always have, but these are at one time hereditary, at another selected by vote. And while most part of civic affairs are in the control of the populace, they hand over the posts of government and the power to those who, from time to time, are deemed to be the best men; and no man is debarred by his weakness or poverty or by the obscurity of his parentage, or promoted because of the opposite qualities, as is the case in other States. On the contrary, the one principle of selection is this: the man that is deemed to be wise or good rules and governs’; translated by W.R.M. Lamb. Cambridge, MA, Harvard University Press; London, William Heinemann Ltd. 1925). For the balanced mixture of democratic and oligarchic institutional elements in Aristotle’s political theorizing, see Barker 1959, 472; Wolff 1995, 114-115; Oikonomou 2008, 125-126 with fn. 410; Romilly 2010, 255-256.

especially in Athens, as an effort for constitutional change. Like Plato, Xenophon, and Isocrates, he mainly developed his theories as a philosophical exercise within the 4th-century Athenian historical context that is dominated, on an ideological level, by the *patrios politeia* theory.

As far as the Spartan constitution is concerned, Aristotle, despite his skepticism and criticism against it, which we already mentioned, often praises it as a typically mixed *politeia*,²¹⁰ like that of the year 411/0, which his pupil, the author of the *AP*, analyses and admires.²¹¹ Of course, the remembrance of Solon that established a well-mixed *mesē patrios* constitution in Athens²¹² has a central position in Aristotle’s political theorizing.

What would guarantee, according to the philosopher, the political stability and security in a *polis* under the *Politeia* would be a broadened middle class,²¹³ suggesting that δεῖ δ’ αἰεὶ τὸν νομοθέτην ἐν τῇ πολιτείᾳ προσλαμβάνειν τοὺς μέσους (the lawgiver should always include the middle class into the citizenry).²¹⁴ This middle class²¹⁵ would consist of hoplites,²¹⁶ and constitutes a central aspect of Aristotle’s theory on the *mesē politeia* but not a historical reality of the classical Greek world. So, summing up the prerequisites for the successful establishment of the *Politeia*²¹⁷ in a Greek *polis*, we can say that these were the following: the existence of a πλῆθος πολεμικόν (military crowd), the respect

²¹⁰ *Politics* 1294b 18-40; see also Barker 1959, 481-483; Oikonomou 2008, 27.

²¹¹ For the constitution of 5000, see Thucydides, 8.97; *AP* 32,3; see also Barker 1959, 476.

²¹² *Politics* 1296a 18; *AP* 11,2; see also Finley 1996, 3, 15; Oikonomou 2008, 13, 34-35. Aristotle’s *politeia* is a timocratic constitution, like that of Solon, see *Nicomachean Ethics* 1160a 36. For the timocratic constitution in the thought of Plato, see *Politeia* 547c-549b.

²¹³ *Politics* 1295b 1-5: ἐν ἀπάσαις δὴ ταῖς πόλεσιν ἔστι τρία μέρη τῆς πόλεως, οἱ μὲν εὐποροὶ σφόδρα, οἱ δὲ ἄποροι σφόδρα, οἱ δὲ τρίτοι οἱ μέσοι τούτων. ἐπεὶ τοίνυν ὁμολογεῖται τό μέτριον ἄριστον καὶ τό μέσον, φανερόν ὅτι καὶ τῶν εὐτυχημάτων ἡ κτήσις ἢ μέση βέλτιστη πάντων (there are three parts in every state, those who are very rich, those who are very poor and the third part that is in the middle. Undoubtedly, the middle part is the best, as it is apparent that the moderate possessions are the most optimal). A part of them could have gained their wealth from commerce, according to Perlman 1963, 327-355, esp. 327 and 1967, 161-176, esp. 162-166; cf. Hasebroek 1933, who believed that most traders of a large scale were metics; Laix 1973, 174-177, 191; Ober 1989, 29-30 (‘While there were certainly a good number of Athenians who were directly and indirectly involved in commerce, no evidence suggests that these persons constituted anything like a ‘class,’ had well-defined political goals, or were sufficiently numerous to influence the tenor of Athenian politics’). On the uselessness of the concept of a ‘middle’ class as an analytical notion for ancient political and social history, see Barker 1959, 475; Finley 1983, 10-11 with fn. 31; Davies 1978, 36; Ste. Croix 1981, 71-72, 120-133.

