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A PRIMER OF
GREEK CONSTITUTIONAL
HISTORY

BY

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PREFACE.

A FEW years ago Mr. Greenidge, of Hertford College, Oxford, published his excellent *Outlines of Greek Constitutional History*. It occurred to the present writer, while preparing boys for classical scholarships, that a shorter and more elementary book might be of considerable use to masters and boys of the higher forms at public schools, and also to University students who, while preparing for their final classical examination, have not time or inclination for reading the larger and more comprehensive work.

With such an idea this book was begun. As it progressed some efforts were made towards originality of treatment; but the debt owed to

Mr. Greenidge's worthier labours will be sufficiently evident to readers.

Further obligations are acknowledged in the text and footnotes.

The editions of Aristotle's *Politics* and of the **'Αθηναίων Πολιτεία** to which references are made are those of Susemihl and Blass, respectively, in the Teubner series. The translations of passages from the *Politics* are taken, by kind permission of Messrs. Macmillan and Co., from Welldon's edition.

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PRIMER OF GREEK CONSTITUTIONAL HISTORY.

CHAPTER I.

INTRODUCTORY.

IN endeavouring to realise the chief features of Greek constitutional history a few predominant facts must constantly be kept in mind, to prevent any possible misreading of these features because of a misconception of the environment.

In the first place, then, the Greek state is a city-state (*πόλις*)—and therefore differs in many essential particulars from what we, in modern times, understand by the word 'state.' With us a state implies a territory or tract of land, with a capital city which is the seat of government. Or it means an aggregate of such territories, such as the United States of America, each with its own capital city, but all federated together with one

**Nature of
the Greek
City-state.**

central metropolis which is the seat of the general government of them all. But in all cases the capital or metropolis is in no wise the state, or even an essential part of the state. It is merely a convenient centre of government, and there is no reason why at any time some other city should not be chosen as the capital, as has been the case over and over again with England, Italy, and other countries. But to the Greek the *πόλις* was the state. More or less territory might be attached thereto, but merely as an appurtenance, for the maintenance of the *πόλις*. Citizens might lie scattered over such land; but they were citizens of the *πόλις*. The whole life of the state, civil and religious, was bound up in the city,—concentrated, so to speak, at that one point.

The smallness of such a state allowed every citizen to take a direct, personal part in the government. Representative government was unknown: each citizen recorded his vote on the actual question of politics in debate from time to time. And not only was the state small, but in every city the number of citizens was a closely restricted body. Birth from original citizens was, with some very few exceptions, an essential condition of citizenship, and hence the close connection of this with membership of the phratry,—brotherhood,—or clan, which, as we shall see later, is a necessary corollary of this test, becomes one of the prime factors

in the constitutional history of Greece, especially at Athens and Sparta, the most familiar examples of the Greek city-state.

The nature of the Greek νόμος or law, again, was different from what we now understand by that word. With us the constitution is represented by the body of public law, consisting of legislative enactments and precedents, the slow and gradual growth of many generations. With the Greeks the constitution was the work of a lawgiver and the laws were mainly devices for (νομοθέτης),

The Nature
of Greek
'law.'

the protection of the constitution, their essential function thus being negative or prohibitive, rather than positive or injunctive. It must be understood, of course, that this distinction is but a broad one, and that in saying that the Greek constitution was generally the production of a creator, it is not meant to imply that constitutional development, resulting from the growth of time, is in any way denied. Growth, in fact, is the leading feature of Greek constitutional history. 'The most striking fact in Greek political development,' says a recent writer¹, 'is that real logical coherence was obtained by growth, that development led to a real system of law, not to a system of political conventions which, as in Rome or in England, patch up the rents made by adding new cloth to old gar-

¹ Greenidge, *Outlines of Greek Constitutional History*, p. 2.

GREEK CONSTITUTIONAL HISTORY. .

meats.' But the same writer, a few pages later¹, says that by public law the Greeks understood 'the protective measures by which the permanence of the constitutional arrangements of a country is secured, and the Greek *νομοθέτης* is a creator* before he is a legislator.' Herein, as has been pointed out, is no contradiction. It is merely that in the Greek state both factors exist—creation and evolution.

Greek political philosophy.

Probably among the Greeks we find constitutional law in its most perfect form, for just these very reasons. And that being so it is only natural that we shall find the Greek philosophers and historians full of expositions of political theory. It is an open question how far we are to take such philosophical dissertations as representing political thought among the generality of the people; but be that as it may, the pronouncements of the deepest and most learned thinkers of the day demand at least their fair share of attention.

From earliest times, right down to our own days, the fundamental question of political philosophy has always been, 'What is the moral basis of political obligation?' or, in other words, 'Why is it my duty to obey the State?' And throughout all history there have been found plenty of people who reply with Thrasymachus in the *Republic* of Plato, 'Because the state or government is

¹ Greenidge, *Outlines of Greek Constitutional History*, p. 9.

stronger than I.' Interesting as may have been Socrates' own correction of this position, as reported by Plato, it need not seriously be considered here, any more than More's *Utopia* need be taken into any real account in questions of modern politics. With Aristotle, however, the case is different. Without going so far as to say that he represents the political opinions of the average Greek, yet we may assume with all fairness that his conclusions mark a point in the growth of Greek thought, and as such may be given considerable weight in an attempt to realise the Greek attitude towards the state.

With Aristotle man is essentially a 'political Aristotle. animal (πολιτικὸν ζῷον)—a being with a natural tendency towards state-life. Not that man is naturally a member of a state or πόλις. The organised state comes only late in man's development. But he is by nature gregarious, and more than gregarious. His tendency is to become a member, not only of a congregation, but of a commonwealth (κοινωνία) of some kind. The first commonwealth is the clan (γένος), or assemblage of families; then comes the village (κώμη), or assemblage of clans; and lastly the state (πόλις), or assemblage of villages, the last stage being arrived at by some sort of a confederation of tribes, (συννοικισμός), such as is said to have been effected in Attica by the hero Theseus.

Thus, then, Aristotle's answer to the question, 'Why should I obey the state?' is simply, 'Because the state is natural.' The unsatisfied questioner proceeds to ask further: 'Granted that it is natural, what reason is there in that fact for my obeying it?' This necessarily leads to some enquiry into Aristotle's teleology, or doctrine of final causes.

Three postulates Aristotle always makes. Firstly, nature always tends to do everything for the best¹. Secondly, everything has its end towards which it is tending—its *τέλος οἷ τὸ οὐ ἔνεκα*,—the final cause for which it exists. And, thirdly, the true nature of a thing is its nature only when at its best. Thus, man is not in a 'state of nature,' as Hobbes and Rousseau held, when in his primitive condition, but when he is at the highest point of his development, a member of a carefully and well organised state. Identical with this doctrine is the other well-known dictum of Aristotle, that man is bound to obey the state because only in the state can he attain to well-being (*εὐδαιμονία*), his end or *τέλος*. A definition of this *well-being' enables us still further to understand Aristotle's position. It is not simply happiness, nor is it virtue, but the virtuous exercise of one's faculties².

¹ *Αγ. Εἰθ.*, I, ix, 5: τὰ κατὰ φύσιν ὡς οἶόν τε κάλλιστα ἔχειν οὕτω πέφυκε.

² *Αγ. Εἰθ.*, I, vii, 15: ψυχῆς ἐνεργεῖα κατ' ἀρέτην.

Or, as he more fully expresses it in the *Politics*¹, it is 'a fully developed practice and exercise of virtue, and that not conditionally, but absolutely.' We further gather that the active practice of virtue means the exercise of a number of high qualities which, according to Aristotle, are all factors in the character of the great-hearted gentleman, and the possession of which denotes the true 'best' man.

Now, the active practice of a series of virtues which includes such qualities as liberality

(ἐλευθεριότης), magnificence (μεγαλοπρεπεία), high mindedness (μεγαλοψυχία), and the like, necessarily demands, what Aristotle demands for his perfect man, certain external conditions. Poverty, lack of leisure, pain, are all fatal to the practice of virtue. It must be at all costs an unimpeded practice², without which the perfect man is an unrealisable ideal. And the perfect man is, it may be observed, the same as the perfect citizen—τελείος πολίτης.

And so we come to what was undoubtedly the position of very many of the Greeks, although it is improbable that they arrived at their conclusions by the same road as did Aristotle. The handicraftsman, the tradesman, the agricultural labourer, the slave, can never attain to true well-being, or, in other words, have no possibility of reaching

¹ *Ar. Pol.*, IV, xii, 3: ἐνεργείαν καὶ χρῆσιν ἀρετῆς τελείαν, καὶ ταύτην οὐκ ἐξ ὑποθέσεως ἀλλ' ἀπλῶς.

² ἀνεμπόδιστος ἐνεργεία.

high standard of human 'virtue,' because they have no time to practise virtue. Therefore they can never be true citizens of the state.

Here we get at once a very difficult problem of ancient political philosophy. What is to be done with these classes who can never be virtuous (**σπουδαῖοι**), because they have no opportunity of practising virtue? They cannot be given the rights of full citizenship, and yet, being free Greeks, they must not be in subjection. To this question Aristotle supplies an answer, which without doubt represented the attitude of the average politician since Solon's day. The better sort of the lower classes (**βάνανσοι**) may very well contribute some useful share to the government. Moreover, while in the unit the lower classes cannot be citizens of the highest value, yet in the aggregate the class is generally possessed of considerable sound common sense, and so must not be left out of all participation in the constitution. In short, the lower classes should be allowed a share in the functions of the deliberative assembly and the law-courts¹. But they must not fill magistracies of any sort. In fact, Aristotle says, with evident approval, that Solon gave the people the minimum of power, viz., the power of electing the magis-

¹ Ar. Πολ., III, vi, 6: *λείπεται δὲ τοῦ βουλευέσθαι καὶ τοῦ κρίνειν μετέχειν αὐτούς.*

trates and receiving their accounts after their tenure of office¹.

.What, then, according to Aristotle, is the best constitution for the average state? Of existing polities, that of Solon he considered the best. He recognised that democracies were, on the whole, more stably than oligarchies. As he says, the abuse of power in the hands of the rich is more destructive than in the hands of the people². Oligarchy, however, has its good features. The rich do more for the general good of the state than the poor, and moreover wealth can secure education, while poverty never can. Thus, after the first generation, at all events, the well-born citizen has used his wealth to acquire education, which is a necessary condition of virtue, and so becomes a 'good* citizen (*σπουδαῖος*).

While, however, approving of the Solonian constitution in its broad and general outlines, Aristotle is by no means prepared to accept it as the ideal. Solon admitted all citizens to some political rights, whereas Aristotle rather favours some small property qualification for the elective franchise, and a large one for actual office. On the other hand, Solon admitted his lower classes only to the election of magistrates, their examination after office,

¹ *Ar. Pol.*, II, ix, 4 : τὸ τὰς ἀρχὰς αἰρεῖσθαι καὶ εὐθύνειν.

² *Ar. Pol.*, VI, x, 5 : αἱ πλεονέξια τῶν πλουσίων ἀπολλύουσι μᾶλλον τὴν πολιτείαν ἢ αἱ τοῦ δήμου.

and judicial functions, these being in his day the only powers possessed by the Ecclesia. Aristotle, however, would admit them to the Ecclesia for all the extended functions appertaining to that body in his time.

It may be noted that, granted certain conditions, Aristotle would have chosen as his ideal constitution democracy pure and simple. The fundamental characteristic that marks the citizen of the best state is the capacity for ruling and being ruled in turn¹. But in this case every citizen must have the external conditions² necessary to goodness, leisure, education, and wealth. We shall see later how nearly the Periclean ideal of the Athenian state approaches to this ideal of Aristotle. Since these conditions are impossible in the average state, we may fairly say that Aristotle approves a democracy tempered with oligarchy or aristocracy. No citizen is to be ruled only, but only those citizens who are 'virtuous' are to have the full power of ruling. Those who are not—who cannot in the nature of things be so—are to share in ruling to a very limited extent, to possess only so much power as shall obviate the anomaly of a free Hellene being in a position of subjection.

It must always be remembered that, to the

¹ *Ar. Pol.*, IV, xiii, 5: ἐπιστασθαι καὶ δύνασθαι καὶ ἀρχεσθαι καὶ ἀρχεῖν.

² ἡ ἐκτὸς χορηγία.

Greek mind, the constitution was far more than the particular form of government under which men found it from time to time convenient to live. With them, as Isocrates said, 'the constitution is the soul of the state¹.' And again Aristotle, 'the constitution is the state².' With every change of constitution the nature of the state entirely changed. The identity of the state depends upon the identity of the ruling class, and so we find Aristotle saying that the constitution is the governing class, and, again, that the identity of the state is the identity of its constitution. No compromise is found in Greek politics. With a change of constitution the pendulum swings right over—the power passes in its entirety from one set of hands into another. And yet, despite all this, Aristotle remarks with perfect justice that where the laws do not govern there is no constitution. For, even when the constitution has been set up by the creator, unless it is hedged about and protected by the body of public law, it cannot exist. With Aristotle such an idea as individualism, as we understand it, is absolutely unknown—nay, inconceivable. Every kind of government interference which tends to produce 'well-being' is justifiable. He does not, indeed, go so far as the communistic Utopia of his predecessor Plato. State-interference in matters

The Greek conception of *πολιτεία*.

Comparison between Aristotle and modern views.

¹ *Isocr. Areop.*, § 14.

² *Ar. Pol.*, III, iv, 1: *πολιτευμά ἐστιν ἡ πολιτεία*.

of property, marriage, and the family is not contemplated. For, differing from Plato, who held that communism makes for harmony, Aristotle maintains that men care less for what they share with others, and most for what is their own¹. And, further, that private property is necessary for the exercise of such virtues as liberality, magnificence and temperance. But in making the idea that man is a political animal his starting-point, Aristotle differs radically from most modern political theorists, who start with the assumption that the individual has certain natural rights. In the political philosophy of the Greeks there is little respect for man as man. From the modern point of view it is the state that requires justification. With Aristotle it might almost be said that it is the individual who needs it.

**The Ancient and Modern State —
x. Differences.**

These differences between ancient and modern political thought arise mainly from three fundamental differences between the ancient and modern state, viz., the small size of the Greek city-state, the existence of slavery, and the existence of a close, hereditary citizenship. As to the second of these we may note that while there were at Athens 21,000 citizens, there were 10,000 resident aliens and 400,000 slaves. So long, therefore, as slavery existed, there could be no idea of the possession

¹ *Ar. Pol.*, II, i, 10.

of political rights by map and man, or even of civil rights, such as the right of a man to sue on his own, behalf, of marriage with citizens, and so forth. And, moreover, the small proportion borne by the number of citizens in the Greek state to that of foreigners, or of the free population, is a striking feature in Greek political history.

It is part of Aristotle's political theory that the state must be small enough for all the citizens to hear the sound of the herald's voice. Babylon was thus not a state at all; but what modification in his views the substitution of the modern press for the herald would have caused can be only a matter of conjecture.

In the modern state non-citizens have the same rights as citizens, and pay the same taxes. True, they are excluded from political rights, but even these can be obtained by naturalisation after a short period of residence, an idea absolutely non-existent in Greek politics. Democracy, therefore, which is now based upon a strong view of the rights of man, meant to the Greeks equality of rights only among a small body of free citizens.

It is instructive in this connection to note one or two points of resemblance between the ancient and the modern state. At Athens the system of prosecution for an unconstitutional proposal, (*γραφὴ παρανόμων*), provided against any attempt to subvert the political foundations of the state L

3. Resem-
blances.

while in the United States of America, which claim to possess the truest form of democracy that the modern world has known, a like result is attained by inserting in the constitution a number of permanent laws, which can be changed only by a general poll of the citizens. In the Swiss cantons, again, perhaps the nearest existing equivalent to the Greek city-state, the *referendum* gives us an attempt to realise Aristotle's principle that every citizen should take a direct, personal share in the government, by giving an appeal from the legislature to the communities on critical points of policy.

The Athenian state guarded against the possibility of tyranny by (a) Division of power; (b) Short tenure of office; (c) Examination of magistrates at the end of their term of office. We go further than this last, in allowing an official to be prosecuted even during the holding of office, and by maintaining the principle that directly he transgresses the law his action is no longer official but that of a private individual. The cry for triennial parliaments is a good parallel to the Greek theory of short tenure; while the modern democratic policy of payment of members recalls the much-abused innovation at Athens of payment for services to the state in law-courts, senate, or public assembly.

At present, however, we are immediately con-

cernsd with the Greek political idea, and it is that of Aristotle, as the most noteworthy of those that have come down to us, that we have endeavoured briefly to trace. Noble, however, as may appear Aristotle's political ideal, it implies several enormous drawbacks. He may say with truth that the end of the state is 'good life'¹, but for how few is that end possible when the nature of the state demands such things as slavery, the perpetual distinction between a privileged and an unprivileged class, and many other blots on political perfection? How, despite such hindrances, the Greek states, particularly those of Athens and Sparta, about which our information is most precise, attained to such perfection as was possible to them, it is the business of the following pages briefly to set forth.

¹ Ar. *Pol.*, I, i, 8: γινόμενη μὲν οὖν τοῦ ζῆν ἕνεκεν, οὕσα δὲ τοῦ εὖ ζῆν.

CHAPTER II.

THE EARLIEST HISTORY. MONARCHY.

The
Legendary
Period.

THROUGH the curtain of myth and legend that surrounds the beginnings of Greek social life, we can dimly descry certain features that help us to understand somewhat the social conditions in Greece in prehistoric times. Just as the *Morte d'Arthur*, the *Nibelungenlied*, and other great national romances supply us with foundations upon which to build our ideas of the manners and customs of the days therein described, so we may turn to the Homeric poems for guidance in our investigations into the conditions of life obtaining in the Greek states before the period of the Great Migrations.

Whether there ever lived any poet named Homer at all, or, if there did, whether he wrote the poems ascribed to his name; what is the probable date of their composition, and whether such an event as the siege of Troy ever took place, are questions beyond the scope of this book. Suffice it to say

that *the* internal evidence of the *Iliad* and *Odyssey* themselves leads us to assign them to a date well previous to the Dorian invasion of the Peloponnesus ; probably some time before 1106 B.C. Between this date and 800 B.C. the great migrations may be said with a fair amount of certainty to have taken place. And it is hardly conceivable that the forty-eight books of the Homeric poems should contain throughout no allusion to the Dorian conquest, or the Ionian and Aeolian, settlement of the coast of Asia Minor, if they had been written subsequently to these events. As Professor Freeman well puts it, 'the Homeric map of Greece is so different from the map of the country at any later time, that it is inconceivable that it should have been invented at any later time.'

One important fact must steadily be kept in mind while examining the testimony of the Homeric poems as to the nature of Greek life in prehistoric times. That fact is that the poems represent to us a period which has already reached a stage of considerable maturity. We cannot, perhaps, actually go so far as to compare the Homeric state with what we afterwards find as the city-state. Possibly in an investigation into what may be called the embryology of the latter we shall find the rudiments or the materials all ready for the later formation, but nothing like the developed being is yet present. The life of

The Homeric Stage a stage of maturity.

the tribe is so far scattered and **rural**. A town exists—it is even called **πόλις**—wherein dwell the king and chiefs; but there is no concentration of political or social life in it. It is as yet a fortress (**πόλισμα**), rather than a city (**πόλις**).

Yet for all this the embryo has reached a comparatively advanced stage of development, and we infer a time of real progress in the past. As Professor Jebb says¹, 'The Homeric poems are the oldest documents of Hellenic life. The Greek race, as first revealed by Homer, resembles the poetical art which discloses it. It is a matured type, which must have been gradually developed, though the antecedent phases of development are lost in a prehistoric darkness. The Homeric Greek exhibits all the essential characteristics and aptitudes which distinguish his descendant in the historical age. If his natural gifts are not yet in full exercise they only wait for opportunity and circumstance.

We find no conception in Homer of a Greek nation. The name *Hellas*, which in later times is used to indicate those parts of the world inhabited by Hellenes or Greeks, means only a small district in Thessaly, and, in one passage, possibly Greece north of the Peloponnesus. The various scattered tribes, while recognising kinship with one another, yet have no idea of a common nationality, just

¹ Jebb, *Homer*, p. 38.

as they have no common name for themselves. When speaking of the Greeks as a whole, Homer generally uses the term 'Achaians,' or, less frequently, 'Argives' or 'Danaans.' Strictly speaking, however, the latter two titles apply only to the tribe which accompanied Agamemnon to Troy. He was at* this time the principal monarch in Greece, ruling over Argolis, but dwelling at Mycenae instead of at the older city of Argos. More than half the Peloponnesus was under his sway; the rest, consisting roughly of Laconia and Messenia, being governed by his brother Menelaus, king of Sparta. The northern parts of Greece—Greece *extra Peloponnesum*—were governed by a multitude of petty monarchs, such as Odysseus of Ithaca, Telamon of Salamis, Peleus, king of the Myrmidones, and many others.

Monarchy is the form of government which prevails in the Homeric world, but it is a type of monarchy which differs essentially from that which exists in the surrounding nations. The Homeric monarchy was a voluntary and hereditary constitutional kingship, as Aristotle says¹, differing therefore from the non-Hellenic monarchies, in which 'all were slaves except one'². Aristotle further defines the nature of the heroic

The Homeric type of Monarchy.

¹ Ar. *Pol.*, III, ix, 7: (μοναρχίαι) αἱ κατὰ τοὺς ἡρωικοὺς χρόνους ἐκουσίοι τε καὶ πατριῶν γινόμεναι κατὰ νόμον.

² Eur. *Heli.*, 276: τὰ βαρβάρων γὰρ δούλα πάντα πλὴν ἑνός.

monarchy as follows¹:—'The founders of the monarchy, having proved themselves benefactors of the people in arts of war, or by having united a number of villages in a state, or acquired new territory, received the voluntary submission* of their subjects, and handed down the kingdom as an inheritance to their successors. Their authority was supreme in military command and in sacrifices, except such as were reserved to the priesthood; they also adjudged legal cases. This last they did sometimes under oath and sometimes not, the oath consisting in the stretching out of the sceptre.'

The
Homeric
King.

The title of the Homeric king—*βασιλεύς*—is of disputed origin. Curtius², connecting it with the roots *βα-* and Ion. *λεν- = λαο-*, makes it mean 'leader of the people'; and there seems very little reason for doubting this theory. He mentions, however, that Kuhn first referred the word to the stem *λεν- = λαθήρ*,¹ so that it would mean 'stone-treader,' referring to the old Teutonic and Celtic custom that the king should show himself to the people on a stone. Phonetically, adds Curtius, both explanations are possible, but he prefers the former as simpler, and also because there seems to be a want of evidence that the custom

¹ *Ar. Pol.*, III, ix, 7.

² Curtius, *Primer of Greek Etymology*, trans. Wilkins and England, 1886, Vol. I, p. 439.

on which the latter is based ever prevailed in Greece.

The Homeric king is far less a magistrate or state-official than the representative of a position. True, his office is hereditary, but this is an accident of the kingship rather than an essential, due to the Greek notion of the transmission of 'excellence' (*ἀρετή*) from father to son. So, when a man had proved himself a good king, the people naturally turned to his son after him. If, however, the heir were obviously unfit to rule, or an infant, or labouring under any other disability, the choice might fall on another, preferably a kinsman of the late king, but not necessarily so.

