

be opened in their order, while we pursue the general outlines of the national history; after a brief delineation of the rival republic of Athens, to which we proceed in the next chapter.

CHAPTER X.

THE REPUBLIC OF ATHENS—Revolution in the States of Attica—Regal Government abolished—perpetual Archons—Draco—Solon—His Institutions—Senate—Areopagus re-established—Power of the Popular Assemblies—Laws—Ostracism—Appeal from all Courts to the People—Manners—Revenue—Grecian History continued, Pisistratus, Hippias, and Hipparchus—Alcmæonidæ.

I HAVE, in a former chapter, observed that Greece, in the early part of her history, probably owed some of her greatest political revolutions to her first colonies. The prosperity which the mother country saw her children enjoy in their new settlements, while she herself was yet groaning under the worst of all servitude, that of a bad government, naturally inspired an eager wish to attain if possible a similar freedom of constitution. The domestic disorders of Attica, in particular, had grown to a great height. The union of its states by Theseus was but a forced league of association: it was the consequence of the subordinate cities being involved in frequent quarrels, and hence courting the aid of the principal, that the latter thus acquired a sort of dominion over the whole of them. To bind these firmly together it was necessary to annihilate in the smaller states this sense of dependence on the principal; to make them all parts of the same body, by abolishing their particular magistracies, bringing about a submission to the same general magistrates, and giving them a common system of laws. Theseus, and his immediate successor, had attempted this, but were unequal to the task. The disorders which arose from the tyranny of some of those princes effected an union which their slender political talents had labored in vain to accomplish; but an union hostile to their powers, which had for its end the abolition of the regal office. Codrus, the last of the kings, was, as we have seen, a true patriot, and worthy to reign; but he having sacrificed his own life to save his country, the Athenians, dreading a renewal of their former oppression, determined to make the trial of a new constitution. They were ignorant, however, of the best means of obtaining what they desired. They abolished the title

of king, while the magistrates whom they put in his place enjoyed almost the same authority. From respect to the memory of Codrus, they appointed his son Medon chief magistrate, with the title of *archon* or commander. They conferred on him the office for life, and even continued it hereditary in his family; so that the Athenian republic was governed for 331 years by a succession of perpetual archons of the family of Codrus. Of the difference between their authority and that of the former kings, historians have given us no distinct idea. Some writers, indeed, tell us, in general terms, that the perpetual archons were accountable to the people for their conduct,—a control which the kings did not acknowledge;—but as to the precise nature of the Athenian government at this time, we are, on the whole, extremely ignorant.

This form, however, of a monarchy in all its essentials, though without the name, became in the end equally grievous as that which had preceded it. The perpetual archonship was abolished, and the office was now conferred for ten years. Even this duration was found repugnant to the prevailing spirit of democracy; and after submitting for a few years to the decennial archonship, they reduced the term to a single year, and appointed nine magistrates with equal authority. Of these the chief was called by pre-eminence *the archon*, and, like the Roman consuls, gave his name to the current year in the state annals. The second archon had the title of *king*, (*Basilus*), and was the head of the religion of the state; the third was termed the *polemarch*, from his function of regulating all military affairs. The remaining six archons were called *thesmothetæ*, and held the office of judges in the civil courts of the republic. The whole body of nine formed the supreme council of the state.

Meantime the constitution was by no means strictly defined. The laws framed during the regal government, and accommodated to that despotic authority, were quite unsuitable to the democratic spirit now become predominant; and no attempts had yet been made for their alteration or improvement. The limited power of the annual magistrates was insufficient to check those factions and disorders which a yearly returning election kept constantly alive in the mass of the people.

A virtuous citizen of the name of *Draco*, whose eminent qualities had raised him to the dignity of chief archon, was prompted to attempt a reform, by introducing a code of laws* which might operate as a restraint on all orders of the state. Presuming that a desperate disease requires a violent remedy, and probably influenced by the austerity of his own temper, the penal laws which he framed made no distinction of offences, but punished all equally

* There were probably no written laws at Athens before those of Draco.—*Aul. Gell. i. 1., c. 18.*

with death. The genius of Draco was evidently unequal to the task he had undertaken: he made some changes of form without the essence. He weakened, it is said, the authority of the Areopagus, and instituted a new tribunal, of which the judges were termed *ephetai*, but which was of no duration; and the extreme severity of his laws defeated their own object. They were rarely executed, and fell at length into complete disuse.