²¹⁴ *Politics* 1296b 34-36.

²¹⁵ Demosthenes seems to have no notion of a ‘middle’ class, see e.g. 18.46; 24.165. No Greek *polis* of Aristotle’s time had a broadened middle class; see, e.g., Ober 1989, 33. For the ‘middle class’ in Aristotle’s *Politics*, see Ross 1991, 366.

²¹⁶ *Politics* 1297b, 1-2.

²¹⁷ See Romilly 2010, 95-96.

for the rule of law, the admission to the citizenry, according to a small property qualification, with the access to the public offices according to limited boundaries of ones’ descent and a low or high property qualification depending on the type of magistracy (major or minor),²¹⁸ the existence of a well-organized institution of εὐθύνοι (accountability of magistrates to the *dēmos*), and the minimal payment for attendance of the Assembly meetings.²¹⁹

While addressing his theory on the *Politeia*, Aristotle analyses specific institutional aspects projected by the author of the *AP* as historical as far as the earliest phases of the Athenian democracy are concerned, especially in the time of Draco and Solon. Specifically, Aristotle, in his *Politics*, talks about fines for not attending the Assembly meetings: ζημίαν δὲ ἐπικεῖσθαι τοῖς εὐπόροις ἐάν μὴ ἐκκλησιάζωσιν (imposition of a fine for non-attendance on the well-to-do only: *Politics* 1297a18-20), and his pupil in his *AP* states that: ὅταν ἔδρα βουλῆς ἢ ἐκκλησίας ᾗ, ἐκλείποι τήν σύνοδον, ἀπέτινον ὁ μὲν πεντακοσιομέδιμνος τρεῖς δραχμάς, ὁ δὲ ἵππεύς δύο, ζευγίτης δὲ μίαν (if someone was absent from an Assembly or Council meeting, they should pay three drachmas in case they belonged to the class of 500 *medimnoi*, two drachmas in case they were *hippeis* and one drachma in case they belonged to the class of *zeugitai*: *AP* 4.3). Moreover, *AP* 4.2 stresses that under Draco ἀπεδέδοτο μὲν ἡ πολιτεία τοῖς ὄπλα παρεχομένοις (the citizen body consisted of those who possessed hoplite equipment), just like in *Politics* 1297b 1-2, where Aristotle clearly states that those granted the franchise under the *politeia* are exclusively those who can afford to own hoplite equipment: δεῖ δὲ τήν πολιτείαν εἶναι μὲν