Thucydides describes the earliest Greek king-^{(x)As leader.}doms as 'patriarchal monarchies with definite powers.'¹ But even if this definition was originally true, the peaceful character of the position must have changed very early for a more warlike one. Aristotle describes the heroic monarchy as having its origin in conquest in war², and there can be very little doubt that he is right. It is as leader of the host that the ruler shows his excellence among all primitive or semi-primitive peoples. In the early days of a nation the struggle for existence is apt to become enormously intensified, and the ancient hero is almost always the successful

¹ Thuc., i, 13: *πατρικαὶ βασιλεῖαι ἐπὶ ῥητοῖς γέρασι.*

² *Ar. Pol.*, III, ix, 7.

general and fighting-man. The very name

βασι

" a s has been seen already, means leader of
λαός,

(2).As
priest.

the people, with which appellation we may compare the Roman title of praetor (*prae-itor*). The Spartans called their kings **ἰβάγοι**, and the Thessalians **τάγοι**, both military titles. The king, in short, is primarily an elected leader in war; the hereditary nature of the office is of later growth.

But besides being military leader, the Homeric king is also priest and judge. He sacrifices to the gods in the public sacrifices as father of his people, performing the same function as head of the state as the father of a family as head of the household. But his priesthood is limited. As Aristotle says*, he had control over all sacrifices that were not in the hands of special priesthoods, these being probably the heads of other families who held the hereditary priesthood of their clans. For the clan, when incorporated into the state, retained, at all events to some extent, its religious individuality, and so its separate rites and priest. The sacerdotal duties of the "king were therefore an accidental, not an essential part of his position. He performs only such priestly functions as have no special representative attached to them. He thus performs the duties of public hospitality, in obedience to the commands of Zeus Ἰσχυριεὺς and

Ag. Pol., III, ix, 7: κύριος τῶν θυσιῶν εἶναι μὴ ἱερατικάι.

is allotted a piece of ground from the public land (**τέμενος**) to belong to himself and his heirs for ever.

Thirdly, the king is judge—the interpreter of ^{(3)Ag} judge. the ordinances of the gods, and the depositary of the unwritten laws or precedents of the state. The former are represented by **δίκη**, 'justice'; the latter by **θέμιστες**, 'dooms.' The difference between the two may roughly be expressed by saying that *dike* is the general course of justice and upright conduct indicated (**ἔτ. δίκ-** to show') by Zeus, while *themistes* are judgments laid down (**ἔτ. θε-** 'to lay') on individual occasions, which have passed into currency as established principles of justice. As a matter of fact, *themistes* were regarded as quite as sacred as *dike*, both being under the direct guardianship of Zeus, who entrusts to the king's keeping 'the sceptre and dooms'.¹ For the dooms, though pronounced by the king, were regarded as of divine origin. The king is not the only judge any more than he is the only priest. There are many lawgivers—**δικασ- πόλοι**—in a state, nobles who sit in judgment as assessors of the king, and aid him with their knowledge of the divinely ordered justice. These are they who are spoken of as in the famous 'Shield of Achilles' passage in the Iliad^a: 'And

¹ Horn. //., ix, 99 : **σκήπτρον τ' ἠδὲ θέμιστας.**

² Horn. //., xviii, 503.

heralds kept order among the folk, while the elders on polished stones were sitting in the sacred circle, and holding in their hands staves from the loud-voiced heralds. Then before the people they rose up and gave judgment each in turn.'

Nomos, or formulated law, does not yet appear, dating as it does from the earliest codifiers of the hitherto unwritten dooms stored up in the traditions of many of the noble families of the latter state. When Plato says¹ that in heroic times men lived after their ancestral customs and laws, he probably means by customs (*ἔθη*) and laws (*νόμοι*) what have above been called *dike* and *themistes*.

Personality
of the King.

The source of the king's power in early days was undoubtedly personal. He is the best man in the state—best in various ways, in strength, in endurance, in wisdom, in oratory, and so forth. Aristotle distinctly lays down in the beginning of the *Politics* the maxim that it was personal influence that made the king- supreme. So we find that Odysseus boasts of his prowess in ploughing and mowing, and of his excellence in athletic contests. As a swimmer and archer he is pre-eminent; he builds his own house, his own raft, and his own bed. Mental and bodily superiority

¹ Plato, *Legg.*, 680 E: ἔθεσι καὶ τοῖς λεγομένοις πατρίαις νόμοις ἐπόμενοι ζῶσιν.

is the sole foundation of his position. As Grote points out¹, the various titles given to the Homeric kings are generally euphemisms intended to propitiate the monarch, and frequently belied by his own acts. Moreover (ἔσθλός, ἀγαθός) signifies brave, well-born, wealthy; and 'bad'; (κακός) poor, weak, low-born. Personal mortality does not enter into the question at all. It is on very different grounds that the influence of the king is based. And so Aristotle finds it difficult to understand the voluntary obedience rendered to the king, and can only account for it by supposing that in so primitive times men of great personal qualities² were rare, and thus the king had few competitors. So remote had become the idea of irresponsible monarchy to the Greeks of a later and democratic age.

Only two things exist in the heroic kingdom which enable us to trace a direct line of descent from it to the constitutional government of later times. These are the council of chiefs or princes, and the general assembly of the people. The former is of importance even thus early; the latter is conspicuous only by its absolute lack of power.

In matters of government, the existence of something like a primitive senate or Boulé, more

¹ Grote, *History of Greece*, Part I, chap. x.

² Arist. *Pol.*, III, x, 7: σπάνιον ἦν εὐρεῖν ἄνδρας πόλυ διαφέροντας κατ' ἀρετήν.

properly called, perhaps, Gerousia, or council of elders, is strongly evident. We frequently find mention in Homer of 'princes' (**βασιλῆες**), besides the king, these being the nobles of the tribe, who bore much the same relation to the king as feudal lords to their suzerain. In their own domains they are absolute ; they are rulers of monarchies within a monarchy, possessing, to use the old French formula, 'the right of the high, the middle, and the low justice.' They hold an hereditary position, descended to them from the original heads of the clans (**γένη**), incorporated in the community. Thus we find in the *Odyssey*¹ Telemachus, assuming that the kingdom of his father is to be taken from him, says, 'There are many other chiefs of the Achaeans in sea-girt Ithaca, kings (**βασιλῆες**) young and old; some one of them shall surely have this kingdom, since goodly Odysseus is dead.' And again we find Telemachus^a, in despair of asserting his position against that of the princes, calling an assembly of the people, and vainly appealing to them for the support which they have no power to give.

The heroic king, in short, is *primus inter pares*; he rules by divine right, but that right is no more divine than that of his peers, who, like himself, are 'heaven-reared' and 'heaven-born' (**διοτρεφεῖς**,

¹ Horn. *Od.* iii, 394.

² Horn. *Oct.*, ii, *ad init.*

δυναστείας); his position is merely 'the formal expression of an aristocracy, resting upon no independent basis of its own V Herein will be seen the cause of the easy transition from monarchy to aristocracy which will soon have to be traced, the power of the king wning exactly as that of the nobles increases.

These nobles act as an advising body to the king. They form the Gerousia, or assembly of elders or heads of claa, whose advice the king need not necessarily ask, nor follow if asked, which advice, nevertheless, he did as a matter of fact habitually take. They represent the hereditary wisdom of the state, and are moreover an influential body whose temper it would be unwise to cross; and no king was so foolish as to disdain their help. The king is actually only a sort of president of the committee formed by this assembly of heads of houses. He possesses no sovereignty (**ἀρχή**) over his nobles; his office is a rank (**τιμή**), and nothing more.

When the king and his princes had come to a decision, the people, that is to say all true-born citizens of full age, were summoned to the market-place (**ἀγορή**), and heard the decree. No vote was taken, but the people might, if they liked, express their feelings by shouts of assent or dissent, the result in either case being very much the same.

The
popular
assembly.

¹ Newman, *Politics*, ap. Fowler's *City-State*, p. 68.

It may be thought that an extreme view has been taken of the powerlessness of the assembly; but there is absolutely no evidence of the Homeric assembly ever having exercised any real influence in the decision of a question of state. In the first book of the *Iliad* an assembly is summoned in the matter of the daughter of the priest Chryses. Many speeches are made by the leaders of the host—the princes—and the people from time to time 'shout mightily.' But for all the heed paid to their shouting they might as well have held their peace. In the ninth book, again, an assembly is held at which much shouting goes on; but it is only after the assembly is dismissed that the princes meet to decide the question at issue. Therefore Mr. Gladstone would seem to have taken an exaggerated view of the importance of the assembly in the Homeric state when he said¹, 'The Boule seems to have been a most important auxiliary instrument of government, sometimes as preparing materials for the more public deliberations of the Assembly, sometimes intrusted, as a kind of executive committee, with its confidence; always as supplying the Assemblies with an intellectual and authoritative element, in a concentrated form, which might give steadiness to its tone, and advise its course with a weight adequate to so important a function.' The passage applies

¹ Gladstone, *Homeric Studies*, III, 98.

excellently well to the Ecclesia at Athens of many years later; as referring to the Homeric assembly it is hopelessly misleading.

Such, then, as far as we can learn, was the position of Agamemnon at Argos, Menelaus at Sparta, Nestor at Pylos, Odysseus in Ithaca, and others of the heroic kings. But we are wandering in a land of myth and tradition, partly winnowing from the chaff of legend what we can of the grain of fact, and partly inferring origins from what we find existent in later times. Nor do we come to anything like solid fact until after the period of the Great Migrations—the Dorian invasion of the Peloponnesus, and the Aeolian, Ionian, and Dorian colonisation of the islands of the Aegean and the coasts of Asia Minor. Then our real knowledge of Greek history may be said to begin, and we are talking about things which we may fairly claim to know, and no longer to guess.

With the legends of the return of the Hera-
The Great Migrations.
 cleidae, of Hyllus, and of Temenus, Aristodemus and Cresphontes, and their threefold division of the Peloponnesus, we have nothing to do. That a great wave of migration started in Thessaly and rolled downward through Greece, until its overflow reached even over the seas, and filled the neighbouring islands and coasts, we know. We know also that a general sorting-out of peoples and countries accompanied all this, and

that with the downfall of the prehistoric cities and their accumulated wealth we come to a fresh stage in the history of Greece, the age of a poor but hardy race, endeavouring to establish itself on the ruins whence it has driven its wealthier but effete predecessors. Civilisation undoubtedly suffered a great check. Tiryns, Mycenae, and other great centres of the wealth and culture of the day disappear, and we are left with a hardy and vigorous race of Hellenes, whose struggles towards moral and political excellence we shall follow with keener interest.

The down-
fall of
Monarchy

But the chief feature of the change is the general supplanting of monarchy throughout Greece. We have said that the Great Migrations were probably completed by 800 B.C. By the middle of the eighth century monarchy had practically ceased to exist throughout the Greek world.

CHAPTER III.

ARISTOCRACY AND OLIGARCHY TO TYRANNY.

So sudden and so wide-spread a revolution in general Greek politics as the ail-but universal change from monarchy to aristocracy which marked the latter half of the eighth century naturally calls for some enquiry into its causes. Its extent may be seen from the numerous examples of which we possess the records. At Athens the royal house of Melanthus lost its kingly power in 752 B.C., or, to be more exact, found it transmuted into a decennial prytany—a presidency of the state lasting for ten years. At Corinth, in 750 B.C., two hundred Dorian families, all descended from Bacchis, an early king of the dynasty of Aletes, seized the power and held it as a Dorian oligarchy restricted to the Bacchiadae. At Sparta the monarchy was nominally saved by the institutions of Lycurgus, but practically mortally wounded by his enactments. In Argos, similarly, the monarchy continued to exist, but only at the cost of abandoning

Transition
to Aristo-
cracy.

the hereditary principle, the kingship being taken from the Heracleidae and given to the descendants of Aegon. In Messenia a period of anarchy, caused by the attempted encroachments of the nobles upon the royal power, was succeeded by a grave weakening of the kingly prerogative. In Mytilene and other cities of Asia Minor and the adjacent islands we find the same thing happening, and at about the same time.

Causes of the transition: (i) Increasing power of nobles.

The causes of this great change were mainly two-fold. It must be remembered always that the nobles in the early Greek state were actually independent of the power of the king. They were ruling princes, who of their own free will consented to recognise one of their number as their leader. Never did this leader venture to attempt to rule without the advice of his peers; never did he try to assert any sovereign dominion over them. It is, therefore, at once obvious that the nobles could at any time readily govern without the king, but that it would have been difficult for the king to govern without the nobles. In such circumstances it is not so much to be wondered at that the kings should have lost their power to the nobles, but that they should have succeeded in keeping their power so long as they did.

During the stress and turmoil of the Great Migrations states felt the need of a king—a firm and powerful hand to guide his people through the

storm]" waters of war and revolution. But as soon as comparative peace had settled down once more, this need was no longer felt. The nobles themselves had learnt to know their own power in the time 'of danger, and they were unwilling now to return to the conditions of former days. And besides this they had shared to a large extent, often as widely as the king himself, in the fruits of victory. Their allotted lands were as extensive as the monarch's; they had gained much wealth, and therefore much influence, and were inclined to independence. And so it came about either that, when the king died, the nobles, instead of letting the kingly power pass to a successor, took it themselves, or they set themselves by deliberate faction to limit the royal powers in their own favour. The tide set strongly towards aristocracy, and even where the monarchy was suffered to exist, the king was a mere figure-head of state, retained for purposes of pageant or outward ceremonial of religion, a marionette, whose strings were in the hands of the oligarchy who worked him.

The second great cause lay in the small size of the city-state, which now begins to take a more definite existence—crystallised, so to speak, out of the materials already existent in the heroic community. The maintenance of the kingly position as something superior to all other authority de-

(2) Smallness of the City-state.

mands a certain amount of seclusion for its fcolder. 'The fierce light that beats upon a throne'• must not be brought too near to that throne, or the occupant loses much of the divinity that hedges him, and he is seen to be after all much as other men are. His mistakes and his vices are too clearly seen ; his actions are too open to criticism, and discontent, once engendered, easily grows to a head, and takes the form of active opposition. This, coupled with the fact already noted, that the power of the nobles had rapidly increased, and that their position had nearly approached to one of total independence, renders the downfall of monarchy easily intelligible to the careful student of Greek politics.

Nature of
the new
govern-
ment.

The supreme power was thus transferred from king to nobles—the constitution becomes an aristocracy instead of a monarchy. It remains to consider the precise nature of the new government. It has been said already that the nobles were the heads of the clans, the aggregation of which forms the Greek state. The clan or *yivos* forms an intermediate link between the family and the village community. It is itself an aggregation of families, and has its own head. When these clans combine for purposes of mutual protection to form the village (*κώμη*), the heads of clans constitute the council of elders, and if, by a further amalgamation (*συννοικισμός*), a number of villages

are formed into a larger community, these heads still retain their position, and are always a power to be reckoned with in the state.

These are the princes into whose hands the authority has now passed. The clan itself was a closely-restricted corporation, the members of which regarded themselves as connected by ties of blood, and derived their descent from a common ancestor, who was frequently divine. Thus the number of the clansmen (**γεννηται**) could not be recruited by any possible means save adoption. The creation of new citizens of a state had no effect upon the **γένος**, whose ranks were absolutely closed to any new-comers. These clans had religious ceremonies of their own, guarded by hereditary priests, the religious tie being at least as effective as that of blood. It has been mentioned before that the king himself was not allowed to act as priest or sacrificer for the clan-ceremonials, the performance of which was jealously kept within their own numbers. The knowledge of customary law was hereditary in the clans, and the wealth of the state was to a large extent in their hands. They were, in fact, the great landowners. They were thus representative both of culture and of wealth; they stood out pre-eminently as the aristocracy,—using **ἀριστος** in its true Greek meaning. They were the best men of the state.

Primarily, however, they were best from a mili-

tary point of *vipw*. The first **privileged class** after the abolition of monarchy was, as Aristotle says, in all cases the knights or the charioteers i" (*ἱππεῖς*).

The lower classes were the light-armed troops (*ψῆλοι*), who obtain no political recognition **until** the most liberal form of democracy is reached, the intermediate step being the granting of privilege to the hoplites. And prowess in battle depending to a great extent on the possession of wealth sufficient for the knightly equipment, the government is seen to be at once dependent on merit and on wealth¹.

Composi-
tion of the
new Aristo-
cracies.

The merits or demerits of the rule of the newly-established aristocracies are difficult to ascertain, beyond one or two well-marked facts. Of the actual composition of the governing bodies themselves we know more. For instance, we know that at Athens the last true king, Codrus, was succeeded by archons holding office for life, eligibility for election being confined to the Codridae or Melanthidae, the dynasty founded by Melanthus. The number of the archons thus established was three—the archon Basileus, the Archon, and the Polemarch, the last-named pair being intended as a check on the powers of the archon Basileus. For twelve generations the government continued so at Athens, and then the office of archon became decennial¹ *Ath. Pol.*, 3: ἀριστίνδην καὶ πλουτίνδην, the state,

and the Basileus and Polemarch coming after him. The Archon is sometimes known as archon Eponymus, the year being known in the calendar by his name. Still later, again, the archonship was thrown open to all Eupatridae—the members of the clans, who were at once the aristocracy and the plutocracy of Athens.

Somewhat similarly at Corinth, the Bacchiadae, all claiming connection with the royal house, assumed the supreme power. At Larissa and Pharsalus the Aleuadae and Creondae, royal clans, took over the government; and at Mytilene the Penthelidae. In all these cases hereditary monarchy was succeeded by hereditary oligarchy, by the rule of strictly preserved clans, marrying only within their own ranks, and on no consideration admitting outsiders to their sacred numbers. At Athens, however, with the opening of the archonship to the Eupatridae, we get an example of the other kind of aristocracy, the ruling power lapsing into the hands of the clans in general, and not of one *in* particular.

But in all cases one feature is common to aristocratic government, its rapid degeneration into oligarchy. The emphasis comes to fall more and more on *πλουτίδην*, and less and less on *ἀριστίδην*. In some cases the possession of birth and wealth very nearly coincided, as at Athens, where property consisted almost entirely of land, which was

Change to
Oligarchy.

wholly in Eupatrid hands. But in others, such as the maritime cities of Asia Minor, wealth came by trade, and aristocracy tended to disappear before an oligarchy of wealth pure and simple. And with the change came naturally oppression of the poorer and unprivileged classes. In such cases we find records of maladministration of justice, open oppression, and unbridled violence. The same phenomenon is, and has been seen throughout the world's history, that the sudden acquisition of wealth is liable to turn men's heads, and the *nonveau riche*—the rich but uncultured man—has ever been accepted as a type of bully and cad. To an oligarchy of wealth, in fact, more nearly apply the well-known words of Herodotus¹, used by him of the traditional irresponsible monarch: 'It overturns the established customs of the country, violates women, and puts men to death without trial.' The old kings had been surrounded by a halo of divine tradition; the very antiquity of their office had gained for them the reverence of their people. The new oligarchies had nothing to recommend them—*nulla viriute redempta a vitiis*.

The great
merit of
aristocracy.

But we cannot yet proceed to deal with oligarchy and its consequences without first reverting for a moment to aristocracy. It may be thought that in the change from monarchy to aristocracy,

¹ Herod., iii, 80: *νοματὰ τε κινεῖ πατρία, καὶ βιάται γυναῖκας, κτείνεαι τε ἀκρίτους.*

and thence to oligarchy, the Greek cities had done themselves no good—that their last state, in fact, was worse than the first. But this is not so. The change to aristocracy, or even to oligarchy, had done one thing for Greek-state life, the effects of which could never disappear. It gave the Greeks their first idea of a community of citizens, their first idea that the duty of a citizen was to his city and not to his king, their first idea of the legal rather than the divine basis of political power. The Greeks, in short, now made a community their object, and established constitutional power¹. True the community was at first a very small one; the privileged class was exceedingly limited, and the legal basis of power seemed as yet far to seek. But the seed was sown of all the popular movements that followed, concerning the distribution of power among the privileged class itself, between privileged and unprivileged, or among the members of a pure democracy. Whatever the moral character of the early aristocracies may have been, it was they who first conceived the notion of public duty—of duty towards the state—and so made the development of civic life possible for after generations. In the words of Grote², 'We are first introduced to a community of citizens, according to the definition of Aristotle,—men qualified, and

¹ *Ar. Pol.*, III, x, 7: ἐξήτουν κοινόν τι καὶ πολιτείαν καθίστασαν.

² Grote, *History of Greece*, Pt. II, chap. ix.

thinking themselves qualified, to take turns in command and obedience. The collective sovereign, called the City, is thus constituted.'

Colonisation.

Even from oligarchy, the degenerate form of aristocracy, some good results followed. NoV that there was any good in oligarchy itself, but its very evils produced, despite themselves, beneficial effects. These consist in the enormous impulse given to colonisation during the eighth and seventh centuries. The causes of this are obvious. In the first place, the oppression and exploitation of the unprivileged classes naturally drove them to look for some escape from their miseries, the simplest seeming to be a change of habitation. They would be inclined the more readily to this from the fact that the consequences of the great migrations were by no means finished in Greece. In most states there was still a large overplus of population, needing but the necessary impulse to cause it to betake itself elsewhere ; and this impulse was found in the bad government of the oligarchies.

Secondly, although timocracy or plutocracy is not yet found definitely existing anywhere in Greece as a recognised basis of government, yet the possession of wealth is an almost necessary condition of the exercise of power by an oligarchy. And as in the course of time there would come to be many of the ruling class, or landed pro-

GREEK CONSTITUTIONAL HISTORY.

prietors, who had from one cause or another lost their wealth, these would find themselves, to use a modern expression, the holders of a position, but lacking the means to maintain it. Others who, while in the commercial progress of the age they had gained much wealth, were debarred from political power by the meanness of their birth, were equally ready to 'change their sky' and find elsewhere the room for growth denied them at home. Among these two classes the discontented populace frequently found a leader for their colonising expedition.

Often, again, quarrels and dissensions arose among the ruling classes themselves, and young nobles, under the ban of crime or driven forth by revolution, set out to seek for themselves new fortunes elsewhere, taking with them bands of their own retainers, or putting themselves at the head of a popular emigrant body. Of this nature was the founding of Syracuse in 734 B.C. by Archias, a member of the house of the Bacchiadae at Corinth, who had been compelled to leave his native city by the curse consequent on a murder. In 708 B.C. Tarentum was founded by the Partheniae of Sparta, all born of the governing party, and expelled by internal causes. The colonies on the Euxine, chief of which were Cyzicus (756 B.C) and Sinope (circ. 720 B.C) were founded by the Aeginetae of Miletus—the rich trading class, as

their name indicates, who thus sought an outlet for their political aspirations. The discontented populace of Megara, smarting under the outrages of their oligarchy of birth in the seventh century, founded Chalcedon (675 B.C.) and Byzantium (658 B.C), and penetrated into the Euxine.

Rise of
tyranny.

It was, for the most part, commercial enterprise that gave the great stimulus to colonisation in this age. Wealth gained by trade was not content to submit to the dominion of position conferred by birth. 'It was the age of discontent, which is the basis of enterprise.'¹ But colonisation was not the only remedy that the unprivileged classes devised for their grievances. Just as the middle of the eighth century witnessed throughout Greece the almost universal overthrow of monarchy, and the establishment of aristocracy or oligarchy, so the seventh century saw the setting up of tyrants in nearly every important city in Greece. And, strange as it may sound, the same cause which led the democracies to cross the seas and found colonies in order to escape from the oppression of the oligarchies at home, led them to make themselves tyrants to escape from that oppression in another way.

The majority of the Greek tyrannies arose from commercial reasons. As Thucydides says², they were due to the increasing wealth of Greece. It

¹ Greenidge, *op, cit*, p. 25.

² Thuc, i, 13.

was thus that tyranny came about at Corinth,—Corinth the wealthy,—where the rich traders and manufacturers, tired of being plundered of their possessions by the Bacchiadae, chose Cypselus as their champion, and set him up as despot. The rise of tyranny at Sicyon, also a commercial centre, at Megara and at Syracuse, came about in much the same way.

But before we attempt to follow out the history of the various tyrannies established in this way, or of others which had more or less different origins, one question requires an answer. What was a tyrant in the Greek sense? In the first place, he was by no means the same as is meant by the English word tyrant. There is no connotation of cruelty, oppression, or misused power. The Greek **τύραννος**, (a word probably of Lydian origin¹, and added to the Greek language during the seventh century), was simply an absolute, irresponsible monarch. As used in Greek politics, the name implies that the monarch has gained his power by unconstitutional methods, by some kind of a revolution, in fact. He is outside the scope of the laws,—not precisely above them,—and stands outside of the constitution. He might be a benevolent despot—and in fact not infrequently was. He might be an autocratic oppressor of his people,—and more often than not proved so. But there

What was
tyranny?

¹ Boeckh, *Corp. Inscr.*, 3439 n.

GREEK CONSTITUTIONAL HISTORY.

was absolutely nothing in the word tyranny (**τύραννις**) implying one or the other. It simply meant an unconstitutional monarchy.

Greek
hatred of
tyranny.

But to the Greek of later days no epithet was too bad to be applied to tyranny. All the good that tyrants might have done to different Greek states was forgotten. Tyranny and all that pertained to it was accursed in their eyes. To quote a few instances: Aristotle's definition of tyranny is, 'Monarchy used for the benefit of the monarch'.¹ And again, in another passage, he draws in vivid colours the unrestrained passions and lustfulness, and the vicious life of the despot. Herodotus, in a passage already quoted², says, 'The best man in the world, in such a position, will find himself beyond the control of the ideas in which he has been brought up. . . . He is possessed of every vice; swelling with conceit, he commits all manner of outrage. . . . He overturns the established customs of the state, violates women, and puts men to death without trial.' Plato in the *Republic*³, Xenophon in the *Hiero*⁴, and the Greek poets throughout⁵ speak to the

¹ *Ar. Pol.*, III, v, 4: ἡ μὲν γὰρ τυραννίς ἐστὶ μοναρχία πρὸς τὸ συμφέρον τὸ τοῦ μοναρχοῦντος.

² *Vide* p. 38.

³ *Cp. Plato, Rep.*, viii, 17.

⁴ *Xen. Hiero*, ii, 8: Οἱ τύραννοι πάντες πανταχῆ ὡς διὰ πολεμίας πορεύονται.

⁵ *Cp. Eur. Suppl.*, 414 sqq., *Theognis*, 38 sqq.

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same effect. To use the words of Grote¹, 'These philosophers regard the despot as among the greatest of criminals. The man who assassinated him was an object of public honour and reward, and a¹ virtuous Greek would seldom have scrupled to carry his sword concealed in myrtle-branches, like Harmodftis and Aristogeiton, for the execution of the deed.'

The causes of all this were as simple as they were unwarranted. The tyrant was above or outside of the law. That is the whole secret. He was an outlaw in every sense of the word. Being uncontrolled by the law, he could not be supposed to act according to the law, and therefore his deeds must have been illegal and his character immoral. His life was one long page of blackest sin, and nothing about him can have been good. In fact, the Greeks could not conceive of a man in a position of irresponsibility resisting the temptation to self-aggrandisement, rapacity, and lust.

How far the Greeks were right in this opinion the next chapter shall endeavour to show. We shall see, at any rate, how true it is that men are blinded by prejudice, and that the events of one generation need the perspective of length of time for their proper appreciation. For, looking back now, the historian can see that, despite the asser-

¹ Grote, *History of Greece*, Pt. II, p. 402.

tion of Thucydides¹ and Aristotle² that the tyrant ruled not in the interest of the people but in his own, still tyranny was in general more beneficial to the majority of the cities of Greece than any other government that they experienced.

¹ Thuc., i, 17: Τύραννοι δὲ . . . τὸ ἐφ' ἑαυτῶν μόνον προαράμενοι.

² Ar. *Eth.*, viii, 10, 2.

CHAPTER IV.

THE AGE OF THE TYRANTS.

'THE tendency towards absolutism, or, if we like so to call it, the reaction towards monarchy, which was so characteristic of this age¹ showed itself in different forms in different cities. The tyrant might, like Pheidon of Argos (? 675 B.C.), be a descendant of the original royal line, who found means to put the oligarchy once more under his own sway. Or he might have been elected by the oligarchy themselves for some special and temporary purpose of administration, and have succeeded in retaining his position permanently. Such was Phalaris of Agrigentum (circ. 570B.C.), the hero of the brazen bull, who had been appointed to a position of high authority in the city, armed his servants and clients, and seized the supreme power. Or, and this was the most common case²,

Varieties
of Tyranny.

¹ Warde Fowler, *The City State*, p. 140.

² Plato, *Rep.*, viii, 17: (τύραννος) ἐκ προστατικῆς βίης καὶ οὐκ ἄλλοθεν ἐκβάλλεται. Cp. also *Ar. Pol.*, VIII, viii, 2.

he might have come forward as champion (**προστάτης**) of the people, to redress their grievances and to procure them their demanded rights. Instances of this kind are Orthagoras at Sicyon (660 B.C.), and Theagenes at Megara, (circ. 650 B.C.). Lastly, though rarely, the tyrant might be a constitutionally appointed dictator (**δικτυμνήτης**), granted for the time absolute and ultra-legal powers, to deal with some internal crisis or urgent national danger. Of this class were Pittacus at Mytilene (circ. 610 B.C.) and Solon at Athens (594 B.C.), the latter appointed as a **νομοθέτης** or constitution-maker in the troubles caused by internal dissensions that followed the expulsion of the Alcmaeonidae, and with whose reforms we shall deal more fully in a later chapter. Such a dictatorship is described by Aristotle as an 'elective tyranny',¹ coming somewhere between monarchy and tyranny; royal, in that the monarch rules at the bidding of the laws and over willing subjects; tyrannical, in that he is absolute and rules according to his own will.

Good
effects of
Tyranny.

Before proceeding to enquire more in detail into the actual working of some of the most important of the Greek tyrannies, we may state and examine at once what seem to be the chief benefits resulting to Greek political life from tyranny,—benefits which the Greek writers them-

¹ Ar. *Pol.*, VI, viii, 2.

selves appear for the most part to have failed to perceive.

In the first place, the tyrant was put, by virtue of his extraordinary position, 'beyond the control,' as Herodotus says, 'of the ideas in which he had been brought up.' Herein lay one of his chief virtues, little as Herodotus himself appreciated the fact. The one way for a man to progress is by getting outside of the ideas in which he has been nurtured. Breadth of view must be acquired at any cost; and breadth of view was at all times what the Greek city-state most lacked. It was in general far too content with the ideas of its youth, and it may be set to the credit of the tyrants that, unpleasant as the process often was to those to whom it was applied, they dragged the cities out of the slough of apathy into which they were rapidly sinking.

For us in modern times, with our highly-developed notions of imperialism, our easy means of communication with all parts of the globe, our newspapers, and our general cosmopolitan life, the social condition of the Greeks is not always easy to understand. Where the Greek was, there he tended to stay. The inhabitant of a small city, with a modicum of surrounding territory attached thereto, his ideas of progress and of large development were very limited. Relations with the outside world he had practically none, save in the

case of a very few commercial cities that were beginning to engage in trade. But even with these enterprise was confined to the rich ruling class, and only so far as it could immediately benefit their purses. 'The ideas in which they had been brought up' contented them; it were a sin to try to go beyond them. What, save a revolution of the most deep-reaching kind, will arouse from desuetude a people whose aversion to change is so great that the proposer of a new law must appear before the assembly with a rope round his neck, the noose of which is immediately tightened if he fail to convince his hearers of the necessity of his proposition ?

The tyrant, however, just as he was himself a creation altogether foreign to the *πόλις*, overstepped all the artificial bounds of narrow city life. Not content with his own limited power, he turned to thoughts of empire, built himself fleets, meditated alliances with other nations, from all of which commercial expansion was bound to result. The essential nature of the city-state was *αὐτάρκεια*—self-sufficiency and independence. But the tyrant was restricted by no such considerations. His eyes were ever ready to contemplate men and cities, and his mind and hand to accept any good that he might find among other nations. The tyrants, it may be noticed, were the first to offer anything like public patronage to the arts and

literature, which everywhere flourished under their rule. And although they may very probably have done this for their own pleasure and to tickle their own vanity, still the fact remains that the liberal arts benefited wonderfully under their rule, and that they had never before received the slightest encouragement.

'In such ways,' says Mr. Warde Fowler¹, 'even while seeking his own glory, and violating the most vital principles of the older Greek life, he opened the eyes of the Greeks to things that lay beyond their narrow bounds, and had never been dreamed of in their philosophy since the age of Mycenae.'

And tyranny did more than this. It is the stepping-stone between oligarchy and democracy, or at times, as will be seen, between the old dynastic oligarchy and oligarchy of a constitutional type. It has well been remarked that a state that had once escaped from hereditary oligarchy by way of tyranny never sank back to its former degraded position. And besides crushing the power of the family oligarchies, tyranny taught the nobles how to live on equal terms with their fellow-citizens, even though it might be only under a common domination. 'Universal subjection was at least one of the modes in which

Resulting
national
spirit.

¹ Warde Fowler, *The City State*, p. 145.

true democratic equality might be secured¹. Possibly the despot may have found it to His interest to 'lop off the tallest ears of corn'—to keep under the prominent men among the oligarchy. But he also uplifted the people and, so far as he could, set them and their former oppressors on the same plane. Even Herodotus, hater as he was of tyranny and all its ways, is forced to admit² that the rule of the Peisistratidae first created in Athens a national spirit.

The tyrants
of Sicyon.

The earliest tyranny of which we possess any reliable records is the dynasty of the Orthagoridae at Sicyon, which lasted for a hundred years, a longer period than any other in Greece. Orthagoras overthrew the oligarchy in 676 B.C., by what means we do not precisely know, and is said to have governed with moderation and success. But of him and his successors, Andreas, Myron, and Aristonymus, we know practically nothing. Our real information begins with the last of the line, Cleisthenes, whose rule began somewhere in the first half of the sixth century. His history is greatly confused with legendary stories, but we know enough to gather that his great object, from a political point of view, was the degradation of the supreme Dorian section of the state in favour of the non-Dorian or Ionian element. He altered

¹ Greenidge, *op. cit.*, p. 25.

² Herod., v, 66.

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the existing Dorian tribe-names, Hylleis, Pamphyli, and Dymanes, (which we find also at Sparta and in all Dorian states), to those of Hyatae, Oneatae, and Choeratae, derived respectively from **ὑς**, a boar, **ὄνος**, an ass, and **χοῖρος**, a little pig. His own non-Dorian tribe he entitled, in contrast to these, Archelai, leaders of the people. Not content with this, he endeavoured further to expel from the land the national hero Adrastus, who in the two wars against Thebes, renowned in the *Seven against Thebes* and other dramas and epics, had been the great champion of Argos and Sicyon. His reason for this was principally hatred of Dorian Argos, Adrastus having been a native of that city¹. The oracle at Delphi sternly refused its permission to the proposed banishment, and Cleisthenes thereupon had recourse to another device. He sent to Thebes and requested that he might be allowed to introduce into Sicyon the worship of the Theban hero Melanippus, the great enemy of Adrastus in the Theban wars. Naturally when Melanippus was granted a **τέμενος** or sacred enclosure in the city, and the sacrificial rites hitherto paid to Adrastus, the latter quitted the place he had formerly protected. The choruses until now held in honour of Adrastus were transferred to Dionysus.

¹ Herod., v, 67 : ταῦτον ἐπεθύμησε ὁ Κλεισθένης, ἔντα Ἀργεῖον, ἐκβαλεῖν ἐκ τῆς χώρας.

GREEK CONSTITUTIONAL HISTORY.

General
policy of
the tyrants.

It has been worth while to repeat this lengthy tale, involved as it is in the darkness of myth, because in it we can trace one element of truth, an element which we find in all the accounts of the Greek tyrannies, viz., the universal desire of the tyrants to elevate the lower classes of the population at the expense of the dominant section. The latter were the great source of danger to them; in the former lay their hopes of power. Therefore we find Cleisthenes degrading the Dorian oligarchy, transferring the religious ceremonies of the clans to the people, and substituting for the aristocratic festivals of the nobles the popular cult of Dionysus. It was not only at Sicyon that this was the case. The Peisistratidae at Athens and the Cypselidae at Corinth made the introduction of the Dionysiac worship a feature of their policy, hoping by the establishment of a new, traditionless cult to abolish the aristocratic influence of the old clan religions.

The tyrants
of Corinth.

Cypselus.

The tyrannical dynasty at Corinth, known as that of the Cypselidae, after its founder Cypselus, lasted some seventy years. Cypselus was the son of Eetion and Labda, the latter belonging to the ruling house of the Bacchiadae. Being connected only on one side with the governing faction, Cypselus was excluded from their ranks, a fact which enraged him so much that he allied himself with the people, and by their aid became tyrant (655

B.C.) He is said by Aristotle¹ to have been a wise and moderate ruler, so popular that he never required even a body-guard for his personal safety. Herodotus², on the other hand, makes him a blood-thirsty despot, whose reign was marked by every kind of extortion, violence, and bloodshed.

The accounts of his son Periander (625 to 585 Periander B.C.) are even more extraordinary. All that his father had left undone in the way of merciless oppression Periander performed. The burden of taxation became weightier at Corinth than under any Greek tyrant. And yet we find many writers, among them Aristotle, maintaining that all this was deliberate policy on the tyrant's part, with the object of keeping his subjects poor and so compelling them to work in order that they might live. We have, for instance, the tale that Periander one day stripped all the women of Corinth of their golden ornaments that he might set up a golden statue at Olympia. And another, that for ten years he exacted a property-tax of one-tenth. Whatever may have been the tyrant's private character, and we may safely regard many of the stories told of him as calumnious inventions, we may justly assume that he was the inveterate foe of luxury and dissolute living among his subjects, and we know that under him Corinth attained to a degree of power that she never again reached.

¹ Ar. *Pol.*, VIII, ix, 22.

**Importance
of the
reign.**

Herein we find the political importance of Periander's reign. It has been remarked above that among the great services rendered by the tyrants to the Greek states were their broad ideas of empire, and of communication and friendship with external nations. In these respects Periander was conspicuous. Under him we find Curcyræ, Ambracia, Leucas, Apollonia and Anactorium all under Corinthian sway. He conquered Epidamnus and Aegina; he was a close ally of the king of Lydia, and probably in friendly relations with the Pharaohs of Egypt, as the Egyptian name of his successor, Psammetichus, would seem to indicate. The commerce of Corinth thus increased enormously, and her prosperity was reflected in the beauty of her streets and public buildings. A constant throng of poets, architects and painters surrounded the tyrant, and their best efforts were directed to the carrying out of his designs for adorning the city and making it pre-eminent in Greece for its patronage of letters and the arts. And the effects of this policy never died out, until the day when the Roman consul Mummius with desecrating hand robbed Corinth of all her artistic treasures, and laid her monuments of beauty and culture in the dust.

Megara. We find the results at Megara of the tyranny of Theagenes, a contemporary of Periander (circ. 630-600 B.C.), much the same as we have found at

Corinth. Theagenes was an instance of the demagogue-tyrant, the champion of the people raised by them to power as a means of escape from the domination of the oligarchy. During his reign Megara reached the zenith of her power. Her colonies, from Byzantium on the Bosphorus to Thapsus on the coast of Africa, prove the greatness of her commerce ; the strength of her navy is shown by the difficulty that even so powerful a state as Athens found in recovering Salamis from her possession. But the rule of Theagenes was not a peaceful one. The expelled oligarchy returned and drove out the tyrant, whereupon a period of discord and anarchy seems to have followed. The Megarian poet Theognis, posing as the champion of the oligarchy of birth, bewails in bitter terms the downfall of the old order and the increased power of the rich. And after the time of Theagenes the power of Megara gradually sinks.

Polycrates of Samos (circ. 535 B.C.) appears as Samos. the founder of the first naval empire. With Amasis, king of Egypt, he long was in alliance, and when that monarch threw off his connection Polycrates joined with Cambyses of Persia in attacking his former ally, sending a fleet of forty triremes as his contribution to the war. He conquered several of the islands lying round Samos, and even some towns on the mainland, the great object of his ambition being the supremacy over

the Aegean Sea and its coasts. Under Polycrates Samos was the chief of all cities, Greek or barbarian¹. The enormous public works constructed in the island were the admiration of all antiquity, Herodotus and Aristotle alike mentioning them in terms of praise.

Of the famous tyranny of Gelon at Syracuse we need not speak in detail. All the cities of Sicily had fallen under the dominion of tyrants before 485 B.C, except Syracuse. In that year Gelon, tyrant of Gela, was called in to settle difficulties which had arisen between the aristocracy and the people of Syracuse, and succeeded in making himself master of the city. By means of various judicious alliances he soon became supreme over the whole of the south-east of Sicily, and of necessity came into conflict with the Carthaginian power. The latter was repulsed in the great battle of Himera (480 B.C), and Syracuse and Carthage continued to share the dominion of Sicily between them until a comparatively late date.

Athens. With the Peisistratidae of Athens we shall not deal here. It will be more convenient to leave them to be considered in a later chapter, to be devoted to the constitutional history of Athens in particular.

¹ Herod., iii, 139: *πολιῶν πασέων πρώτην Ἑλληνίδων ἢ βαρβάρων.*

But enough has been said already to show that the age of the tyrants has been painted too often in blacker colours than it merits. The tales of the despots' cruelty and oppression which have come down to us are warped and distorted throughout by the hatred of the oligarchies whom they overthrew, as we have seen in the case of Theognis, the Megarian poet. And in reading the accounts of ancient writers we are too apt to forget the services rendered by the tyrants to Greek civilisation; services which we have endeavoured to point out in the preceding pages. 'There is no doubt,' says a modern writer¹, 'that they numbered many cruel and unscrupulous men among them, but when we remember the evils from which they delivered the mass of their countrymen, it does not seem too much to say that a perpetual freedom from the worse horrors of oligarchy was cheaply bought at the price of forty or fifty years of rule by a tyrant.'

General
conclu-
sions.

¹ Oman, *History of Greece*, p. 100.

CHAPTER V.

OLIGARCHY—THEBES, CORINTH, MEGARA, ETC.

The beginnings of reliable history.

'WITH the close of Greek tyranny the ancient history of Greece is left behind us. The rest is modern, in the sense now so familiar to us, of history that is modern in its characteristics. If, as has been said, the history of civilisation is the passage from status to contract, we may say that status in Greece had now been left behind, and that the basis of the contract on which society rests was to be examined and criticised. The most definite answers to the question appear in the various forms of constitution which were now to spring up. . . . It was Greek tyranny which, by breaking down all artificial barriers, prepared the way for the "bazaar of constitutions"¹ exhibited in Aristotle's *Politics*.¹² For the sake, therefore, of convenience in dealing with this⁴ bazaar,' and of conciseness in writing, we may classify Greek constitutions, after the close of the

Classification of Constitutions.

¹ Maine, *Ancient Law*, chap. 5. ² Greenidge, *op. cit.*, p. 34.

period of tyranny, under three main heads. We shall find firstly a few oligarchies still remaining, of which it will be well to treat briefly. There will be a great type of a mixed constitution—Sparta—which shall serve us as a sufficient example of this class, with possibly a word relating to the Cretan polity. Lastly, there will be a number of democracies of which the greatest and most perfect is Athens. And as democracy was in all cases the final goal to which the Greek city-state tended, we shall find it best to deal with the three classes in the order mentioned.

The constitutional history of Thebes is a mere Thebes. political see-saw. The changes from democracy to oligarchy, from oligarchy back to democracy, follow one upon another with bewildering suddenness ; and we have the unusual spectacle of a city, in one year the head of an oligarchic, and in the next of a democratic federation. To secure her position as the head of the Boeotian confederacy Thebes readily sacrifices her political likes and dislikes, and swayed, as we shall see, by her powerful neighbours, she continually models her constitution according to the requirements of the immediate present.

The monarchy at Thebes came to an end some The Boeotian confederacy. time in the eighth century, and thenceforward the government seems to have consisted of an oligarchy of landed interest, persons engaged in trade

being strictly excluded from participation therein. The city stood at the head of a confederacy including the whole of Boeotia, among the towns thus federated being Orchomenus, Coroneia, Haliartus, Tanagra, Thespieae, Plataea, Copae, and others. That this hegemony of Thebes is of very ancient standing is indicated by the appeal made by the Thebans to the 'ancient constitutional maxims of the Boeotians,'¹ to justify their harsh treatment of the revolted Plataeans early in the Peloponnesian War. The confederacy was governed by a board of magistrates called Boeotarchs, elected annually, the different cities being represented in some proportion unknown to us. In B.C. 424, at the time of the battle of Delium, we find eleven Boeotarchs existing, of whom two were Thebans. Each city had its own constitution and council, but the general management of the league was in the hands of Thebes, which town seems to have been acknowledged by all as a superior force; and any signs of rebellion on the part of members were repressed with conspicuous harshness and brutality.

In B.C. 728 the Boeotians invited Philolaus, a Bacchiad of Corinth, who had removed to their city, to draw up for them a constitution. Of the laws thus formulated we know but little, and that

Thuc., ii, 2: *κατὰ τὰ πάτρια τῶν πάντων Βοιωτῶν.*

gathered from a most meagre account of them given by Aristotle¹, who says that they concern the propagation of children, being in some way directed towards securing the permanence of the governing oligarchy in Thebes.

The unpatriotic part played by Thebes in the Persian wars appears to have weakened very seriously the position of the oligarchical party, and at some date between 479 B.C. and the battle of Oenophyta (456 B.C.) the government was transformed to a democracy. Athenian power being established in Boeotia by the battle of Oenophyta aided to confirm the democracy, but by so doing undoubtedly helped towards its early fall; for a false sense of security was thus engendered, which only served to weaken what it apparently strengthened. For the oligarchs now appeared as the patriotic party, resisting the intrusion into Theban politics of an alien state, and when in 447 B.C. the Athenians were once more expelled from Boeotia, the oligarchic faction found itself restored to its former supremacy. Again Thebes was governed by an oligarchy, and as the Boeotian cities under the control of Thebes necessarily accommodated their own politics to those of their leader, we have an oligarchic federation, managed by a general central council and the Boeotarchs.

Democracy
at Thebes.

Return to
oligarchy.

¹ *Ar. Pol.*, II, ix, 6, 7.