²¹⁸ On the criteria for the election to public offices, Aristotle’s theory seems to have been heavily influenced by Plato; see e.g. *Laws* 9.875a; *Politicus* 347d: ἐπεὶ κινδυνεύει, πόλις ἀνδρῶν ἀγαθῶν εἰ γένοιτο, περιμάχητον ἂν εἶναι τὸ μὴ ἄρχειν, ὥσπερ νυνὶ τὸ ἄρχειν, καὶ ἐναυθ’ ἂν καταφανές γενέσθαι ὅτι τῷ ὄντι ἀληθινὸς ἄρχων οὐ πέφυκε τὸ αὐτῷ συμφέρον σκοπεῖσθαι, ἀλλὰ τὸ τῷ ἀρχομένῳ (if it were possible to found such a state of perfect men, all would do their best to be [politically] excluded from the very beginning, as now all seek to be included; and then it would appear that the nature of the true ruler is to aim not in the interest of his own, but of the citizens). See also Thucydides 2.60: ἐγὼ γὰρ ἠγοῦμαι πόλιν πλείω ζύμπασαν ὀρθομένην ὠφελεῖν τοὺς ἰδιώτας ἢ καθ’ ἕκαστον τῶν πολιτῶν εὐπραγοῦσαν, ἀθρόαν δὲ σφαλλομένην. Καλῶς μὲν γὰρ φερόμενος ἀνὴρ τὸ καθ’ ἑαυτὸν διαφθειρομένης τῆς πατρίδος οὐδὲν ἤσσον ξυναπόλλυται, κακοτυχῶν δὲ ἐν εὐτυχούσῃ πολλῶ μᾶλλον διασώζεται (‘for in my judgment a state confers a greater benefit upon its private citizens when as a whole commonwealth it is successful, than when it prospers as regards the individual but fails as a community. For even though a man flourishes in his own private affairs, yet if his country goes to ruin, he perishes with her all the same; but if he is in evil fortune and his country in good fortune, he is far more likely to come through safely’; Loeb translation). The administration of the *polis* is inevitably limited to the higher timocratic classes; see *Politics* 1318b 6-21. On the ἀριστινὴν and πλουτινὴν (according to noble descent and wealth) as a criterion for the election to the public offices see *Politics* 1273a 22-24 and esp. *AP* 3.6 re this criterion under Solon; see also Sinclair 1969, 319; Glotz 1994, 105.

²¹⁹ *Politics* 1320a 31-32.

ἐκ τῶν τὰ ὄπλα ἐχόντων μόνον (the citizen body must consist solely of those who possess hoplite equipment);²²⁰ the same thing happened under Demetrius’ regime in the late fourth century, when a pupil of Theophrastus in the Lyceum was in charge of public affairs in Attica.

Regarding the *τίμημα* (minimum property qualification) for citizenship,²²¹ Aristotle says that it should be guaranteed that τούς μετέχοντας τῆς πολιτείας εἶναι πλείους τῶν μὴ μετεχόντων (*Politics* 1297b 5-6: those who are admitted to the citizen body are more than those who are excluded), therefore, we assume that the amount that the philosopher has in mind is relatively low. The property qualification for admission to the citizen body is central in Aristotle’s theorizing and can prove our point here. What Aristotle let us know is that he believes that the franchise should be given only to those who own hoplite equipment and pay the necessary *τίμημα*: not too high and not too low.²²² But how low should it be in order to be considered proper and just by Aristotle?

In *AP* 4.2, the author implies, as we saw, that the citizens-hoplites in the time of Draco are those who possess a property worth less than ten *minae* = 1000 drachmas, as the election to the minor offices is limited to the hoplites and the *τίμημα* for a petty office is, of course, lower than that for the admission to the nine archons and *tamiae*, which is ten *minae*. Given, first, that the author of the *AP* is the pupil of Aristotle, which means that he has studied the theory of his teacher regarding the importance of the political multitude and mixture, has been influenced by the theory of the Athenian *patrios politeia*, and has composed his work according to Aristotle’s guidance, and second, that Demetrius of Phalerum, who also received an Aristotelian education, tries to put into action the very same idea in 317, by giving the Athenian franchise only to those who own hoplite equipment and possess less than 1000 drachmas, it seems safe to assume that Aristotle would find it acceptable as a minimum property qualification for the admission to the citizen body the 1000 drachmas or, even more likely, less than 1000.²²³ Of course, this is just a suggestion, acknowledging that we cannot make any definite assumptions about Aristotle’s thinking based on what we find in the *AP*.

²²⁰ See also 1297b 12-14.

²²¹ Glotz 1994, 86, fn. 2.

²²² *Politics* 1294b 2-6; how the *μίξις* (mixture) is accomplished see 1294b 6-13.

²²³ For the quasi-democratic system, when the census is not sufficient anymore to exclude the majority from power, see *Politics* 1306b 6-15.