The terms of the peace of Antalcidas (387 B.C.) forced Thebes to resign her claim to hegemony over the Boeotian confederacy, and to give autonomy to the oligarchic governments of the individual cities. At once internal dissensions broke out in Thebes, the oligarchic faction being led by Leontiades, one of the two polemarchs who were the chief magistrates in the Theban constitution, and the democrats by Ismenias. The former in 383 B.C., finding himself hard pressed by his political enemies, offered to betray the Cadmeia, the citadel of Thebes, to the Spartans, if they would in return crush Ismenias and establish himself at the head of an oligarchic government. In this connection it must be remembered that the Spartan policy was always to set up oligarchies in any states in which they might from time to time gain influence, just as it was the Athenian policy to establish democracies wherever they could.

But in doing this Leontiades only wrought his own ruin and that of the faction he led. There could be no more flagrant violation of international morality than the treacherous seizing of a friendly city in time of peace; and as the Spartans continued to hold the Cadmeia, and established themselves as masters of Thebes, it was impossible for even the most bigoted of the Theban oligarchs to passively endure for long what was for all practical purposes political extinction.

Three hundred of the leading democrats had fled to Athens on the entry of the Spartans into Thebes, and these, themselves now in turn in' the position of patriots striving for the liberation of their country, entered into negotiations with the others of their party remaining in the city and the constantly increasing number of discontented oligarchs. The result was that in 379 B.C. the Spartans were driven out of Thebes and a democracy was once more set up, events having indicated that in democracy lay the only chance for Thebes of immunity from foreign interference. The oligarchic cities of Boeotia were attacked one after the other, and reduced into submission to the Theban hegemony, the confederacy now being established on a democratic footing. For some forty years the constitution of Thebes continued thus, until in 338 B.C. the victory of the Macedonians at Chaeronea restored oligarchy once more and brought Thebes into subjection to her conquerors, the hegemony of Boeotia being thus finally lost.

Back to
democracy.

Oligarchy
and sub-
jection

A strange and chequered political history thus ends, and one which can find but few parallels in the history of the world. Yet, in spite of all these many changes and chances, Thebes played no small part in the life of Greece, and after the fall of Athens in 403 B.C. she was recognised by common consent as the second state in Greece. More

than that, after the expulsion of the Spartans in 379 B.C., Thebes, led by Pelopidas and IJpaminondas, rapidly raised herself to a position of acknowledged supremacy in Greece, a position which she never lost until, in common with the other Greek states, she was forced to bow in subjection to the all-conquering Macedonians.

' Thebes is not a great nation politically, for its politics were swayed too much by those of the neighbouring powers; but we must remember the prize that it had at stake, and its glorious inconsistencies—the product of a rare self-restraint—are due to a nobler motive than the selfish interests of classes or individuals which led to revolution in other states.¹

The
Corinthian
Oligarchy.

With the death of Psammetichus, the last of the Cypselidae, in 584 B.C., tyranny came to an end in Corinth, and from that date down to the founding of the Achaean League in 251 B.C, we have an instance of the uninterrupted continuance of oligarchic government. Uninterrupted, that is to say, except for the period from 392 to 387 B.C., during which Corinth practically did not exist as a separate polity. It was called Argos instead of Corinth³, and its very existence depended principally upon Argive aid. Even so, however, the government probably still remained Corinthian, and was cer-

¹ Greenidge, *op. cit.*, p. 68. ² Xen. *Hell.*, iv, 4, 6.

tainly oligarchical in nature. The reason for this permanence of constitution is not difficult to find. The sole interests of Corinth lay in the maintenance and development of her commerce, and it has been proved over and over again that the road to commercial greatness is the broader and easier according as the executive power in the state is more limited and permanent, provided always that a state of acquiescence in the government can be maintained among the governed. Under the tyrants, and particularly under Periander, Corinth attained to a height of wealth and commercial prosperity which made the city conspicuous throughout the whole Greek world. But the tyranny came to an abrupt end, simply because the tyrants did not set themselves to secure a feeling of content among the people. The later oligarchy, however, made no such mistake. Avoiding the Scylla of over-pampering the populace, it yet steered clear of the Charybdis of oppression ; and by judiciously satisfying the absolute needs of the poor prevented the growth of any wide-spread or deep-seated discontent.

Of the actual mode of government at Corinth, we unfortunately know but little. Diodorus¹ tells us that the ruling body consisted of a council of elders or *γερονσία*, possessed of judicial as well as executive powers. From other sources we

¹ Diodorus, xvi, 65.

gather that at the head of this council was a small committee of eight, called *πρόβουλοι*, acting as a pre-deliberative body, to prepare business for the general council. From a single remark of Herodotus¹ we infer that the oligarchy was not aristocratic in its nature, for no disadvantages attached to occupation in trade, as indeed is only to be expected in so essentially commercial a state.

But whatever was the nature of the government, it is certain that it was one reduced to the utmost attainable simplicity, and that so far as possible all those complexities of administration were avoided which, leading as they must to an elaborate system of checks and counter-checks on authority, only serve to draw attention to details of working and to invite criticism thereon. Hence it was that in Corinth we have our best example of a permanent and, it may be said, successful oligarchy.

Megara

Megara, like Thebes, provides us with the spectacle of a state constantly changing from oligarchy to democracy and *vice versa*, in obedience either to external influences or to internal social upheavals. But the comparison is hardly a fair one, for whereas Thebes, despite her variability, was always a great power in Greece, Megara rarely appears as anything but a hanger-on of some more important state, with no definite policy of her

¹ Herod., ii, 167 : *ἤκιστα δὲ Κορίνθιοι ὄνουνται τοὺς χειροτέχνας.*

own, and, indeed, with no strength to pursue it if she had cyie.

After the expulsion of Theagenes and the end of the tyranny, Megara 'for some time', as Plutarch tells us¹, 'enjoyed a moderate constitution.' This state of affairs, however, did not last for long. A democracy, which seems, from Aristotle's description of it², to have been very nearly akin to a state of anarchy, was brought about by the efforts of a few violent demagogues, who proceeded to plunder and banish the wealthier nobles, and generally to confiscate goods on all hands, in order to provide themselves with the means of government, such as it was. A vivid picture is drawn by Theognis³ of the condition of Megara after the popular revolution. He seems himself to have been one of the oligarchy of birth, and to have suffered with the rest. Before the change he tells us that the people dwelt outside the city, clad in skins and knowing neither justice nor laws. But now the base-born had overcome the noble.

But the exiled oligarchs soon collected an army, and, seizing the city, set up in turn a narrow type of oligarchy. A treaty concluded with Athens in 455 B.C. restored democracy, and in 424 B.C. a revolt against an attempt of the democrats to

¹ Plut. *Quaest. Graec.*, 18: Μεγαρεῖς Θεαγένῃ τὸν τύραννον ἐκβαλόντες ὀλίγον χρόνον ἐσωφρόνησαν κατὰ τὴν πολιτείαν.

² Ar. *Pol.*, VIII, iv, 3.

³ Theognis, 349.

bring the state under the Athenian hegemony again led to an oligarchy of so extreme a nature that Thucydides¹ is compelled to express his surprise at the fact that 'no government based on a counter-revolution effected by so few ever lasted for so long a time.'

This state of government lasted right down to 375 B.C., when the democracy again came into power, and so continued until Megara finally lost her independence at the hands of Philip of Macedon.

Sicyon. Sicyon, after the death of the tyrant Cleisthenes, appears as a moderate oligarchy, or, as Plutarch calls it, a pure Dorian aristocracy, which continued down to the year before the battle of Mantinea (418 B.C.), when Sparta joined with Argos in an expedition against the city for the purpose of introducing more thorough-paced oligarchy into the already oligarchical Sicyonian government². In 369 B.C. Euphron, a leading citizen of Sicyon, with the help of a force of Arcadians and Argives, proclaimed the deposition of the oligarchy and the institution of a democracy on terms of general equality. This he did nominally to avoid the oppression of Sparta, but really to secure for himself a position of practical tyranny, which, indeed, he held until his death. He was assassinated in

¹ Thuc., iv, 74.

² Thuc., v, 81: τὰ ἐν Σικυῶνι ἐς ὀλίγους μᾶλλον κατέστησαν.

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367 B.r., and thenceforward Sicyon remained a democratic state until the Macedonian conquest. After that time tyranny was re-established, and continued down to the formation of the Achaean league, when Sicyon lost her autonomy under the rule of Aratus, the head of the league.

Further instances of Greek oligarchies, such as the Thessalian states, the Opuntian Locrians, the Malians, and others, are of too little importance to warrant dealing with them in detail. Those of which we have treated above are fairly typical of the whole number and may well suffice us.

In general, as has been said before, the tendency of the Greek city-state was towards democracy, and oligarchy is only an intermediate stage in the process of evolution. Where it persists there is always some extraneous reason, such as the commercial interests of the wealthy class, as at Corinth, the need of temporising with powerful neighbours, as at Thebes, or direct compulsion by a state of superior force, as at Megara, and, to a less extent, at Sicyon.

Other olig-
archies.

Oligarchy
unnatural
to the
Greek
State.

CHAPTER VI.

MIXED CONSTITUTIONS—SPARTA.

Is a mixed
constitu-
tion
possible ?

IN dealing with a type of constitution, two leading examples of which, the Spartan and the Cretan polities, the ancient world agreed in recognising, we have chosen to classify them under the heading of 'mixed.' In so doing we are met with a difficulty at the very start,—the difficulty of answering the debated question whether such a thing as a mixed constitution is possible at all. For, it is sometimes said, the ultimate sovereign power in any state must be a determinable quantity. It must reside either with a single individual, or with a limited number of franchise-holders, or with the general body of citizens. Accordingly the state will be a monarchy, an oligarchy, or a democracy.

To this theory two obvious objections at once present themselves. In the first place, granting that it is always possible to determine as a fixed quantity the ultimate sovereign power, and so to

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classify it under one particular head, yet it is not therefore always possible to determine it from the point of view of quality. To use the Aristotelian terminology, 'in every state there is a qualitative and a quantitative element'⁷ Thus the numerical value of the sovereign may bring the state under one or the other classification, but the character of the sovereignty may make it difficult to assign any particular definition to the polity.

Secondly, (and in reality this amounts to much the same as what has just been said), the Greeks did not in their political theories regard the nature of the sovereign legislative power as do we in modern times, but rather looked to the executive power in forming their judgment on a constitution. The ultimate sovereign, from the Greek point of view, was the body of recognised law—the νόμοι; and the nature of the polity depended upon the nature of the executive power in whose hands lay the guarding and administering of these laws. And so, while we cannot easily conceive of a division of supreme legislative power, we can readily grasp the notion of a balance of executive power such as would warrant us in using the term mixed constitution.

The idea of a mixed constitution was certainly familiar to all the ancient historians and philo-

⁷ *Ar. Pol.*, VI, x, 1: ἔστι δὲ πάντα πόλις ἕκ τε τοῦ ποιῆσαι καὶ ποσῆσαι.

Recognised
by the
ancients.

sophers. Aristotle in the *Politics* distinctly regards such a polity as the best possible for a state. Cicero in the *De Republica*¹ makes Scipio say, after dividing constitutions into three classes, monarchies, aristocracies, and democracies, 'There is a fourth kind of government, therefore, which in my opinion is preferable to all these; it is composed of the three particular forms which I have already noticed.' Plato, again, in the *Leges*² makes Megillus answer, when asked under what head he classed the Spartan constitution, 'The Spartan constitution seems to me to contain all these elements : our state is a democracy and also an aristocracy; the power of the Ephors is tyrannical, and we have an ancient monarchy.' 'And the same,' adds Cleinias, 'may be said of Crete.' Commenting on this passage Professor Jowett says³ in his introduction to the *Leges*, 'According to Plato, the only sound principle on which any of them' (i. e. forms of government) 'was based was a mixture or balance of power. The balance of power had saved Sparta, when the two other Heraclid cities fell into disorder.' So that, compared with Plato's views, the opinion of Tacitus⁴ is interesting when he says that a mixed constitution, however admirable, is attainable only with

¹ Cic, *De Rep.*, i, 29 *ad Jin.* - Plato, *Legg*, iv, 712.

³ Jowett's *Dialogues of Plato*, Vol. v, p. 72.

¹ Tac. *Annals*, IV, xxxiii, 1.

great difficulty, and, when attainable, cannot be lasting.

Presuming, then, that a mixed constitution is a *Sparta*. possible phenomenon we now propose to deal with that of *Sparta*, and in doing so to endeavour to show in what particulars it may justly be included in the class to which we have assigned it in the title to this chapter.

In treating of the constitutional history of *Sparta* we need take but very little account of the earliest period, of the results of the Dorian immigration, and the consequent changes in the population of *Laconia*, except in so far as will be necessary in dealing in detail with the various component parts of the *Spartan* people. We may practically begin our enquiry at the time of *Lycurgus*, and what may fairly be regarded as the first *Spartan* polity.

Sparta—ἡ τῶν Λακεδαιμονίων πόλις;—is a state Population of *Laconia*. founded mostly by conquest, as *Athens* by amalgamation, and was always to a large extent a new people with no past history of its own. For some period after the Roman invasion *Sparta* was merely one city among others in *Laconia* holding independent power. It was only gradually that she asserted herself and became mistress of the whole district. When we encounter *Sparta* at the time of *Lycurgus*, we find three separate classes of the population—the *Spartiatæ*, or *Spartans* proper, the *Perioeci*, and the *Helots*. And since

the two questions of the conquest of Laconia and the existence of separate divisions of the population are very nearly akin to one another, we may conveniently consider them together.

Perioeci.
Their
origin.

One point concerning the Perioeci seems to be tolerably certain, namely that at some period previous to historic times they had possessed equal rights with the rest of the Laconian population. It was only later that they were reduced to a more or less subject condition. Of their origin we can arrive at no definite account. We possess two stories, the one of Isocrates and the other of Ephorus. The former says¹ that the Perioeci were originally the democracy (*δημος*) of Sparta, expelled during a period of revolution, and dispersed among the various * cities of Laconia. Ephorus, on the other hand, says² that they were the original Achaean inhabitants of the country, and that for some time after the Dorian invasion they retained equal political rights with their conquerors, and were only at some later date reduced to a subject condition.

It will be noticed that the first account makes the Perioeci of the same nationality as the Spartans ; the latter, of a different one. But whatever the true story may have been, we are bound to notice that in historic times, at all events,

¹ Isocr. *Panath.*, p. 270. ² Ephorus, *ap.* Strabo, vii, p. 364.

Perioeci and Spartans are both considered as being of the same nationality, and both are comprised in the general term Lacedaemonians.

The Perioeci as we know them were undoubtedly a subject race. They possessed no civic rights, properly so called; no right of appeal, no right of intermarriage with the Spartans. Moreover, Isocrates says¹ that the Ephors could put to death as many Perioeci as they liked without trial. Some sort of tribute, too, they certainly paid, although the question has been raised whether this was a true tribute paid in token of subjection, as from a conquered race to their conquerors, or merely a land-tax. Grote strongly upholds the latter view², and maintains that the tribute was really a property-tax, payable originally by all Lacedaemonians, Spartans and Perioeci alike, but in later days evaded by the former. However, Sir George Lewis has put forward a probable solution of the difficulty³, viz. that the Perioeci 'cultivated the land, which they did not hold of any individual citizen, but paid for it a tribute or rent to the state, being in exactly the same condition as the *possessores* of the Roman domain.'

Despite their political and social disadvantages the Perioeci seem to have been fairly contented

¹ Isocr. *Panath.*, p. 181.

² Grote, *Hist. of Greece*, Bk. II, ch. vi.

³ *Phil. Mus.* y ii, p. 54.

with their lot. At any rate, we never hear of anything like an organised Perioecic rising; and even the revolt of the Helots in 464 B.C. failed to gain any marked sympathy or help from them. The Perioeci served as hoplites in the Lacedaemonian army, and in later days easily outnumbered the rest of the forces, a striking testimony to their lack of disaffection and the confidence reposed in them by the authorities. We even find a Perioecus acting as admiral of an allied fleet¹, and another as Lacedaemonian ambassador to a foreign state².

Spartan
commerce
in their
hands.

One more fact in connection with the Perioeci calls for mention. No Spartan ever engaged in trade or in any mercantile pursuits, and consequently all the foreign commerce of the Lacedaemonian state was in the hands of the Perioeci, whose position was thus rendered one of great importance. For, even in an essentially military state such as Sparta, export and import trade must always be in considerable prominence, and a class to whom it was exclusively restricted was bound to hold a like prominence in the constitution of the state, whatever might have been its political disabilities. Moreover, the wealth of the community must have been largely concentrated in the hands of the Perioeci.

The Helots. Of the origin of the Helots we know absolutely nothing. Their name is derived either from

¹ Thuc, viii, 22. ² Thuc, viii, 6.

'a marsh,' the Helots being the inhabitants of the marshes of the Eurotas; or from the root «ἑλ-», to capture.' Grote says¹ that 'the Helots of Laconia were Coloni or serfs bound to the soil, who tilled it for the benefit of the Spartan proprietors certainly, probably of Perioeic proprietors also. They were the rustic population of the country, who dwelt not in towns, but either in small villages or in detached farms, both in the district immediately surrounding Sparta, and round the Perioeic Laconian towns also. Of course there were also Helots who lived in Sparta and other towns, but such was not the general character of the class.'

Although assigned to private individuals, the Helots were public slaves². Only the state could free a Helot, and no master might sell one out of Laconia. They served as light-armed soldiers in the army and as rowers on the ships, and on one occasion only³ we find them serving in the field as hoplites.

The Spartans, **Σπαρτιαταί**, were the fully privileged citizens who dwelt in Sparta itself, living on the produce of the land tilled for them by Helots, performing the regular military training prescribed for them by Lycurgus, and subscribing

The Spartans.

¹ Grote, *Hist. of Greece*, Pt. II, chap. vi.

² Pausanias, lii, 20:

³ Thuc, iv, 80.

regularly to the public messes or **συσσίτια**. They alone were eligible for public office, or, except in very rare cases, as quoted above in the account of the Perioeci, for any military or naval command.

Ὅμοιοι
ἢ καὶ
ἕτεροι-
μείωνες

We find two distinctions existing among the Spartans—between peers (**ὅμοιοι**) and inferiors (**ὑπομείωνες**), and between nobles (**καλοὶ κάγαθοί**) and people (**ἄσπιμος**). In both cases the exact significance of the distinction is very hard to ascertain, while its dual nature intensifies the difficulty. The **ὑπομείωνες** can hardly be said to have possessed the full franchise. They were ineligible for membership of the Gerousia or for magistracies, but were not of equal rank with the Perioeci. They seem, in short, to have been Spartan citizens who for some reason had lost their privileges, whether permanently or temporarily. Grote's explanation¹ is that a gradually increasing number of Spartans found themselves unable to keep up regularly their contributions to the public messes, and this being an essential condition of the retention of full citizen rights, they joined the ranks of the inferiors or **ὑπομείωνες**. Herein Grote is supported by Aristotle, who says² that 'the constitutional limit of citizenship at Sparta is that anyone who cannot pay his quota (to the public messes) should not enjoy the rights of a citizen.'

¹ Grote, *Hist. of Greece*, Pt. II, chap. vi.

² *Ar. Pol.*, II, vi, 21.

The other distinction, that between *καλοὶ κάγαθοί* and *δῆμος*, terms which are practically equivalent to 'upper* and Mower classes,' we are forced to identify with that already dealt with under the heading of 'peers and inferiors.'⁷ The *locus classicus* on the subject is a passage of Thucydides¹, in which, speaking of the prisoners taken at Sphacteria in 425 B.C., he says, 'The Spartans among them were of high rank, and all alike related to themselves.' The actual translation of the passage is a disputed point, as maybe inferred from the unintelligible English rendering above quoted. The Greek text runs as follows:—

**Ἦσαν γὰρ οἱ Σπαρτιαταὶ αὐτῶν πρῶτοι τε καὶ ὁμοίως σφίσι ξυγγενεῖς.* Arnold and Jowett, followed by most other editors, render it as above; but Mttler translates, 'related to one another.' But however the case may be as regards actual translation, we can have no doubt that *πρῶτοι* refers to a definite rank, and may be taken as synonymous with *καλοὶ κάγαθοί*. But the exact meaning of *ὁμοίως σφίσι ξυγγενεῖς*

" is not so clear, unless we admit what, indeed,

seems to be the only feasible explanation, that the *καλοὶ κάγαθοί* at Sparta were the members of the great clans, and therefore could claim kinship with one another. In that case either translation of *σφίσι* suits the context, and we are inclined to regard these *πρῶτοι οἱ καλοὶ κάγαθοί* as

¹ Thuc, v, 15.

being identical with the ὄμοιοι or peers ; while the δῆμος, those who had forfeited their membership of the clans by failure to keep to the strict Spartan training and to contribute regularly to the public messes, are the same as the ὑπομείονες or inferiors. In fact, it has been suggested¹ that ὁμοίως σφίσι ξυγγενεῖς may be a corruption for ὅμοιοι σφίσι ξυγγενεῖς, or ὁμοίοις.

Neo-
δαμῶδεις
and
Μόθακες

We find two more names in Spartan political records, which baffle all attempts at satisfactory explanation. These are **Νεοδαμῶδεις** and **Μόθακες**, or, as they are sometimes called, **Μόθωνες**.

Of the former name we possess two definitions, the one that of Hesychius², who says that δαμῶδεις is the same as δημόται, so that the title means 'new citizens,' and the other that of Thucydides³, that the Neodamodes were freed Helots, or perhaps 'that class of citizens who are absolutely free.' Mtiler, who is followed by Mr. Greenidge, makes Neodamodes the second generation of enfranchised Helots; and the fact that the class originated towards the close of the Peloponnesian War, and from that time onward increased with great rapidity, seems to support this theory. For we know that during the war large numbers of Helots were freed as a reward for good service in

¹ Cp. Arnold, Time, note on V, 15, and Bekker, ed. 1832.

² Hesych. Pollux, iii, 83.

³ Thuc, vii, 58 : ὕναται δὲ τὸ νεοδαμῶδες ἐλεύθερον ἦδη εἶναι.

the field. We may be tolerably certain of one thing. The emancipated slaves undoubtedly did attain to freedom from personal service ; but that they ever acquired any political rights as citizens, as the explanation of Hesychius seems to imply, cannot for a moment be believed.

Concerning the Mothakes we possess fairly accurate information. They are said to have participated in the whole Spartan education, and with the Spartan children. Xenophon¹ mentions a class at Sparta called *τρόφιμοι*, among them being illegitimate sons of Spartan fathers, and also a certain number of resident aliens, who shared with the citizens in the Spartan training. There can be no doubt that these *τρόφιμοι* are identical with the Mothakes, and that they were under certain conditions admitted to full Spartan citizenship. It is interesting to note that both Gylippus and Lysander had graduated to Spartan citizenship from the ranks of the Mothakes.

So much then for the constituent elements of the population of Sparta. We may now proceed to examine the details of the Spartan constitution.

¹ Xen. *Hell.*, V, iii, 9,

CHAPTER VII.

THE CONSTITUTION OF SPARTA. CRETE.

Lycurgus. FOR all practical purposes the constitutional history of Sparta begins with the great lawgiver Lycurgus, of whom, beyond his legislative enactments, we know little or nothing. - Even the date of his constitution is a debated and still unsettled question. As Plutarch says at the beginning of his life of Lycurgus, 'Concerning the legislator Lycurgus we can assert nothing whatever that is not denied. There are different accounts of his birth, travels and death, and likewise of his political and legislative acts. Least of all is the time at which he lived agreed upon.'

The principal dates given are: (*a*) That of Herodotus¹, who says that the Lacedaemonians themselves believed Lycurgus to have lived between 1000 and 980 B.C. ; (*b*) that of Aristotle, who makes him contemporary with Iphitus the Eleian, about 880 B.C, a hypothesis with which Eratos-

¹ Herod., i, 65.

thenes and Apollodorus seem to agree; (c) that of Thucytilides¹, who says that the Spartans entered upon their present constitution four hundred years and more previously to the Peloponnesian War, i.e. about 820 B.C. Grote and Clinton are inclined to accept the verdict of Thucydides, the former saying that the state of good order and energy brought about by the Lycurgean constitution may plausibly be regarded as 'the grand cause of the victorious career beginning with King Teleclus, the conqueror of Amyclae, Pharis, and Geronthrae.' By the accounts of Herodotus and Thucydides we learn that the reasons for the reforms of Lycurgus were the existing bad government and the prevalence of civil faction in the state of Lacedaemon. But his legislation seems to have been more than simple reform. He gave the Spartans an entirely new constitution and reorganised the state on a wholly new basis, his enactments being contained in a document known as the Rhetra of Lycurgus, which has been preserved for us by Plutarch².

The exact terms of this Rhetra, which seems to have partaken of the nature of a solemn contract between ruler and people, are so important for the student of the constitutional history of Sparta that it is as well to give here in full the text of the document. It runs thus:—**Διὸς Σελλανίου καὶ Ἀθηνᾶς**

The Rhetra
of
Lycurgus.

¹ Thuc, i, 18.

² Plut. *Lycurgus*, 6.

Σελλανίας ἱερὸν ἰδρυσάμενον, φυλὰς φυλάξαντα καὶ ὠβὰς ὠβάξαντα τριάκοντα, γερουσίαν σὺν ἀρχαγέταις καταστήσαντα, ὥρας ἐξ ὥρας ἀπελλάζειν μεταξὺ Βαβύκας τε καὶ Κνακίωνος, οὕτως εἰσφέρειν τε καὶ ἀφιστάσθαι, δάμῳ τε τῶν κυρίαν ἡμεν καὶ κράτος. 'He set up a shrine of Zeus Hellenius and Athene Hellenia: divided the people into tribes and into thirty obes : established a Gerousia to include the Kings: ordered the Assembly to meet at stated periods between Cnacion and Babyce, to assent or dissent from proposals brought before it, and enacted that the people should have the ultimate ratifying authority.'

What, then, do the different enactments of this Rhetra mean ? The establishment of the worship of Zeus Hellenius and Athene Hellenia is comprehensible by reason of the fact that the Dorian invaders of the Peloponnesus claimed descent from the original Hellenes of Thessaly, and that through them the name Hellenes had probably spread through the whole of Greece. But the division of the people into tribes and obes is not so easily grasped. In the first place, it may be noticed that the word *τριάκοντα* may be taken to apply either to *ὠβὰς* or to *γερουσίαν*. In the former case it means that thirty obes were established, and the sentence is so rendered above. Others, however, and among them Grote, translate, 'established a Gerousia of thirty members, including

the Kings.' But in whichever way we take the passage, the difficulty of explaining the nature of the tribes and obes is in no wise diminished.

Herodotus¹ mentions the existence at Sparta of **Obes. τριηκίδες**, but gives no account of them. At Athens we know that the **τριηκάδες** were the thirty great *gentes*, and there can be but little doubt that the **τριηκάδες** of Herodotus and the obes of Plutarch are one and the same thing. On this showing, then, the obes appear as family or gentile divisions, a view which is directly contradicted by Hesychius, who defines obes as **τόποι μεγαλομερεῖς**—'large local divisions.' However, the difficulty is solved in some degree by Hesychius himself, when he tells us elsewhere that Dyme was a tribe and a local division (**φυλὴ καὶ τόπος**), thus apparently implying that the gentile and local divisions were in some way inter-dependent, and that, although we may admit that the obes were family units, we need not therefore deny them an additional local significance.

The same double meaning must be admitted in **Tribes.** the case of the tribes, which, however, must originally have denoted national distinction only. There were three tribes at Sparta, Hylleis, Pamphyli and Dynames, all Dorian, with the separate division of the Aegeidae.

The governing power at Sparta was divided

¹ Herod., i, 65,

The
govern-
ment of
Sparta.

between two kings, a senate called the Gerousia, a college of magistrates termed Ephors, and the Apella or popular assembly. With the nature and powers of each of these four factors it will be well to deal separately.

The Kings.
Their
military
powers.

The Spartan kings are not called βασιλείς but ἀρχαγεταιί or βαγοί, the latter said to be a Laconian word meaning king and general. There were two royal houses, the Agids and the Eurypontids, of which Herodotus says that the Agids were the senior and therefore the most honoured. The powers of the kings were three-fold—military, religious and civil. The extent of their military powers is exceedingly difficult to define, our authorities differing even to the degree of contradiction. Herodotus states boldly¹ that the kings could wage war against any country they pleased, and that none could hinder them under penalty of a curse. Aristotle², again, describes the Spartan monarchy as 'an absolute and perpetual generalship.' We know, however, that in Aristotle's day the kingship possessed no sort of absolute power whatever, military or otherwise. We are impelled, therefore, to regard αὐτοκράτωρ as meaning not 'absolute,' but 'unhampered by colleagues'; and in the case of Herodotus to simply deny his

¹ Herod., vi, 56.

² Ar. Pol., III, ix, 2 : ἡ βασιλεία οἶον στρατηγία τις αὐτοκράτωρ καὶ ἀδελφικὴ ἐστίν.

statement as regards his own times, however true it may possibly have been in very early days. For there can be no doubt that the ultimate authority to declare war and make peace rested with the Apefta, whose executive officers were the Ephors. Hence it is, it may be noted, that the Ephors are often said to have been the responsible military authority at Sparta.

Once a military expedition had actually begun the kings were certainly absolute ; although even in this case we find in later days the Ephors accompanying the king into the field, not indeed with any share in the command, but in order to influence his deliberations, a fact which in itself must have militated greatly against any pretence to absolutism.

The religious and civil powers of the Spartan kings are so nearly connected that they may with advantage be considered together. The main-spring of their authority in these respects lay in their custody of the oracles, which, in the light of the extremely superstitious nature of the Spartan nation, counted for more than appears at first sight. With the kings, too, rested the appointment of the Pythii, who shared with them the custody of these sacred utterances. The great religious reverence in which the kings were held is remarked in both Xenophon¹ and Herodotus²,

¹ Xen. *Rep. Lac.*, xv, 9.

² Herod., vi, 59.

the latter dwelling strongly upon the excessive public lamentation which took place on the death of one of them.

We find depending on religion the only two important civil powers possessed by the king?, viz., the awarding of heiresses in marriage and authority in matters of adoption, and the supervision of the public roads. The former function required the sanction of the state religions, and the latter, dealing as it did with the demarcation of property, was at Sparta, as in most other ancient states, essentially a matter of religion.

The
Gerosia.

The Gerosia consisted of thirty members, elected on the basis of the clans or obes, the kings sitting as members of the two royal clans. Aristotle tells us¹ that the principle of election was 'dynastic,' i.e., dependent on clan influence, and Polybius again², in saying that the basis of election was nobility (*ἀριστεία*), undoubtedly means the same thing. The actual method of election, as described by Plutarch³, is interesting. Only candidates of over sixty years of age were eligible, and they were led one by one before a meeting of the Apella. Judges were locked up in an adjacent room, and as the assembly shouted on the appearance of each candidate they decided success or failure by the loudness of the cheering. It can

¹ *Ar. Pol.*, VIII, v, 8: τὴν δ' αἴρεσιν δυναστευτικὴν εἶναι.

² *Polybius*, vi, 10.

³ *Plut. Lyciurgus*, 26.

hardly be wondered that Aristotle described the procedure as 'childish'.¹

The powers of the Gerousia were two-fold—legislative and judicial. The former lay for the most part in the probouleutic functions of the council, its chief business being to prepare measures to be submitted to the people. In this way the Gerousia possessed both positive and negative powers of legislation; for not only did it propose measures to the Apella, but it declined to submit those of which it did not approve. Plutarch, for instance, states² that when the Spartan king Agis wished to bring forward a revolutionary rhetra concerning the popular distribution of land, the Gerousia threw out the proposal by virtue of its probouleutic powers.

The question of the possession of further legislative powers by the Gerousia depends largely on the view we take of a disputed document quoted by Plutarch³, the rhetra of King Theopompus, (circ. 734 B.C.), which says that 'in case the people decided crookedly, the senate and kings should reverse its decision.' This is explained by Plutarch to mean that the Apella had arrogated to itself the right to amend the proposals of the Gerousia laid before it, whereas Lycurgus had strictly laid down

¹ *Ar. Pol.*, II, vi, 18: παιδαριώδης. ² *Plut. Agis.*, xi.

³ *Plut. Lyc.*, vi: Αἱ δὲ σκολίαν ὁ δῆμος ἔλοιτο, τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστρωτῆρας εἶμεν.

that it could accept or reject, but not amend. Therefore Theopompus had brought in his rhetra to reserve to the Gerousia the ultimate decision in matters of legislation. Apart from this statement of Plutarch, however, there is absolutely no authority for assuming that the Apella ever possessed any such powers, (which, it may be observed, necessarily imply power of debate, and this we know never existed in the Apella), and it is safer to adopt the explanation of the limitations of the powers of the assembly in a typical oligarchic state given by Aristotle.¹ He tells us that it is proper 'to make the veto of the masses final, but not their positive resolutions.' And this is probably what Theopompus did, to give the Apella the right of rejecting the propositions of the Gerousia, but not of confirming them without the possibility of subsequent revision by the Gerousia.

(a) Judicial. The Gerousia was the criminal court of Sparta, and as such is an obvious survival of the old Homeric council or Boule, which, consisting of the heads of families, met, as in the scene of the murder trial on the Shield of Achilles, to decide criminal questions. Later evidence attributes to the Gerousia censorial powers also, but this is a matter far from certain. As a criminal court, its authority extended to every person in the state,

¹ Ar. *Pol.*, VI, xi, 10: ἀποψηφισόμενον μὲν γὰρ κύριον δεῖ ποιεῖν τὸ πλῆθος, καταψηφισόμενον δὲ μὴ κύριον.

GREEK CONSTITUTIONAL HISTORY.

even⁵ to the kings and the Ephors, and it could exact the extreme penalties, even to loss of citizenship or of life. The close parallel, from a judicial point of view, between the Gerousia at Sparta and the court of Areopagus at Athens is worthy of notice, both being conspicuous survivals of the old Homeric institutions.

The Gerousia is thus the great deliberative and judicial body of the Spartan polity. We have next to consider the officials who were charged with carrying out its decrees, viz., the Ephors, the chief executive power of the state.

The institution of the Ephoralty, an annually elected board of five magistrates, is attributed by Herodotus to Lycurgus, but herein he is certainly wrong, and is contradicted by all other evidence which we possess. Aristotle¹ speaks of the institution of the Ephoral office by Theopompus as a check upon the kings, and Plutarch² writes to the same effect. Plato³, moreover, talks of 'three saviours of the Lacedaemonian state'; the god who was the cause of the double monarchy; Lycurgus, who set up the Gerousia; and a third who founded the Ephoralty, doubtless Theopompus. Thus the Ephors would date from somewhere between 743 and 724 B.C.

The Ephoralty was the element of democracy in

¹ Ar. *Pol.*, VIII, ix, 1. ² Plut. *Cleomenes*, 10.
³ Plato, *Legg.*, 692.

the mixed constitution of Sparta, representing the people, as the Gerousia and the kings did the nobility. Grote¹ holds that it was established to give the people representatives of their own, as a counterbalance to the loss of power inflicted upon them by the *rhētra* of Theopompus. In this Aristotle² agrees with him, saying that 'the people are kept quiet by their eligibility to the highest office of state', i. e. the Ephoralty; and that through the institution of the Ephors the Spartan state ceased to be an oligarchy and became a democracy. It may be noted in passing, as additional evidence of the originally democratic nature of the Ephoralty, that whereas the king in the monthly oath swore on his own behalf, the Ephors did so on behalf of the city³. It is impossible, on this showing, to put entire credence in the statement attributed to Cleomenes by Plutarch⁴, that the Ephors were originally mere representatives of the kings, appointed by them during their absence at the Messenian wars. Probably they were in the first case nominated by the kings; certainly they originated at the time of the Messenian wars; but we cannot doubt that from the first the office was of an essentially democratic character.

¹ Grote, *Hist. of Greece*, Pt. II, ch. vi.

² *Ar. Pol.*, II, vi, 15: ἡσυχάζει γὰρ ὁ δῆμος διὰ τὸ μετέχειν τῆς μεγίστης ἀρχῆς.

³ *Xen. Rep. Lac.*, 15: Ἐφοροὶ μὲν ὑπὲρ τῆς πόλεως, βασιλεὺς δ' ὑπὲρ ἑαυτοῦ.

⁴ *Plut. Cleomenes*, 10.

The word Ephor, **ἔφορος**, itself means 'an overseer,' which some have taken to indicate some such minor office as that of overseers of the market or the like. According to this view the original functions of the Ephors would be judicial; they would be*minor popular magistrates appointed by the kings to administer justice among the people (**δῆμος**) as opposed to the nobles (**καλοὶ καγαθοί**). From being thus mere delegates of the kings, and appointed directly by them, the Ephors came in later days to be popular magistrates, in the sense that they were elected by the people, although we have no direct authority for assuming this. Aristotle tells us that the method of electing the Ephors was 'childish'¹; and seeing that this is the same word that he uses in connection with the election of the Gerosia, we may infer that the mode of election was the same. No qualification was necessary for the Ephoralty except citizenship.

From the petty functions performed by the Ephors at the beginning they attained in time to powers which Plato² sums up as despotism (1) Their growth.

The various steps by which the change came about we are utterly unable to trace, beyond one or two inferences which we may make with more or less of safety from a few passages in Greek writers. Plutarch³, for instance, says that the

¹ Ar. Pol., II, vi, 16. ² Plato, Legg, 712.

³ Plut. Cleomenes, 10.

Ephors started from a very humble position, and gradually found means to establish themselves as an irresponsible board of magistrates, to acquire more and more of the powers of the kings, and at last to reduce the kings themselves to a position of impotence and subjection. The great step in this process was due to the ambition of the Ephor Asteropus. From the same authority¹ we learn that the prime cause of the growth of the Ephors' power was the continual quarrelling of the two kings. Of Asteropus we know nothing, or of the change which he brought about. Two changes we know must have taken place, when or how we have no means of ascertaining,—the transfer of the election of the Ephors from the kings to the Apella, and the acquisition by them of the right to summon and preside at the meetings of the Gerousia. This latter function gave them a share in the criminal jurisdiction of Sparta, in addition to the duty of executing the degrees of the Gerousia.

(a) Their extent.

The Ephors had the right of seizing and imprisoning the king or anyone else on a charge of treason, and at trials for treason they presided over the court, which consisted of themselves, the twenty-eight members of the Gerousia, and the kings. Apart from these powers all civil jurisdiction was in the hands of the Ephors, sitting as

¹ Plut. *Agis*, 12: ταῦτα γὰρ τὸ ἀρχαῖον ἰσχύειν ἐκ διαφόρας τῶν βασιλέων.

separate judges in five courts¹. But the great source of their power lay in their absolute supremacy in all administration of foreign affairs. They carried out the decrees of the Apella, which alone could declare war or sanction treaties. All matters of foreign policy were brought first before the Ephors, who then laid them before the Gerousia, and afterwards submitted the resolutions of that body to the Apella.

During their tenure of office the Ephors were absolutely irresponsible magistrates, but on laying down their position they had to give an account of their magistracy before their successors. This, so far as we can learn, was the only check upon them.

So extraordinary and so arbitrary powers, and so unique a position in the state, are bound to strike us as in the highest degree singular. But here, as with other anomalies in the Spartan constitution, our difficulties would doubtless disappear or be greatly diminished, did we know fully the principles on which the state was managed. It is due to the extreme paucity of our reliable information that again and again we are forced to confess ourselves unable to understand or explain various points of detail.

The powers of the Apella, or general assembly of qualified Spartan citizens, have practically been

The
Apella.

¹ *Ar. Pol.*, III, i, 7: Τὰς τῶν συμβολαίων δικάζει τῶν ἐφόρων ἕλλος ἕλλας.

defined by what has been said already concerning the Gerousia and the Ephors. The Apella was powerless to act without the Ephors. It had no right of initiative and no power of debate; it could only vote 'yes' or 'no' on the actual questions submitted to it by the Ephors, who convened it and presided at its meetings. No member of the Apella might speak except at the direct invitation of an Ephor. The right of making peace and war rested with the Apella, and it was in these matters that it did on some few occasions show itself possessed of real authority, as for instance in the debate that immediately preceded the Peloponnesian War. From Xenophon¹ we gather that the attendance at the Apella gradually tended to fall off, until at last it consisted of nothing but the Gerousia, the Ephors, and the few citizens whom the latter specially chose to convene.

The Spartan confederacy.

It is necessary for the proper understanding of the position of the Spartan state that a few words should be added on the nature of the Spartan hegemony in the Peloponnesus. It may be said that this hegemony appears as a complete Peloponnesian confederacy in 510 B.C, the year of the invasion of Attica by Cleomenes III. For all practical purposes it can be said never to have extended beyond the Peloponnesus, though, of course, it did at one time during the Persian

¹ Xen. *Hell.*, I, 11, iii, 8; cp. *Hell.*, V, ii, 11.

Wars' comprise the whole of Greece. This hegemony had grown in two ways: firstly, by the conquest by Sparta of various states to which she left autonomy, but forced them to make an alliance with her; and secondly, by the formation by different states, such as Corinth and Sicyon, of offensive and defensive alliances with her. But once the states were included in the hegemony, Sparta regarded them all as being on the same level. All possessed autonomy, and an equal vote in the council of the league; and it is for this reason that the loyalty of the states to Sparta lasted for so long. Another reason was the maintenance by Sparta throughout the hegemony of a unity of political interests by establishing oligarchies in all the cities, a policy to which the Ephors, however much they might vary on other points, always clung with the utmost consistency.

A* general assembly of the states alone could make peace or war, but only Sparta had the right to summon such an assembly; and although any state might bring a proposal before the general synod, Sparta retained the right of putting the final resolution. And as Sparta in this case meant the Ephors, as possessing supreme authority in matters of foreign policy, while the Apella at Sparta, possessing no right either of initiative or of debate, was under the practical control of the Ephors, it will readily be seen that,

to the other great powers of the Ephors which we have already described, we must add the control of the whole Peloponnesian confederacy.

The other notable example of a mixed constituency that has been mentioned is the Cretan, and for this a very few words must suffice.

The Cretan
constitu-
tion.

There seem to have been in Crete two classes of the population, the Cretan citizens and the Perioeci, the latter a subject agricultural class, corresponding to the Helots at Sparta. The government was carried on by a Senate (*βουλή*), a popular assembly, and ten Cosmi, who held much the same position as the Ephors. The same system of public messes existed as at Sparta, but with this difference, that whereas at Sparta a citizen had to pay his own quota, in Crete it was paid for him by the state out of a percentage of the land produce of the state and the taxes paid by the Perioeci set apart for this purpose.

The powers of the Cosmi, for which office only certain privileged families were eligible, are said by Aristotle¹ to have been even more arbitrary and dangerous than those of the Ephors, while the popular assembly was equally limited in its functions. Periods of anarchy were not infrequent, and revealed the inherent weakness of the laws. The state would always have been an easy prey

¹ *Αρ. Πολ.*, II, vii, 5: *τέτακται τὰ περὶ τοὺς κόσμους ἔτι χεῖρον τῶν ἐφόρων.*

to an invader, and was only preserved by its remote situation.

The general character of the Cretan government is summed up by Aristotle in the passage already quoted in these words: 'The Cretan system has some elements of a constitutional government, but is not so much a constitutional government as a narrow oligarchy.' And it is only in deference to the classification of Aristotle that we have included it under the heading of mixed constitutions.

CHAPTER VIII.

EARLY HISTORY OF ATTICA.

Population
of Attica.

OUR knowledge of the early population of Attica is vague, and depends principally on the inferences we can make after careful comparison of the different legends which we find recorded here and there in the Greek writers. The claim of the Athenians themselves to be autochthonous, i.e. directly descended from the original inhabitants of the country, cannot possibly be admitted. Herodotus¹ says that they were Pelasgian, which here seems to mean Ionian, but admits their contamination from time to time by bands of immigrants. The family, for instance, to which Harmodius and Aristogeiton belonged was, according to Herodotus², of Phoenician nationality, though it claimed itself to have come from Eretria. The Eumolpidae, again, are said to have traced their descent from a Thracian immigration, and the royal house of Melanthus to have had a Pylia origin. But

¹ Herod., 1, 56.

² Herod., v, 57.

apart³ from such doubtful traditions as these we have far more reliable evidence in the knowledge we possess (1) of the various religious cults of Attica, and (2) of the nationality of many Attic names.

Traces of Eastern immigrations are found in the worship of the Carian Zeus¹, the cult of Artemis in Munychia, (Artemis being essentially an Eastern goddess), the worship of the Phoenician god Hercules at Marathon, and of Aphrodite Urania and the Amazons at Melite. Melite itself is without doubt a Phoenician name, and so, probably, is Marathon. The termination *-ettus* is said to indicate Carian origin, possibly Hittite, as for example Lycabettus, Hymettus, etc. We are therefore led to the conclusion that in early times Attica possessed a very mixed population, and with a considerable degree of probability we arrive at three main periods of settlement.

Firstly, there was the original Pelasgic settlement, Pelasgic, of course, meaning the earliest period that we can arrive at, and the Pelasgians being the earliest inhabitants of whom we can find any trace, in this case Ionians. Secondly, a later Ionian settlement, probably mixed with Dorian and other elements; and thirdly, a settlement from the East, under Phoenician influence.

Three
periods of
settlement.

¹ I.e. by the family of Isagoras ; cp. Herod., v, 66.

Early political condition.

Thucydides¹ gives us the best account we possess of the state of Attica previously to the synoecism or amalgamation attributed to Theseus. ' In the early days of Cecrops,' he says, ' and the first kings, down to the reign of Theseus, Attica was divided into communes, having their own town-halls and magistrates. Except in cases of alarm the whole people did not assemble in council under the king, but administered their own affairs, and advised together in their several townships. Some of them at times even went to war with him, as the Eleusinians under Eumolpus with Erectheus. But when Theseus came to the throne, he, being a powerful as well as a wise ruler, among other improvements in the administration of the country, dissolved the councils and separate governments, and united all the inhabitants of Attica in the present city, establishing one council and town-hall. They continued to live on their own lands, but he compelled them to resort to Athens as their metropolis, and henceforward they were all inscribed in the roll of the citizens.'

This may be taken as a tolerably accurate account, so far as parallel legends enable us to judge, of Attica before the synoecism and of the synoecism itself. One addition requires to be made. It was not uncommon for some of these separate communities to unite together for religious pur-

¹ Thuc, ii, 14-17.

poses, as in the case of the *τετράπολις* of Marathon. From these partial unions, formed for one definite purpose, the general amalgamation had its beginning, the credit of which has been legeridarily ascribed to the mythical hero Theseus.