Moreover, both *Politics* (1298a 6-7, 21-23, 25; 1298b 6, 1300a 19-30) and *AP* (4.2) address the institution of the *eythynai*, as conducted by the Assembly, in the *Politeia* and in the time of Draco respectively. They also highlight the necessity of selecting minor officers by lot (*Politics* 1298b 23-24, *AP* 4.3) but by election for the higher officers (*Politics* 1298b 27-28, *AP* 4.2). They both stress the importance of a low τίμημα for most magistracies (*Politics* 1298a 35-37; *AP* 4.2: e.g., for the election to the nine archons that was ten *minae*), the rule of law (*Politics* 1298b 1: κατά νόμον δ’ ἄρχωσιν; *AP* 4.4: κατά τούς νόμους ἄρχωσιν), the distinction of the ἀρχαί (major-minor offices and their duration; in theory: *Politics* 1299a, and as a historical example in the time of Draco: *AP* 4.2-3) and the maximum of two times’ election in some offices (*Politics*: μή τόν αὐτόν δις ἀλλ’ ἅπαξ μόνον; *AP*: δις τόν αὐτόν μή ἄρχειν). Finally, they both highlight the importance of a βουλή/ Council (*Politics* 1299b 30- 1300a 8, and as a historical example in the time of Draco with a council of 401: *AP* 4.3) as well as the institution of *strategia* (*Politics* 1300b 11-12; *AP* 4.2).

Conclusion

The 4th-century political theorists considered Athenian democracy to have become extreme and dangerous for the *polis* in the fifth century. Therefore, throughout the fourth century, the idea that the Athenian *politeia* could improve itself by replacing its radical form with a moderate one²²⁴ was gradually developed, finding theoretical connections to the ancestral Athenian past as well as the contemporary Spartan constitution, which was considered a moderate mixed *politeia*. These two invented constitutional types seem to be associated with one another, as the Athenian *patrios politeia* appears to be the political role model that Lycurgus used when introducing his laws to the Lacedaemonian state,²²⁵ which remained unaltered from the seventh century until the fourth. A well-mixed constitution was believed to be the most effective constitutional form for exercising successfully the hegemony (the return to which was the main goal in fourth-century Athens), as it theoretically secured a just representation of all social classes in the offices of the state and avoided civil conflicts simultaneously. Aristotle’s political theorizing, in particular, as explained mainly in his

²²⁴ We believe that this terminology (moderate, mixed, broadened, radical, extreme) is not historically accurate; see in detail Millett 2000, 337-362, esp. p. 344; Strauss 1987, 127-129.

²²⁵ *Politics* 1294b 9; Isocrates, *Areopagiticus* 61; Plato, *Laws* 712d-e; see also Gray 1994, 223-271.

Politics through his argument on the virtues of the political authority of the multitude and the qualitative constitutional mixture through the establishment of the *Politeia*, thrived within the historical and intellectual framework of the fourth-century Athens, but did not make any explicit suggestions for a concrete constitutional change that would overthrow Athenian democracy. Aristotle’s political thinking constituted a theoretical, often an abstract, sum of thoughts and notions within the broader ideological context of the *patrios politeia* theory, which found its historiographical application in the late fourth century in the pseudo-Aristotelian *Athenaion Politeia*. This work constitutes the main product of the ancestral constitution theory and was influenced both by the public opinion of the time it was written and by Aristotle’s political theorizing.

The article analyzed Aristotle’s mixed constitution theory, aiming to show the way it is connected to the broader 4th-century idea of the moderate democratic Athenian *patrios politeia* that appeared already in the late fifth century and was developed mainly by other political theorists (Plato; Xenophon; Isocrates). The orators then promoted it, gradually forming the 4th-century Athenian public opinion regarding the origins and the best form of the democratic constitution. This abstract sum of thoughts regarding the ideal type of Greek *politeia*, whether in Aristotle’s theorizing in the form of a moderate mixed constitution or the other political theorists’ thinking in the form of the moderate ancestral Athenian *politeia*, paved the way for the change of the Athenian constitution and the fall of democracy at a time when Athens was finally too weak to resist the Macedonian control over its autonomy in the late fourth century, meaning after its defeat in the Lamian War.

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