Whatever may have been the exact manner in which the synoecism was brought about, it is certain that no pretence at union existed previously in Attica. We are compelled to reject the alleged division of the country by Cecrops into twelve parts as a pure invention, although we may accept the names given by Strabo as accurate enough, viz., Cecropia, Eleusis, Tetrapolis, Epacria, Decelea, Aphidnae, Thoricus, Brauron, Cytherus, Sphettus, and Cephisia. To these we can from other sources add the twelfth, Phalerum. These were the separate communities which the synoecism united into the one state of Athens.

Thucydides, as we have seen, accepts Theseus as an historical character, and his synoecism as a well established fact. We cannot lay claim to a like faith in these days of historical scepticism, and efforts have been made to rationalise the Theseus myth. The most probable suggestion is that the final stimulus to unification was given by the immigration into Attica of wandering bands of Ionians—the second Ionian settlement—with whose advent the tendency towards a definite Ionian civilisation took actual shape. To some

Rationali-
sation of
the
Thesean
myth.

such event as this the legendary accounts of the wanderings of Theseus would seem to point¹.

Attica
after the
synoecism.

The exact political condition of Attica immediately after the synoecism is, of course, impossible to ascertain. Nothing of the nature of a constitution could have existed; at best the people could only have agreed upon certain broad lines on which to conduct the affairs of the new state. The general tendency, however, must have been even thus early in the direction of democracy. The legend says that Theseus set up a constitutional government, being himself king or president, and that he divided the people into three classes, Eupatridae, Geomori, and Demiurgi, representing the nobles, the husbandmen, and the artisans respectively². And we know that the Athenians always regarded Theseus with peculiar veneration as the real founder of Athenian democracy, by the measures by which he checked the increasing and despotic power of the nobles.

Tribes and
Classes.

More than this, however, we do not know. The existence of the three classes, established on the basis of manner of life (*fiios*), is indubitable; but side by side with these we have the fourfold division into tribes, which, as has been remarked already, was always characteristic of an Ionian state. This tribe-division in Attica was into Aegi-

¹ Cp. Greenidge, *op. cit.*, p. 127.

² CD. Plut. *Theseus*, 24.-26.

coreis, Argadeis, Geleontes and Hopletes, Plutarch asserting that the division was based upon mode of life. Thus he makes Hopletes equivalent to warriors, Aegicoreis to shepherds, Argadies to craftsmen, and Geleontes to labourers. It is difficult, however, to imagine a double classification based on occupation; and we are probably safe in assuming that the divisions denoted by the four Ionic tribe names were purely arbitrary, the names themselves having been introduced from abroad at the time of the Ionian immigration and the synoecism¹. The meanings of the names, it may be observed, are totally unknown. Plutarch's interpretation is an obvious guess, and in one instance, that of Geleontes, he is directly contradicted by Strabo.

There are said to have been three hundred and sixty clans in Attica, each tribe being divided into three phratries, and each phratry into thirty clans; but this number cannot be accepted as accurate. The number could not possibly have been strictly regulated, and just as we know that three hundred was not the correct number of the Roman gentes, so here we may be certain that the round number is incorrect. These clans were closely connected with the phratries, which were associations mainly dependent on religion. Every Athenian citizen* was a member of a phratry, and every newly-born

Phratries
and Clans.

¹ Greenidge, *op. cit.*, p. 128.

child had to be brought before the father's phratry, which decided as to its legitimacy. Any slur on this implied exclusion from the phratry, and therefore the loss of right to citizenship. For it was on membership of the phratry that the claim to citizenship ultimately depended.

The religious cults round which the phratry centred were those of *Ζεὺς Ἐρκείος*, worshipped at the altar in the outer court-yard, and *Ἀπόλλων Πατρῶος*, the ancestral deity. Newly-created citizens were received only into partial membership of the clan, although included in the phratry as a matter of course. These partial members, admitted solely for participation in the ordinary religious rites, were called Orgeones (*Ὀργεῶνες*), while the full members by right of descent were called Homogalactes (*Ὁμογάλακτες*), or sometimes Gennetae (*Γεννήται*). In fact, the clans were always aristocratic in their nature, and none but those who shared the common descent of the family were allowed to partake in their inmost rites. It is possible, it may be said in passing, that the Eupatridae and the Homogalactes were originally identical, the former thus being the only true Athenian citizens by right of descent.

Trittyes
and
Nmicraries. As the population of Attica was divided for religious and social purposes into phratries and clans, so for political purposes it was divided into trittyes (*τριττύες*), and naucraries (*ναυκραρίαι*). Each

of the four Ionian tribes contained three trittyes and twelve naucraries, concerning which we possess a certain amount of definite information. It would seem that the trittyes were connected in some way with the military arrangements of the state, and were of very ancient origin. Cleisthenes found them in existence, and changed their number and character, although they continued to be a purely local division. From twelve they were now increased to thirty, of which ten were city divisions, ten of the shore district, and ten of the inland parts of the state¹.

The naucraries were also local divisions. The pseudo-Aristotelian *Constitution of Athens* tells us that they were forty-eight in number, but we also know that they were increased to fifty by Cleisthenes, a statement which is borne out by the fact that Athens possessed fifty ships in the war with Aegina, 507 B.C. They were certainly in existence previously to Solon², who, however, probably first used them for the purpose of providing a ship each. The name is derived from *vatcu*, 'to dwell,' its connection with ' a ship,' being suggested only after Solon had used the organisation for purposes of the navy.

It must not be supposed that all the divisions dealt with above properly belong to what has been called in the title of this chapter 'the early history

¹ *Ath. Pol.* 21.

² *CD. Herod.*, v. 71.

of Attica.' Such institutions are naturally of slow growth ; but as their origins were in every case of early date, it seemed advisable to treat of them all at once, in order to clear the ground for a detailed enquiry into the political development of Athens without being obliged continually to retrace our steps to examine the foundations upon which the superstructure is being built.

CHAPTER IX.

THE POLITICAL MACHINERY OF ATHENS.

THE monarchy at Athens ended with the Pylian Monarchy to Aristocracy. dynasty of Melanthus, which began with the Dorian migration. Melanthus was succeeded by Codrus, and he by Medon; and it was during the reign of the last-named that the first change came about. In 752 B.C. the hereditary monarchy became a decennial presidency, still restricted to the family of the Medontidae. In 712 B.C. this presidency was thrown open to all Eupatrids, and in 683 B.C. nine annual archons were instituted.

Such is the outline of the change from monarchy to aristocracy which we gather from various traditional accounts. It is difficult to accept this as it stands for several reasons, one of them, and perhaps the most striking, being the difficulty of believing that the change from a decennial presidency of one to an annual presidency of nine should have taken place all at once.

The gap is supplied to some extent by the *Constitution of Athens*¹. From this we learn that the

¹ *Ath. Pol.*, 3.

nature of the constitution before Draco was that the magistrates were chosen for birth and wealth (*ἀριστίνδην καὶ πλουτίνδην*). These first and chief magistrates were the king, the polemarch, and the archon, holding office first for life, and then for ten years. The first was the king; then came the polemarch, appointed originally to assist unwarlike kings; and thirdly the archon, an office which originated during the time of Medon, or, as some say, of his successor Acastus.

The
Archons.

Of these the king was the religious head of the state; the polemarch represented the military, and the archon the civil power. In later times, as was natural, this last from being the least became the most important of the three. In 683 B.C, when the decennial tenure became annual, six inferior archons, called Thesmothetae, were added to the existing three. Only one further change took place in the number of the archons, and that a very temporary one. In 582 B.C, a certain Damasias, holding the office of archon, at that time called archon eponymus, endeavoured to attain to something resembling a tyranny, and, after retaining his position for two years, was only deposed by force. After this the number of archons was increased to ten, five being elected from the Eupatrids, three from the Geomori and two from the Demiurgi. This arrangement, however, of which we know nothing

more than has been stated here, lasted only for a single year.

The qualification for the archonship before Solon seems to have been, as has been said already, membership of the Eupatridae, i.e., the possession of 'birth and wealth.' Solon restricted the office to his first class, the owners of land producing an annual income of five hundred medimni or bushels of corn. After the Persian Wars this qualification dependent on landed property was abolished, and Aristides changed it to a money qualification, thus admitting to office many persons who, on a land qualification alone, would have ranked in the lowest class of citizens. Under this arrangement the first three classes, Pentacosimedimni, Hippeis, and Zeugitae, became eligible for the archonship. The fourth class, the Thetes, never were legally eligible, although frequently admitted by a transparent legal fiction¹.

The method of election to the archonship is at once curious and important. Before Draco the election rested directly with the Areopagus². Under Draco it was transferred, according to the account of the alleged Draconian constitution given by the *Constitution of Athens*³, to the newly-formed Ecclesia or popular assembly. Solon introduced the

¹ *Ath. Pol.*, 7: διὸ καὶ νῦν ἐπειδὴν ἔρηται τὸν μέλλοντα κληροῦσθαι τιν' ἀρχὴν ποῖον τέλος τελεῖ, οὐδ' ἂν εἰς εἴποι θητικόν.

² *Ib.*, 8.

³ *Vide pp.* 120, 121.

following system. Each of the four tribes chose by vote ten of its members (*προκρίνειν*), and from the forty thus selected the nine archons were appointed by (*κληροῦσθαι*). Cleisthenes retained this double principle of election, fifty candidates being chosen by vote from each of his ten tribes, and the archons being selected by lot from the five hundred thus obtained.

Election
by lot.

Grote¹, in dealing with the Solonian reforms, has the following passage. ⁱThe choice by way of lot of archons and other magistrates . . . may be decidedly considered as not belonging to Solon, but adopted after the revolution of Cleisthenes. . . . The lot was a symptom of pronounced democratical spirit/ We know now, however, what was open to considerable doubt in Grote's day, that election by lot certainly was in existence in Solon's constitution, and possibly even previously, under Draco². And this being so, it can hardly be maintained that the lot was a pronouncedly democratic institution, existing as it did in an ultra-aristocratic state. Moreover, while the magistracy was strictly confined to a small section of the citizens, no amount of election by lot could have the slightest real democratic tendency.

The
Ephetae

The Ephetae, fifty-one in number, all over fifty years of age and elected from the Eupatridae,

¹ Grote, *Hist. of Greece*, Pt. II, chap. xi.

² Cp. *Ath. Pol.*, 4, and Kenyon's note.

were a court of criminal judges, said by some to have been instituted by Draco, but probably existing before his time. The reason of their institution was to check the power of the phratries in cases of involuntary murder. Too often had the phratries refused to accept compensation in such cases, and insisted upon the extreme penalty of the law. But after the Ephetae were founded, the archon Basileus held a preliminary investigation of an alleged case of murder, and, if the plea of accidental homicide were set up, the case was tried by the Ephetae sitting in the Palladium; if justifiable homicide, in the Delphinium. Inanimate objects accused of causing death were tried by them in the Prytaneum, while a man who had committed murder during exile was tried at a place on the shore, called Phreattys, pleading from a boat, since he was not allowed, being an exile, to set foot on land. As regards the trial of inanimate objects, which some authorities say was held by the four heads of the Ionic tribes (the *φυλοβασιλῆις*), and not by the Ephetae, it may be added that in the case of their condemnation they were formally banished from the land, and, being solemnly carried to the border, were there cast out.

Cases of wilful murder were tried before the Areopagus, a court taking its name from the hill, The Court of Areopagus. —'the hill of curses,'—on which it sat. Apart from its judicial functions, the Areopagus pos-

sessed so much power, and played so important a part in Athenian constitutional history, that we are compelled to consider it in some detail.

The court is called by various names, usually 'the council of the Areopagus' (ἡ ἐξ Ἀρείου πάγου βουλή). Plutarch, to distinguish it from the other Boule, calls it 'the upper council' (ἡ ἀνώ βουλή); while Lysias, laying stress on its judicial powers, calls it 'the Court' (τὸ δικαστήριον). The exact composition of the court of Areopagus is somewhat doubtful; but we are probably not far from the truth if we say that it consisted of the fifty-one Ephetae together with the archons and the ex-archons. Until the discovery of the 'Ἀθηναίων Πολιτεία, it had always been supposed that whatever powers the Areopagus possessed beyond its judicial functions were conferred upon it by Solon. But that work tells us¹ that before the time of Draco the Areopagus had the guardianship of the laws, the largest and most important part in the administration of the state, censorial powers over all citizens, and some share in the election of the magistrates².

It is, however, in the highest degree doubtful whether this account may be accepted as it stands. Weight of evidence seems to indicate that the *Constitution of Athens* refers to an earlier date powers which the Areopagus only acquired at the

¹ *Ath. Pol.*, 3. ² *ib.*, 8.

time of Solon, or even later than that. Plutarch for example, says that the guardianship of the laws and censorial powers were conferred upon the Areopagus by Solon. And although it may be maintained that this means simply that Solon confirmed powers already possessed by that body, yet to do so is hardly fair to the one authority, and over-indulgent to the other. In fact, so little power or position in the state does the Areopagus seem to have possessed before the time of Solon, that Plutarch even goes so far as to say that the majority of people believed that Solon created that assembly. So that, in default of any corroborative evidence, we must regard the account of the *Constitution of Athens* as possessing exceedingly doubtful accuracy.

That the Areopagus, however, did exist before Solon is beyond question; and it must always have possessed its judicial functions, and also a kind of religious guardianship of the state, powers which it retained down to the latest times. After Solon, even if not before, it was guardian of the laws (φύλαξ τῶν νόμων), and general supervisor of the whole state (ἐπίσκοπος πάντων), and it also possessed the right of warning the people of some threatened danger from a person or persons whom it indicated, and against whom the people thereupon proceeded in the courts. The tenure of office

Its position
in the con-
stitution.

¹ Plut. *Solon*, 19.

in the Areopagus was for life; it was liable to be called upon to give an account of its actions before the dicasteries; and in-coming members had to pass an examination (*δοκιμασία*) by the council itself.

Its position in the constitution is always that of the champion of aristocracy as opposed to democracy, and throughout the conflict between democracy and aristocracy, which ended in the triumph of the former and the final development of the great Athenian democracy, we find the contesting powers quite as often spoken of as the Areopagus and the people as the aristocracy and the democracy.

A somewhat instructive parallel may be drawn between the position of the Areopagus at Athens and that of the Senate at Rome. Aristotle¹ states that it was apparently the reputation won by the court of Areopagus in the Persian Wars which intensified the character of the polity, i.e. made it more oligarchical; and in a similar way it was the success of senatorial management at Rome during the period of the Great Wars that strengthened its position, and enabled it to assume an authority to which in reality it had no claim. But while at Athens the ultimate result, when the state had comparative leisure to attend to its internal economy, was democracy, at Rome the champion' of

¹ *Ar. Pol.*, VIII, iii, 5.

the people against the Senate proved to be the real founder of an empire, which, nevertheless, was in itself far more democratical than the senatorial democracy had ever been.

Of the Athenian Boule or Council we know **The Boule.** practically nothing before Solon. It was in all probability originally identical with the council of Areopagus, but this we cannot positively affirm. That we do know for certain is that the dynasty of the Medontidae were controlled in some degree by a council which must have consisted of Eupatrid members. But beyond this we know nothing, and we may well wait till we come to speak of the reforms of Solon and his successors before dealing in any detail with this body.

Similarly there are other pieces of political machinery at Athens of which we have refrained from speaking. The object of this chapter has been to give as much information as will make what follows intelligible. Where magistracies and offices have only come into existence at much later dates, the consideration of them has been left until those periods are reached in our investigations, when they shall be dealt with in due course.

Herewith, then, our business with the actual machinery of government at Athens ceases for the time. We have now to discuss the various periods of constitutional reform, and the gradual political development of the Athenian state.

CHAPTER X.

TOWARDS DEMOCRACY. DRACO AND SOLON.

Constitu-
tion of
Draco.

THE first Athenian legislator of whom we have historic knowledge is Draco (621 B.C.), and concerning him our information is so scanty that it merely serves to whet our • appetite for more. Aristotle tells us in the *Politics*¹ that Draco did no more than codify the laws, and this is generally the only part that he is supposed to have played in the political history of Athens. In the *Constitution of Athens*², however, a definite constitution is attributed to him. Whether this view is correct or not we cannot certainly say, for we have no knowledge of the evidence that the writer of the *Constitution of Athens* may have possessed. But, whether we give credence to the view or not, we are bound to take it into consideration, not the least reason for so doing being the fact that Solon is said to have modelled his constitution upon the reforms of Draco.

¹ An *Pol.*, II, ix, 9.

² *Ath. Pol.*, 4.

The principal feature of the alleged Draconian constitution is his creation of a privileged class of hoplite census—a class roughly corresponding to the Zeugitae of Solon. Thus the Eupatridae are no longer the exclusive franchise-holders, but are at one sweep outnumbered by the new body of citizens. These latter form the Ecclesia or popular assembly, which now first comes into existence, and they elect the more important magistrates. Further, the *Constitution of Athens* goes on to say that Draco instituted the Boule or Council, consisting of four hundred and one members, to appoint whom the lot was used in rotation, all citizens over thirty years of age being called upon to serve in turn, but none being allowed to serve twice. It has been said that we have no means of judging what evidence the writer of the *Constitution of Athens* had on which to base his account of the constitution which he ascribes to Draco. But we are compelled, even despite ourselves, to disbelieve his record. We cannot believe that so great an advance in the direction of democracy could have been made, that the *personnel* of the citizen class should have been altered entirely, and, as Aristotle would put it, the whole changed, without leaving far more of a mark on Greek political writers than is the case. There can be no doubt that all the details described above are the invention of a later age, and we are the more forced to this conclusion

by the knowledge that a great part of the so-called reforms of Draco were commonly ascribed by the Greeks, and not without reason, to Solon. We assume, then, that Draco did not touch the political constitution, and we can proceed to examine what it was that he did.

Distress at Athens.

In his day there were two main sources of distress at Athens. The first was the extreme poverty of the lower classes, since all land belonged to the Eupatridae, who exacted a burdensome rent for the small allotments which the poor farmers held from them, and persecuted those who fell into arrears of payment with the utmost cruelty. With this question we shall have to deal fully later on. The second cause was the fact that there was no regular code of laws—no statute-book. Some legal business was performed by the Areopagus, but by far the greater part was done by the Ephors, who administered justice, nominally according to established precedent, but practically according to their own pleasure. Now the class from which the archons were drawn was the land-owning class, and in this way the miseries of the relations between landlord and tenant were intensified and grew daily worse.

Draco's codification of the laws.

Draco took in hand the task of reducing to formal statement the scattered sentences which served as the body of Athenian law, existing in the shape of oral tradition handed down from

archon to archon. The codification formulated by Draco seems to have induced no comment from Aristotle, save on the great severity of the punishments awarded; the death penalty, in particular, being exacted for a variety of offences. But we must be careful not to be led into thinking that the laws of Draco were especially inhuman. On the contrary, judged by the spirit of the age, they were probably a great advance in the direction of mercy, and at all events the introduction into Athenian law of distinction between kinds of homicide, which, with possibly the institution of the Ephetae, we may attribute to Draco, goes far to redeem him from the accusation of cruelty. Draco's date is somewhere about 621 B.C. His efforts towards relieving the existing troubles were not very satisfying, for in 594 B.C. the Athenians had to call in Solon to grapple with their rapidly growing evils.

In the meantime, however, an event had taken place at Athens which calls for at least passing notice, particularly as it went far to bring to a head the general state of discontent in the city, and so helped to prepare the way for the law-giver Solon. **Conspiracy of Cylon.**

In the year 612 B.C., (although the date cannot be fixed with absolute certainty), a young Athenian Eupatrid named Cylon conceived the idea of employing the help of the discontented people to make

himself tyrant. In this he was encouraged by his father-in-law Theagenes of Megara, who had just succeeded in establishing himself as tyrant of that city. On an appointed day Cylon and a number of adherents seized the Acropolis. But the expected support was not given them, and they found themselves cut off from all possibility of succour, and moreover with none to succour them had it been possible. Cylon, finding the position hopeless, fled secretly by night from the Acropolis and escaped. His followers, when on the point of starvation, surrendered to the archon Megacles under promise that their lives should be spared. But no sooner did they leave their shelter than they were put to death, and some who clung to the altar of the Eumenides were killed even in the sacred place.

The outrage caused a great uproar, and in the end the guilty persons were brought to trial, condemned for sacrilege, and banished. The whole family of the Alcmaeonidae, to which Megacles belonged, were likewise expelled from the country. More than this, down to the latest times the Alcmaeonids were always regarded as accursed people, and many were the complications that rose out of this ill-fated conspiracy of Cylon. This, then, had exaggerated the other troubles at Athens when Solon came on the scene. And what those

other troubles we*^e,—and they were of the utmost gravity,—we will now endeavour to explain.

Draco had' made some attempt to relieve the evils arising from the absence of justice caused by the arbitrary powers of the archons, but his efforts had had very little real effect. And the other national trouble, namely the abject poverty of the lower classes, only increased year by year. The land of Attica was for the most part cultivated by farmers, who held it from the Eupatridae on a *metayer* or villein system, paying a yearly rent of one-sixth of the produce, (whence their name of

The burden
of debt at
Athens.

A long war with Megara and a succession of bad harvests had reduced these wretched farmers to the most miserable plight; and as their only means of giving security for the payment of their debts was to mortgage their persons to their creditors, there appeared to be a very present danger of a considerable portion of the population of Attica being sold into slavery. Herein, then, lay Solon's task—to relieve existing distress and to prevent its recurrence in the future. He thus appears as a corrector¹ or reconciler², as well as a lawgiver.

Solon was an Eupatrid who during the early part of his life had visited many parts of Greece and Asia, and had thus broadened his mind beyond the

¹ Plut. *Solon*, 16: διορθωτής. ² *Ath. Pol.*, 5: διαλλακτήης.

generality of his contemporaries. In 594 B.C. he was elected archon, and being granted extraordinary powers in the distressful condition of his country, proceeded forthwith to introduce his reforms.

**His
social re-
forms.**

His *Seisachtheia*, or removal of burden, as his method of dealing with existing social evils was called, was drastic and whole-hearted. In brief, he cancelled all existing debts contracted on the security of person or land, forbade all future loans on the security of the person, abolished the one-sixth rent, thus transforming the *metayers* into freeholders, and depreciated the coinage some twenty-seven per cent. In this way debtors obtained a practical rebate of twenty-seven per cent. of their debts. Measures so sweeping could have been justified only by the direst necessity, and the fact that even the Eupatridae accepted the reforms without grumbling indicates the nature of the crisis.

Having thus relieved the immediate distress of the mass of the population, Solon proceeded to introduce a series of political reforms, which should in some degree render a repetition of such distress impossible.

**His consti-
tutional
reforms.**

Beyond all doubt the underlying principle of the constitution of Solon was democratic. As he said himself, he desired to give the people just so much power as they could bear at the time. Recognis-

ing the inevitable tendency towards democracy, but unable to set up on the spot a democratic constitution, Solon introduced political measures which he himself saw must be temporary, and which should serve to prepare the way for the future growth of true democracy.

The first great feature of the Solonian reforms is the division of the people into four classes, based on a timocratic principle—the possession of land. The first class, the Pentacosimedimni, were those whose land produced an annual income of five hundred medimni of corn, and over. (The medimnus was roughly equivalent to a bushel and two-fifths.) The second class, the Hippeis, possessed an income derived from land of between three and five hundred medimni. The third, the Zeugitae, lay between one hundred and fifty, (or, according to the *Constitution of Athens*¹, two hundred), and three hundred; and the fourth or Thetes fell below one hundred and fifty. The archonship was restricted to the first class, and the other offices of state, except the very minor ones, to the first and second. In the hands of the Eupatridae, then, the main power continued to reside. The Zeugitae were eligible for some petty offices, but the Thetes possessed only a vote in the Ecclesia. To compensate for this political disability they were exempt from all taxation. This taxation (*εἰσφορά*),

The
Solonian
Classes.

¹ *Ath. Pol.*, 7.

based on the class-divisions as a kind of graduated income-tax, was the chief cause why the Solonian classification so long outlived the rest of the constitution. So admirable and so satisfactory did the scheme of taxation prove to be, that we find the classes in existence even in the fourth century.

Increased powers of the Ecclesia.

So far the Solonian constitution is of a distinctly oligarchic turn. For all actual participation in the government, which Aristotle and Plutarch term *ἀρχή*, a property qualification was needed. But none the less the people—the demos—received a material access of power. The Ecclesia acquired deliberative powers, and all the resolutions of the Boule were sent down to it for confirmation or otherwise. It must be remembered, too, that every Athenian citizen without exception possessed a vote in the Ecclesia, and that no man's vote counted for more than another's.

The Boule.

Solon's Boule, again, marks an advance in the direction of democracy. True, only citizens of the first three classes were eligible for membership of the Boule', but it does not appear as a separate power, parallel to the Ecclesia. It is rather a probouleutic committee of the latter body, instituted for the convenience of the people more than as a check upon them. Without the ratifying authority of the Ecclesia, the Boule" was helpless, and here again the undeniable tendency is towards establishing the ultimate sovereign power in the hands of the people.

We do not know what the intermediate link was between this pro-bouleutic council and the Ecclesia. It is possible, but improbable, that Solon established the Prytaneis, of whom we shall have to speak later; but by far the most likely solution of the difficulty is to suppose that the archons presided both at the Boule and at the Ecclesia, and conveyed the resolutions of the former to the latter.

But it was by conferring judicial powers on the people that Solon stamped himself as a democratic legislator. For judicial purposes the whole body of Athenian citizens appears as a sworn court, called the Heliaea, bound by the Heliastic oath to respect the fundamental principles of the constitution. They were, for instance, never to proclaim an abolition of debts, or a free distribution of land. To the Heliaea the final appeal could be made in all judicial matters, and though at first this appeal was made but rarely, and only in cases of special difficulty, it gradually grew to be the common procedure, and the magistrate became simply a court of first instance.

The
Heliaea
and Dicasteries.

The division of the Heliaea into twelve separate courts or dicasteries is probably just subsequent to Solon. They are, of course, identical with the Heliaea, the splitting up of the whole body of citizens into separate panels being merely a matter of convenience in transacting business.

The great importance of this reform of Solon by

no means escaped the Greek writers. Aristotle while admitting that Solon gave the people no more than the minimum of political power, viz. the right of electing officers of state and of holding them responsible, says also that Solon is sometimes censured for having destroyed the balance of power by assigning the supreme jurisdiction to a body like his court of law, a measure which ended in reducing the polity to democracy. The *Constitution of Athens*, again, says that in the Solonian constitution there were three democratic elements,—the prohibition to borrow money on the security of the person; the right of any man to bring an action for injury suffered; and, greatest of all, the right to appeal to the dicasteries. For so long as the people has control of justice, it has control of the constitution². In short, if there is an ultimate sovereign power at Athens, it must be looked for in the Heliaea, and not in the Ecclesia.

The
Areopagus.

The Areopagus under Solon lost some of its powers, transferred to the Boule, but retained its most conspicuous, which indeed it never lost, viz. jurisdiction in cases of intentional homicide, and a general censorship of the people. It is above

¹ *Ar. Pol.*, II, ix, 4: τὸ τὰς ἀρχὰς αἰρεῖσθαι καὶ εὐθύνειν—αἰρεῖσθαι being the function of the Ecclesia, and εὐθύνειν of the Heliaea.

² *Ath. Pol.*, 9: κύριος γὰρ ὢν ὁ δῆμος τῆς ψήφου, κύριος γίγνεται τῆς πολιτείας.

GREEK CONSTITUTIONAL HISTORY.

all else the oligarchic element in the constitution, while, to complete the idea of a mixed constitution, as both Plutarch¹ and Aristotle² call that of Solon, we may regard the limitation of eligibility to office as the aristocratic side, and the law-courts as the democratic.

We have said already that Solon never imagined that his political institutions could be permanent, nor hoped that they would. He found himself face to face with an immediate problem calling for an immediate solution, and he did the best he could under existing circumstances. The utmost credit is due to him, firstly for recognising the irresistible oncoming of democracy and attempting to meet its demands; and secondly for his moderation in refusing to be carried away by this democratic tendency so far as to set up an advanced type of constitution for which Athens was not ready, and which would only have intensified the horrors of the crisis while, perhaps, changing its nature.

Solon's constitution broke down because he had failed to eradicate, perhaps failed to perceive, the danger of one great feature of the state of Attica, namely the division of the people into local factions. These informal unions of Men of the Plains, the Hills, and the Shore were at so deadly feud one with another that any attempt on the part

Why it failed.

¹ Plut. *Solon*, 18.

² Ar. *Pol*, II, ix, 2.

of a legislator to create a public spirit was predestined to failure. The first thing to be done was to break up these factions. That done there was some hope for the future. Parallel with this factor of discontent was another, the feuds of the clans or

These, too, Solon failed to destroy, and we shall see that it was one of the principal tasks of Cleisthenes to remove the possibility of these clan differences. In fact, the whole nature of the Athenian state called for change. The four Ionic tribes had to go, and with them the clan factions, the leagues of Hill, Plain, and Shore, representing the never-ending quarrel between landed and landless, rich and poor, and the like internecine differences of the state. Then, and only then, as subsequent reformers found, could Athens realise her true nature, or, in Aristotelian language, attain to *εὐδαιμονία*, in the development of a great democracy.

CHAPTER XL

DEMOCRACY. CLEISTHENES.

THE laws of Solon, thus established in 594 B.C., were inscribed on wooden pyramids and deposited in the Acropolis, while their author spent the next ten years in foreign travel. This he did to give the new polity a fair chance of proving its worth, apart from any possibility of temporary patching and supplementing by its founder. Returning to Athens, after wandering through Egypt and Asia Minor, Solon found his native city once more in a state of ferment and incipient revolution. No one was satisfied with the new order. The people had tasted power and demanded more. The Eupatridae sighed for the old days of absolute oligarchy; while the rapidly increasing commercial classes naturally protested against a constitution which gave all the power to the proprietors of the land, and none to those in whose hands was the real wealth of the country. In other words, the factions of Hill, Plain, and Shore were at deadly feud, the Hill representing the poor herdmen and shepherds of the uplands,

**Breakdown
of Solon's
constitu-
tion.**

the Plain the rich landowners of the fertile districts, and the Shore the trading population whose wealth came oversea. These three parties were led by Peisistratus Miltiades, and Megacles respectively.

**Tyranny
at Athens.**

It was as early as 582 B.C. that the prevailing discontent came to a head. In that year Damasias the archon, an Eupatrid of the Plain, endeavoured to set himself up as tyrant of Athens, and did in fact succeed in illegally retaining his office throughout the next year. But the factions of Hill and Shore combined to drive him from power, and entered into some sort of agreement by which representatives of all three parties were in future to be elected on the board of nine archons. But the trouble was only temporarily allayed. In 560 B.C. Peisistratus, an Eupatrid and a kinsman of Solon, proclaimed himself the champion of the Hill faction, and by a *coup* (*Vetat* seized the Acropolis and established himself as tyrant. It is curious to notice that in this way Solon, the founder of Athenian democracy, died as the subject of an Athenian tyranny.

Twice was Peisistratus driven out, and twice did he return to power, surrounding himself on the second occasion with a body-guard sufficiently strong to make his position secure for the future. He died in 527 B.C, after thirty-three years of rule, leaving his sons Hippias and Hipparchus as his successors. The rule of these two was on the

whole a prosperous one both in home and in foreign affairs, until the private vengeance of Harmodius and Aristogeiton struck down Hippiarchus in 514 B.C. Then Hippias, suspicious of every man and fearful for his own safety, changed his policy, and entering upon a career of sheer despotism of the most vexatious kind, drove the Athenians to open revolt. Cleisthenes, an Alcmaeonid and son of Megacles the old Shore leader, headed the first rebellion, and when it failed called in the aid of Sparta under Cleomenes the Spartan king. The result was that in 511 B.C. Hippias was driven out of Athens, and Cleomenes drawing off his troops, Athens was once more left to herself.

We may here digress for a moment to consider the effects on Athens of the fifty years' tyranny of the Peisistratidae. For the poor this period was one of great gladness. Solon had freed the poorer Athenians from slavery; Peisistratus gave them land by dividing among them the estates of the nobles whom he had slain or driven out. A tax of ten per cent, was exacted as a kind of rent, but this was afterwards reduced to five per cent., and the utmost harmony seems to have reigned. Judges were sent up and down the country to hear and redress grievances; festivals of Dionysus were instituted for the rural population, and the famous Attic drama now had its beginning. The city itself

The rule
of Peisis-
tratus.

Athenian
prosperity.

Peisistratus beautified with many noble buildings, such as the Academy, the Lyceum, the Hecatompedon, and the Olympieum, the last of which was only begun during this period. As was usual with the Greek tyrants, the court of Peisistratus became a resort of artists and men of letters. Among the most notable personages seen there were Anacreon and Thespis, the founder of the Attic drama. Sculpture made a great advance under Peisistratus which it continued until it reached the golden age of Pericles. The foreign relations of Athens became widely extended, among the alliances contracted by Peisistratus being those with Polycrates of Samos, the great naval power of the day, with Thessaly, and with Sparta. Trade with the coasts of the Euxine was actively pushed, and Athens secured to herself the control of the Hellespont and adjacent districts by reviving the ancient colony of Sigeum and colonising the Thracian Chersonese. Moreover by restoring the Delian festival and putting Athens at the head of the Delian league, Peisistratus may be said to have laid the foundations of what was soon to become the Delian Confederacy and the great Athenian Empire.

Assuredly, then, the fifty years of tyranny which Athens experienced after Solon form some of the brightest pages in her history; and it is extraordinary how the good done to the state from 560 to 514 B.C. has been almost ignored by ancient writers,

who dwelt lingeringly on the evil years from 514 to 510 B.C. which succeeded the murder of Hipparchus. These same writers, too, are much in error when they call the deed of Harmodius and Aristogeiton a heroic deliverance of a down-trodden people from the horrors of tyranny. The act was inspired solely by desire for private vengeance, and the greater part of its political significance was attributed to it after the event.

But the downfall of the tyranny had left the country in no better condition than before. Two of the leading nobles, Cleisthenes and Isagoras, found themselves face to face in a struggle for supremacy, the former putting himself at the head of the democratic, and the latter of the oligarchic party. In 509 B.C. Cleisthenes held the field, and Isagoras, driven into banishment, fled to Sparta. With Cleomenes and a Spartan army he returned to the attack, and Cleisthenes retired into voluntary exile. But the artificial oligarchy now set up by Isagoras under the protection of a Spartan garrison was foredoomed to failure. A general democratic rising, led by the recalled Cleisthenes, drove oligarchs and Spartans together from Attica, and a subsequent attack on the country by Cleomenes, aided by the Boeotians and Chalcidians, ended in a decisive victory for the Athenians and absolute freedom from all external interference. Once more they turned to a *νομοθετης* for a new constitution,

Renewal
of civil
strife.

and invited Cleisthenes to legislate for them on a democratic basis (508 B.C.)

Constitution of Cleisthenes.

The first question that Cleisthenes found himself set to answer was how to get rid of the clan feuds on the one hand, and the local factions of Hill, Plain, and Shore on the other, the peculiar difficulty of the situation being that in the one case family tradition, and in the other local prejudice was concerned. The clan itself he could not venture to touch, fortified as it was by immemorial ties of kinship and common religion, and by every kind of association calculated to make it sacred in the eyes of the Athenian people. But though he conceived himself bound to spare the clan, he determined to remove the possibility of any further element of faction in the state arising from it.

Tribes and Demes.

He began, therefore, by abolishing the four Ionic tribes and instituting ten new tribes of his own, named after Attic heroes. He did not do this, as Herodotus says¹, to show his contempt for the Ionians, but simply to abolish the old tribal jealousies. These ten tribes were composed of local units termed demes, roughly corresponding to what we should call parishes, named also after ancient Attic heroes. It was herein that Cleisthenes, by an ingenious device, avoided any danger of the old local factions. For instead of putting the component demes of one tribe together in one locality, he

¹ Herod., v, 69 : ὑπεριδὼν τοὺς Ἴωνας.

divided them over the whole of Attica. For example, the tribe Aiantis would have some of its demes in the hill-country, some in the plains and some along the shore, so that the local and the tribal interests thus clashing neutralised each other. Again, the city itself was divided into eight demes, belonging to six different tribes, and thus anything like a tribal faction in Athens was at once rendered impossible. For political purposes the tribe was made the basis of state business, and the deme of local administration.

It has been said that Cleisthenes dared not touch the clan or its rights. But it is easy to see that the new organisation of the citizens for purposes of state must have resulted in a complete divorce between the clan and politics. As an association based on family ties the clan remained inviolate; as a factor in the political life of the state it simply disappeared. We shall see this aspect of it revived to some extent in later times in the political clubs (*ἐταιρείαι*), but these never filled quite the same place. More than this, the position of the clans and the phratries was seriously weakened by the enrolment of a number of new citizens, both foreigners and, as Aristotle¹ calls them, 'resident slaves.' The meaning of this latter phrase is not quite clear, but in all likelihood it refers to slaves

The clans
and
phratries.

New
citizens.

¹ *Αγ. Πολ.*, III, i, 10: πολλοὺς γὰρ ἐφυλέτευσε ξένους καὶ δούλους μετοίκους.

who, after being formally enfranchised, lived in Athens in the position of resident aliens, and these were the class on whom Cleisthenes conferred the full franchise. The test of citizenship being, as has more than once been said, membership of the phratries, it is obvious that these new citizens had to be enrolled, not only in the tribes, but also in the phratries. They would thus be in the position of Orgeones,—the inferior members of the clan,—but seeing that Aristotle again tells us that Cleisthenes made the private rites (*ἴδια ἱερά*) of the clan common, we are constrained to believe that in some way or other these Orgeones were admitted to a much greater share than formerly in the intimate life of the clan. This in itself must have been a serious diminution of the importance in the state of the clan.

The Boule. The numbers of the Solonian Boule or senate were increased by Cleisthenes to five hundred, fifty members being taken from each tribe. The functions of the Boule remain practically unchanged. It is still a pro-bouleutic committee of the Ecclesia, preparing business for that body, and never acquiring, either by legislation or by usage, independent powers of its own. It is now, however, that we find the regular system coming into operation by which the Boule supplied presidents for both its own meetings and those of the Ecclesia. The year being divided into ten periods of thirty-six days

each, the fifty members of each tribe held office in rotation for one period. During this time the fifty were called Prytaneis, and were boarded and lodged at the public expense in the Prytaneum. They were divided into five committees of ten each, called Proedri, who presided at meetings of Boule and Ecclesia for a week at a time, choosing each day one of their number to act as Epistates, or chairman. He, for the twenty-four hours, was absolute head of both assemblies, and in many ways head of the state.

Both the numbers and the powers of the Ecclesia were considerably increased by Cleisthenes, and the latter were more accurately defined. No longer was it in the power of a magistrate to convene the Ecclesia when he chose, and only then, but fixed days were appointed for its meetings, one in each prytany. These meetings were called *ἐκκλήσῃαι κύριαι*; while those occasions of sudden crisis, when the Ecclesia met by summons of the Strategi or Boulej were termed *ἐκκλήσῃαι συγκλητοί*.

The powers of the Ecclesia were practically all-embracing. It declared peace or war, and received all foreign embassies. It received from all magistrates an account of their year of office, although in the official *εὐθύνη* the law-courts were the ultimate controlling authority. It had absolute authority in all matters of taxation and finance, and finally could by resolution add to the statute-book. Such reso-

lutions passed by the Ecclesia on its own initiative were called psephisms (*ψηφίσματα*); while a resolution sent down from the Boule to the Ecclesia (*παραβούλευμα*), and confirmed by the latter body, became a law (*νόμος*). The uncontrolled right of free speech was now possessed by the assembly. As soon as the presidents had spoken any citizen might rise and address the people, a practice which led to two results—the rapid development at Athens of the art of public speaking, and the rise of a class of demagogues whose influence on Athenian politics will be found to have been not always for the best.

The Ten
Strategi.

The ten Strategi or generals were closely connected with the tribal organisation, each one belonging to the tribe which he commanded, and being elected by it. Thus they were at first merely tribal officers, primarily of a military nature, under the polemarch, who was Commander-in-Chief. Their powers became supreme in warlike matters only when the polemarch ceased to be a military officer.

The
Naucraries.

The number of the naucraries was increased, as has been mentioned already, from forty-eight to fifty, each supplying a ship to the fleet. Each tribe contained five naucraries, and the trierarchy, or duty of maintaining the trireme and crew, was apportioned by the tribes to various of their wealthy individual members.

Under Cleisthenes the Boule appears to have received some financial authority, which it exercised by means* of an executive board of ten finance officers, called Apodectae,^{The Apodectae.} 'receivers.' These were chosen by lot, one from each tribe, received the taxes and other important revenues, and, after having audited them before the Boule, distributed them to the other officers of state.

It is worthy of remark that, by the introduction of a kind of decimal system throughout his constitution, Cleisthenes must greatly have simplified the practical working of all state business. The number ten or its multiples is found as the basis of all official divisions and boards, and even the number of the demes is said to have been originally one hundred, although we know that this was materially increased in later times.

We have left till last the consideration of one of the most striking features of the Cleisthenean reforms, viz. the institution of ostracism. This was a device intended for use in a political crisis, when the continued rivalry of two prominent statesmen threatened danger to the country. In such a case the Ecclesia might decree a general poll of the citizens*, and the defeated rival was compelled to retire into exile for ten years. It was a perfectly honourable exile, casting no sort of stigma upon the sufferer, as is clearly seen in the case of Aristides, who was ostracised just before the second Persian

invasion in order to give Themistocles a free hand in his vigorous war preparations.

It is generally supposed that six thousand votes had to be recorded against any one man to secure his ostracism, but this is undoubtedly incorrect, for, considering the limited numbers of the Athenian citizens, such a vote would have been almost an impossibility. The real truth probably is that six thousand votes had to be recorded altogether, i.e. that six thousand citizens had to be present to form a quorum of the Athenian people. Aristotle¹ concisely defines ostracism when he speaks of it as a device for restoring equality in a state when the overgrowth of one citizen threatened to destroy the balance of power. But he is right in saying also that, instead of regarding the interest of their own state, men employed ostracism as a means of gaining party ends. For in after times ostracism was much abused, as is instanced by the ostracism of Hyperbolus by a combination of the parties of Nicias and Alcibiades, two statesmen whose policies were actually in the highest degree antagonistic. But the scandal caused by this occurrence seems to have brought lasting discredit upon ostracism, so that we never again hear of its employment.

Criticism of
the consti-
tution of
Cleis-
thenes.

The majority of ancient writers agreed in attributing to Cleisthenes the actual realisation of democracy at Athens. Herodotus says that Cleis-

¹ *Ar. Pol.*, III, viii, 2.

thenes ' established the tribes and a democracy among the Athenians,'¹ and again that 'he took the people into partnership.'² The *Constitution of Athens* states³ that the reforms of Cleisthenes made the constitution far more democratic than that of Solon; and throughout the *Politics* Aristotle holds the same view. But as a matter of fact in actual democratic reform Cleisthenes does not represent any very great advance on, Solon. ' His claim as a reformer rests on the abolition of certain conditions which were unfavourable to any form of established government. The break-up of the clan organisation, the fresh local unions which banished old associations and substituted new ones in their place, and the introduction of ostracism, were all means of getting rid of disturbing causes. Thus the creations of Cleisthenes were permanent, and were the starting-point for all further development. The Cleisthenean constitution was the unalterable basis on which the future ultra-democratic changes rested, and in this sense, but in this sense only, Cleisthenes was the founder of the Athenian democracy.'⁴

All this, of course, is true enough, but the work of Cleisthenes must by no means be belittled. It

¹ Herod., vi, 131.

² Herod., v, 66.

³ *Ath. Pol.*, 22: δημοτικωτέρα πολὺ τῆς Σόλωνος ἐγένετο ἡ πολιτεία

⁴ Greenidge, *op. cit.*, p. 162.

is the part of every reformer to sow the seed, and to leave it for others to tend and water. But if he sowed the right seed he has done his work well. The reformer is no Indian conjurer, to sow a seed and forthwith to exhibit to his audience the developed tree. A great constitution is a thing of slow evolution, and in what other sense would one wish to point to Cleisthenes as the founder of Athenian democracy save as him who laid 'the unalterable basis' on which future democratic changes should rest?

Its effects The effects of his reforms were not long in appearing. The rapid growth of democracy brought with it a great increase in Athenian naval, military and commercial power, apparently out of all proportion to its causes. It was not long before the Athenian navy established a supremacy at sea unquestioned by any existing power in the world. Her armies went forth to conquer on all hands, and her commerce spread from furthest East to the remote West. And at the same time a blaze of literary and artistic genius went out to give light to the whole world, and to mark the century that followed Cleisthenes as the brightest in the history of the Hellenic race.

CHAPTER XII.

PERICLES AND THE LATER ATHENIAN REFORMERS.

THE period intervening between the reforms of Cleisthenes and Pericles was too occupied with great military matters to leave much scope for political reforms at Athens. For it was these seventy years that saw the Persian Wars and their glorious outcome for Greece in general and Athens in particular, and saw, too, the foundation and growth of the Delian Confederacy, soon to become the great Athenian Empire. Concurrently with these events, however, and in direct consequence of them, the political aspect at Athens was constantly developing. Not, indeed, by means of any actual reforms or the policy of any individual lawgivers, but because external affairs had their necessary reflex action upon internal.

'The sea-going population,' says Aristotle,¹ 'by its services in winning the victory at Salamis, and

¹ *Ar. Pol.*, VIII, iii, 5: ὁ ναυτικὸς ἄχλος . . . τὴν δημοκρατίαν ἰσχυροτέρων ἐποίησεν.

thereby founding the Athenian supremacy which rested on the command of the sea, succeeded in increasing the strength of the democracy.' And this was naturally so. For not only did the lowest class of citizens, by their exploits in the Persian Wars, call attention to the necessity of giving them some direct share in the government, but the rapid growth of the empire that succeeded those wars threw into the hands of the people, as represented by the Ecclesia, an amount of power that no statesman could ever have contemplated previously.

The Pen-
clean ideal.

No longer had the Ecclesia to decide on mere questions of peace and war, or of concluding treaties with other states. The most complicated and most momentous problems of foreign policy became of frequent occurrence as the empire grew, and the natural result was that every Athenian citizen came to feel a personal and lively interest in the management of Athenian affairs. It was under such circumstances that Pericles conceived his ideal of an Athenian democracy which should be to the rest of the world as a small ruling oligarchy. Of oligarchy within the city there could be none, for every citizen was to be a highly intellectual and highly developed political type that could admit no superior. The Periclean ideal, in fact, was a great levelling-up process, both as to political power and as to culture.

With this object Pericles in 451 B.C. straitly purged the roll of citizens of all who could not prove a clear title to their position, this being the first occasion on which that famous statesman comes prominently forward as a politician. A new law was enacted, or probably an old one was revived, that only those who were legally born of two Athenian parents were eligible for citizenship. Legally born meant born of legitimate marriage (*ἐγγύησις*), in which the wife was admitted into the phratry of her husband. Beyond this the only possible method of acquiring citizenship was by election at a meeting of the Ecclesia at which at least six thousand votes were recorded. It may here be added that, just as during the Persian Wars the depletion of the citizen roll by losses in battle led to the in-creeping of many persons who had no claim to citizenship, so, too, in later times the Peloponnesian War and its heavy demands caused the Periclean law of citizenship to fall into disuse.

But the chief change connected with the name of Pericles is the introduction of the system of payment for services to the state. So far as we know, he only instituted payment for services in the law-courts (*δικαστικῶς μισθός*), and that only of one obol a day. The attacks made upon him by ancient writers for attempting to bribe the people, in order to counteract the influence of his rival

Revision
of citizen
roll.

Payment
for state
service.
(1) Payment
of dicasts.

Cimon, or for teaching the people to live on the prosperity of Athens instead of on their own industry, lose their point when we keep in mind two considerations. Firstly, the Periclean ideal required that every citizen should take a direct personal part in the government of the empire. It was now for the first time that the *Heliaea* were regularly organised into permanent courts which were constantly crowded with ever-increasing business as the empire grew. It was not to be expected that the citizens could sacrifice their time day after day to sitting in these courts; and as part compensation for such loss of time,—possibly in great measure to defray the expenses of country folk travelling to Athens,—the one obol payment was given, being afterwards increased, probably by Cleon, to three obols, which then represented complete compensation for loss of time.

Secondly, the principle of payment for service, quite apart from the question of the extent of such payment, is a principle inherent in the idea of real democracy, and as such comes naturally into the Periclean scheme.

This *δικαστικὸς μισθός* was supposed to come primarily from the court fees (*πρωτανεία*) deposited by the litigants. When these were insufficient the sum was made up from the tribute (*φόρος*) paid by the allies. But the theory was that the courts were self-supporting.

It is possible that Pericles also introduced pay-^{(2) Payment of Bou-leutae.}ment for members of the Boule, now a permanent committee absorbing all the time of its members, so that the same argument applies to their case as to that of the Heliasts. This payment was made from the tribute.

Payment of the Ecclesia was instituted at a much later date than Pericles, after the Peloponnesian War, by one Agyrrhius, in order to increase the rapidly dwindling attendance at the meetings. The money thus required was raised by an income-tax levied on the richer citizens.

The further principle of free distributions, which^{(4) Free dis-tributions.} was carried to such excess in later days, undoubtedly originated with Pericles, but can hardly be called an integral part of his policy. It was rather due, as Mr. Greenidge points out, to the Greek idea of an empire as a joint-stock company, any surplus profits from which were distributed among the shareholders as bonus. To this class belong the distributions of corn, of plots of conquered land as cleruchies, and of money for entrance to the festivals or theatre (*θεωρικόν*).

We have now to consider the position of the various governing bodies of Athens during the^{The Boule in later times.} time of Pericles and after him. The Boule, for example, rapidly acquired power. It was found to be a handier council than the Ecclesia for purposes of ordinary business, and so more and more

of the administrative functions of the state were thrown into its hands, although it never lost its real character of a pro-bouleutic committee, subject to the ultimate authority of the Ecclesia. Foreign policy was in the main directed by it, and it was only matters of grave importance that were referred to the assembly. It assessed the tribute for the members of the Confederacy, and submitted the lists to the Ecclesia; and beyond this, in matters of general finance it was almost supreme. It prepared the financial estimates for the year, and received the returns from the Apodectae, and farmed out the taxes. Its powers of jurisdiction consisted in hearing all impeachments for treason, such as plotting against the democracy, taking bribes to give wrong advice to the people, and treachery in war. Although originally the decision of the Boule in such cases was final, in later days appeal was allowed to the dicasteries. The Boule met daily, except on festivals, while the Prytaneis sat permanently as a committee preparing business for it.

**The
Ecclesia.**

The Ecclesia had no fixed meeting-place, but varied between the Pnyx, the Agora and the theatre, always, however, meeting in the Agora for ostracism. Business was prepared for it by the Prytaneis, who either laid before the assembly a definite resolution of the Boule for confirmation or rejection, or introduced a question for the Ec-

clesia to deal with as it chose. It is noticeable that although nothing might be discussed in the Ecclesia which had not previously been debated in the Boule, yet the people asserted their right of initiative by passing either amendments, (or riders, as perhaps they are more correctly styled), or a resolution calling upon the Boule to introduce certain business,—an invitation which was rarely refused.

The voting was by show of hands (*χειροτονία*), rarely by ballot (*ψηφος*). In the case of a resolution of the Boule a vote might be demanded without discussion (*προχειροτονία*). It must be remembered that although the resolutions of the Ecclesia (*ψηφίσματα*) were practically equivalent to laws, yet there was a constantly present restriction on the assembly in the *γραφὴ παρανόμων*—impeachment for bringing forward a proposal contrary to the principles of the constitution, which acted as a perpetual check on every speaker, making him feel the responsibility of his position. So that although, as has been said, if there was a numerically definable sovereign at Athens it was the Heliaea, we are perhaps safer in agreeing with Aristotle that it was neither Heliaea nor Ecclesia, but 'the impersonal sovereignty of law itself—*οἱ ὀρθῶς κειμένοι νόμοι*.¹

The functions of the archons under Pericles and

¹ Ar. *Pol*, III, vi, 13.

The
Archon-
ship.

subsequently to him gradually dwindled into those of magistrates whose duty it was to conduct a preliminary investigation into the merits of legal cases submitted to them, before these were sent on to the dicasteries. Eligibility to the archonship, originally confined to the Pentacosimedimni,' and then extended to the Hippeis, was now conferred also upon the Zeugitae, but never formally upon the Thetes. Yet the important part played in the Persian Wars by *ὁ ναυτικὸς ὄχλος* brought the lower classes into such prominence, that an obvious legal fiction admitted even the fourth class to office, for they were now enrolled as Zeugitae, and never as Thetes.

The
Strategi.

The loss of prestige thus suffered by the archonship when it was thrown open to the lower orders brought increased power to the Board of Generals. As the archons sank to the position of mere figure-heads of state, the Strategi came to the front as a leading executive power. Their control by the polemarch had long ceased, and in active military matters they were supreme. More than this, they regularly conducted preliminary negotiations with foreign states, and acquired the right to convene the assembly. Acting thus as a kind of Cabinet, they were always jealously watched by the Ecclesia, and in more than one case friction occurred between the two bodies.

The manner of election of the generals is a

doubtful point. We are not sure whether they were elected by the whole body of the people from the* entire number, or whether each tribe elected one. It is probable that both principles were in use at different periods of Athenian history. But however that may be, it was undoubtedly the fact of their being directly elected representatives of the citizens that caused their rapid advance in power. There is good reason for supposing that one of the Strategi acted as president of the board, and as Commander-in-Chief on active service. The point is a disputed one, but the balance of evidence inclines strongly towards the theory, although how such a president was elected, or what were the nature and limitation of his powers, we do not know.

The Areopagus, as the bulwark of oligarchy, was one of the first objects of attack by Pericles. Throughout the Persian Wars it had played a considerable part, and its patriotic efforts in the Hellenic cause had gained it much respect at Athens, although constitutionally its powers had already been cut down to a minimum. In 462 B.C. Ephialtes, at that time the political partner of Pericles, proposed a law depriving the Areopagus of its censorial powers and its guardianship of the laws. The law was passed, and the censorial authority was now given to the dicasteries, and the guardianship of the laws to a board of Nomophulakes, who

The
Areopagus.

sat in the assembly, with a right of veto in the case of illegal proposals. The only power thus left the Areopagus was its jurisdiction in cases of wilful murder. Yet the ancient council lingered on, and when the dissensions between the oligarchic and democratic factions again became acute at the end of the fifth and beginning of the fourth centuries we find it once more coming into some prominence as a champion of oligarchic interests.

The
Hetaeriae.

These internal dissensions were fostered principally by the political clubs or *εταίρηται*, which, as we have said already, took the place in Athenian politics of the old clan associations. During the Peloponnesian War they began to play a very active part in the life of the state, especially those of the oligarchic faction, which, working for unconstitutional ends, did not scruple to use every kind of underhand means, even to the assassin's dagger. From the secret oath which bound their members, these clubs are sometimes called 'conspiracies' (*ξυνωμοσται*), and we are told not only that they were formed for mutual assistance in candidature for office and in legal cases,¹ but also that the club oath contained the words, 'I will be a foe of the commons, and will devise whatsoever ill I can against them.'²

These hetaeriae were by no means confined to

¹ Thuc., viii, 54: *ξυνωμοσται ἐπὶ δίκαις καὶ ἀρχαῖς*.

² *De Pol.* VIII. vii 10.

the oligarchical faction. Democratic combinations were not unknown, and the club very frequently centred round an individual, whose interests it undertook to advance in every possible way. In this manner Pericles, Nicias, Alcibiades each had his hetaery.¹

The closing scenes of Athenian political history do not call for any detailed treatment. The reaction against democratic government following the Sicilian disaster led to the oligarchic revolution of 411 B.C., which was succeeded by a long period of uncertainty. The oligarchy of the Four Hundred collapsed almost as soon as set up, and the various attempts at moderate democracy which followed ended for the time with the reign of terror of 404—403 B.C. Democracy again appears with the archonship of Euclides in 403 B.C., but gradually with successive reformers the constitution becomes more and more timocratic. Under Macedonian rule democracy becomes again the political principle, and so remains until the 'last scene of all,' the absorption of Athens, and with her the whole of Greece, into the great Roman empire.

It only remains to add a word respecting the policy of Athens in regard to her empire. The Confederacy of Delos, originally a voluntary association of independent states under Athenian

¹ Whibley, *Political Parties in Athens*, p. 84.

hegemony for the purpose of freeing the Hellenic world from Persian domination, rapidly developed into an Athenian empire, which, not unjustly, was termed a despotism (*τύραννις*).¹ Of this empire Athens alone controlled the policy and managed the affairs. The component states paid a direct tax into the Athenian treasury. Athens in more than one case dictated the nature of the constitution under which states were to continue, and she exercised a compulsory jurisdiction in their lawsuits. The whole system was in direct opposition to the Greek theory of autonomy, which demanded that all states should be left to manage their own affairs for themselves, and it raised much bitter feeling against Athens. The question of compulsory jurisdiction, perhaps, has caused most dispute, regarded as it has often been as sheer tyranny on the part of Athens. Grote, however, justly points out that it really arose from the necessity of having one central authority to adjudicate all disputes occurring within the confederacy. Despite all objections there is no doubt that the majority of the states were sincerely attached to the Athenian alliance, and even the harsh treatment meted out by the ruling power to such revolted states as Mytilene, or such recalcitrant states as Melos, did not shake their allegiance.

The tribute was always arranged on a moderate

¹ *Thuc*, ii, 63; iii, 10.

basis, and although its incidence, falling chiefly on the rich, may have caused some discontent in individual* cases, we cannot admit that any real hardship was felt by the subject states. In fact the loyalty to Athens of her empire remained unshaken all through the days of Athenian greatness. 'A democracy,' said Cleon,¹ 'cannot govern an empire; yet democratic principles, protecting the many from the domination of the few, were the chief bond that kept the empire together. But Athens did not subvert oligarchies to set up democracies, except when revolt or incipient revolt had demanded the overthrow of the existing constitution, as in the case of Samos in 440 B.C. And it was only after the disaster in Sicily, when the reactionary movements of the oligarchs at home encouraged the oligarchic factions in the subject states, that any real disaffection arose. And even after the downfall of the empire in 404 B.c., most of the states, in protest against the rule of Sparta, again turned to Athens and formed the Second Athenian Confederacy, which endured until, the final overthrow of Athenian power at Chagronea in 338 B.C.

Herewith we may leave the Greek city-state and its constitutional development. We have endeavoured to trace it through its many vicissitudes to its various goals, and to indicate the

Final
words.

¹ Thuc, iii, 37.

influences which guided it from time to time in one direction or another. In most cases our information is but scanty, and while regretting that we possess so little knowledge of many, and must therefore give so much time and space to the discussion of one or two states, we are bound to remember that this is the misfortune and not the fault of the historian. He is limited by the materials at his disposal, and though he would fain deal at length with many interesting polities of which he can now and then catch vague glimpses, he is obliged to neglect them for the most part, and give his attention to those of which time has preserved for us the most abundant details.

APPENDIX I.

STATESMANSHIP AT ATHENS.

The conditions of statesmanship in Athens at the period of her greatest prosperity afford an interesting subject of enquiry. In our own country at the present day no important proposal can be submitted to Parliament except by the ministry at the time in power. The opposition is practically confined to criticism. But in Athens the governing party was at the mercy of any popular demagogue who could so far sway the feelings of the Ecclesia as to command a temporary majority. Witness, for example, the resolution proposed by Cleon in 427 B.C. concerning the treatment of the Mytilenean rebels¹, which was passed in the teeth of the government (so to call the party which at the time had most influence in Athenian politics). But the government, far from retiring, actually was itself obliged to carry out the obnoxious measure.

For this and kindred reasons there was never any really responsible power at Athens. With us

¹ Thuc, iii, 36.

nowadays there is always some person or persons responsible for each department of state. The powers and functions of each department are more or less clearly defined. But no such condition existed in Athens, where there was admittedly no one responsible power at any time.

**The
Strategia.**

The nearest approach ever made to it was in the shape of the College of Strategi, whose office was the highest political power in the state, and whose functions were important and extensive. The three essential properties of a responsible statesman are undivided power, continuity of power, and liability to be called to account. The first condition was only realised in the case of the Strategi in quite late times, when each general had a distinct sphere of duty and there was a head of the board. So far we can draw something of a parallel between the Strategia and our modern Cabinet, for the behaviour of each member of which the Prime Minister is responsible. The possibility of indefinite re-election to office in some degree secured to the Strategi the second condition, that of continuity of power; and the danger of a prosecution at the end of the tenure of office fully realised the third. But at all events until the fourth century we cannot possibly regard even the Strategia as representing the responsible political power in Athens.

**Unofficial
dema-
gogues.**

The unofficial demagogues, who always claimed to represent the interests of the masses as opposed

to' the classes, the democracy against the insidious attacks of oligarchy, are a remarkable feature of Athenian politics. Almost entirely irresponsible, they were always a thorn in the side of the governing faction by reason of the powers of persuasion with which they swayed the Ecclesia hither and thither, so that it never could be said with certainty, as has been remarked above, that a resolution would not suddenly be passed entirely contrary to the intentions of the government. The only check upon their procedure was the fear of a *γραφὴ παρανόμων*, a prosecution for an illegal proposal.

The demagogues were principally active in questions of finance, in connection with the *εὐθύναι* in the law-courts, and as self-elected defenders of the constitution. It was naturally by posing as the protector of the interests of the taxpayer that the demagogue hoped to gain popularity, a policy which his modern representative has not been slow to adopt. Moreover by heckling the men in power he could weaken their position and so make an opportunity for himself. And it was in matters of finance that the were most searching and generally most embarrassing.

As defenders of the constitution the demagogues claimed to do great service in attacking the heresies or political clubs¹. It must be remembered

¹ Aristoph. *Eg.*, 861 : *ἔπαυσα τοὺς ξυνομήτας*. (Cleon).

that at Athens any citizen had the right of bringing an impeachment against another, and there is no doubt that the demagogues did employ themselves largely in prosecuting the clubs of young oligarchs.

**Influence of
individuals.**

Never, perhaps, has there been a state which was so much and so constantly under the influence of personalities. Over and over again the demagogue raised himself to such a pitch of power with the democracy that he became a sort of monarch. Certainly he attained to greater power than any prime minister of modern days. It was by posing as champion of the poor and oppressed that Pericles rose to power,—so, at least, Plutarch tells us ; and Ephialtes gained his influence as an opponent of the rich. Other great personal ascendencies sprang from other sources. Cleon and Eubulus were financiers, Alcibiades a general, Demosthenes an orator, and so on. The ground of popularity at Athens, and consequently of political power, might be anything, appropriate or otherwise. And seeing that the policy of the state was controlled on occasions without number by individuals who had attained to such popularity with the people, sometimes using unofficial influence, less often relying on official power, we cannot be surprised that responsible statesmanship at Athens was almost an unknown thing, and an ultimate responsible authority absolutely non-existent.

APPENDIX II.

INTERNATIONAL LAW AND MORALITY.

THE Greeks always agreed in regarding themselves as a homogeneous people, apart from the differences which were constantly arising between state and state, and which effectually prevented anything like Greek political unity. They were all Hellenes, and wherever Hellenes lived there was Hellas. Herodotus¹ gives us four tests by which we may know the existence of Hellas, viz. community of blood, community of language, community of religion, and community of manners. Strong as this fourfold bond of union may appear to us, it cannot be said that anything resembling an united Greek nation is ever found in Greek political history. The effect of the geographical isolation of each several state is so strong and so persistent that we are left with the great fact that the normal relations between the independent Greek states were those of war. The legal aspect of the attitude of one Greek

No Greek nation.

¹ Herod., viii, 144.

state towards another was latent hostility. This being so we are not surprised to find that the nearest approach ever made in Greece to a *jus gentium* was a very rudimentary and imperfect idea of the proper way to treat an enemy, based upon the most primitive notion of a religious sanction.

Greek international sentiment religious.

The only real international sentiment that we find existing in Greece was connected with religion. Thus the stranger was regarded as being under the special protection of Zeus, and the duty of hospitality towards him became one of the few laws common to all (*νόμοι οἱ κοινοὶ ἅπασιν*). From this developed a kind of consular system, one state being represented in another by a *ἑταῖρος*, whose chief business it was to safeguard the interests of strangers from the city which he represented. For the alien was an enemy, and could only avoid the penalties attaching to such a position by joining himself to some citizen who became his patron (*προστάτης*). In actual warfare religion imposed upon the Greeks certain duties towards an enemy, or rather forbade the practice of certain barbarities towards him. Mutilation of the slain, common among other nations, was forbidden to the Greeks, and the bodies of the dead were always given up to the defeated side for burial.

Amphictyonies.

But besides these few elementary principles of common religion there were some rules relating to

the conduct of state to state enforced by human ordinances. A number of religious confederacies existed in Greece, consisting of cities situated round or near some common centre of worship. Hence they were called amphictyonies, the word being derived from *ἀμφί*, 'around' and *κτιόνες*, 'dwellers.' Their original function seems to have been the institution and celebration of religious games, such as the Pythian games, confined to the Delphian amphictyony, the Delian games and others. While the games were being celebrated the members of the amphictyony were at peace, and by the terms of the amphictyonic oath were bound to avoid anything that could be construed into an act of hostility. In this way, the great Olympian, Isthmian and Nemean games being open to all Hellenes, the Hellenic world may be said to have been an united nation during the celebration of any of the three. And these were the only occasions on which there can be said to have been a Greek nation, at peace within itself.

There were many amphictyonies in Greece, such as the Delian, centreing at the famous temple of Delos, with Athens as its chief member. This association fell into disuse, and was revived in order that its organisation might be used as the basis of the Delian Confederacy. Another existed in Argolis for the worship of Apollo on the Argive Acropolis, and another among the Ionians of Asia

Minor for the worship of Poseidon at Mycaie. All these and many others were strictly tribal, and never extended their sphere. But others tended to become international, such as the Pisatan amphictyony in Elis, which developed into the Olympian games; the festival of Cleonae, with Argos at its head, which afterwards became the Nemeian games, and the Corinthian celebrations at Corinth, which became the Isthmian games. In all these the games remained the chief feature. But one amphictyony grew to such influence and power as to have been regarded by some authors almost as a pan-Hellenic council. This was the great Delphian amphictyony centring at the common oracle of Delphi. Even in this, however, the whole of Hellas was not included. It had twelve constituent members, Thessalians, Boeotians, Ionians, Dorians, Perrhaebians, Magnetes, Locrians, Oetaeans, Achaeans, Phocians, Dolopes, Malians. Notable exclusions are the Arcadians, Aetolians and Dryopians, and probably the Achaeans of the Peloponnesus.

The Delphian amphictyony.

The object of the Delphian amphictyony was the same as that of all the others—mutual protection and the protection of the temple which was the centre of worship of the association. The *locus classes* for this amphictyony is Aeschines *de Falsa Legatione*, during the course of which speech the orator deals at length with the nature of

the amphictyonic council, its powers, its composition, and the oath by which its members were bound. In this they swore not to cut off water from, or rase to the ground, any amphictyonic city, and to unite to defend the Delphian territory and to destroy the city of any violators thereof.¹ As a matter of fact, the amphictyony did not confine its dealings within these limits, but on several occasions interfered in charges of general religious misconduct; and later degenerated into a political machine, which falls so low that instead of protecting the interests of the Greek people it ended by betraying them into the hands of Philip of Macedon, on the weak plea of securing the safety of its less powerful members.

The Delphian amphictyony was composed of ^{Its nature.} twenty-four hieromnemones, two from each of the component tribes, and an unknown number of pylagorae, who seem to have acted as informal representatives of the different cities. Each of the hieromnemones had one vote, so that each tribe had equal power in the council². There can be no doubt, however, that this theory of equality soon ceased to have any practical reality, and that the stronger domineered over the weaker here as in all other departments of human affairs.

¹ Aesch. *de Fals. Leg.*, § 109.

² *Ibid.* : και τούτων ἕδειξα ἕκαστον ἔθνος, ἰσότηρον γεγόμενον, τὸ μέγιστον τῷ ἐλάττω.

Other traces of international morality.

Other traces of a partially existent international morality are found wherever extended commercial enterprise led to close relations between city and city. Commercial treaties were formed, and formulated the methods by which individuals of different states could obtain justice against one another, or individuals against cities. Such cases of breach of a commercial treaty, called *δίκαι ἀπὸ συμβολῶν*, were either tried in the defendant's city, or on appeal by the plaintiff could be transferred to a neutral city. A curious practice allowed the plaintiff, either before or after judicial proceedings had been decided in his favour, to seize the person or property of the defendant as a pledge, restoring it, of course, if the verdict went against him. This process was called *συλᾶν*, or 'piratically seizing.' Arbitration was freely employed in cases of international dispute, the parties agreeing on a third city or individual and pledging themselves to abide by the decision given.

But, as has been said, in no case was any agreement or treaty between cities lasting. They were normally enemies. This condition might be changed for a time as convenience directed; the terms of an alliance might conclude, as they often did, with the hope that the peace would be permanent; but generally the lapse of a very short period of time saw the inevitable return to the state of hostility which had obtained before the treaty was made.

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