In the 3d year of the 46th Olympiad, and 594 years before the Christian era, Solon, a noble Athenian, of the posterity of Codrus, attained the dignity of archon, and was solemnly intrusted by his countrymen with the high power of new modelling the state, and framing for the Athenians a complete digest of civil laws. Solon was a man of extensive knowledge, a virtuous man, and a true patriot; but he seems to have been deficient in that strength of mind and intrepidity of nature which are absolutely necessary for the reformation of a corrupted government. His disposition was too placid and too temporizing. He aimed not at changing the character of his people, nor did he at all attempt to introduce that equality among the citizens so essential to the constitution of a democracy. Accommodating himself to the prevailing passions of men, rather than endeavoring to correct them, his laws, as he said himself, were not the best possible, but the best which the Athenians were capable of receiving.*

The people claimed the chief power in the state—Solon gave it them. The rich wanted offices and dignities—the system of Solon accommodated them to the utmost of their wishes. He divided the whole citizens into four classes. In the three former were the richer citizens, according to their different degrees of wealth. The first class consisted of those who were worth 500 medimni of grain, or as many measures of oil; the medimnus, according to Arbuthnot's tables of weights and measures, was somewhat more than four English pecks. The second class consisted of those who were worth 300 medimni, and who were able to furnish a horse in time of war. The third class comprehended such as had 200 medimni; and the fourth class consisted of all the rest of the citizens. All the dignities and offices of the commonwealth were supplied out of the three first classes, or the wealthy citizens; but the fourth, which was much more numerous than all the other three, had their right of suffrage in the *Ecclesia*, public assemblies, where the whole important business of the state was canvassed and determined. The framing of laws, the election of magistrates, the making war or peace, the forming treaties and alliances, and the regulation of all that regarded either religion or civil policy, were debated and decreed in the public assemblies;

* Plutarch's Life of Solon.

where the fourth class, from their vast superiority of numbers, carried every question, and of course had supreme rule. In these assemblies every citizen above fifty years of age had the privilege of haranguing.*

To counteract the mischief of a government entirely in the hands of the people, and to regulate in some measure the proceedings of those assemblies, necessarily tumultuous and undecisive, Solon instituted a senate of 400 members, chosen from among the most respectable of the citizens, whom he invested with the power of deliberating on and preparing all public measures before they came under the cognizance of the popular assemblies; a regulation which gave rise to this just remark of Plutarch, that Solon employed the wise men to reason, and the fools to decide. No motion or overture with regard to the affairs of the commonwealth could take its origin in the *Ecclesia*: it must have been previously canvassed and debated in the *Senate*. This great council was augmented to 500, and afterwards to 600, upon an increase of number of the Athenian tribes.

Still further to restrain and moderate the proceedings of the public assemblies, Solon re-established the authority of the Areopagus, which Draco had abridged and weakened by the institution of the *Ephetai*. And this tribunal, of whose origin and constitution we have formerly treated, was now invested with more extensive powers and privileges than it had ever before enjoyed. To this august assembly Solon committed the guardianship of his laws, and the charge of executing them. They had the custody of the public treasury—and, as Plutarch informs us in the Life of Themistocles, the charge of its expenditure; but this last seems to be inconsistent with the powers lodged in the senate and people. The court of Areopagus, likewise, had a tutorial power over all the youth of the republic. They appointed them masters and governors, and superintended their education. They were likewise the censors of the manners of the people, and were employed to punish the idle and disorderly, and reward the diligent and industrious. For this purpose, they were empowered to inquire minutely into the private life and conduct of every citizen; the funds he

* To give some idea of the numbers which constituted the public assembly, or the Legislature of Athens, we learn from two polls of the citizens that were taken, first in the time of Pericles, and afterwards in that of Demetrius Phalereus, that the Athenian citizens in the former period amounted to 14,040 persons, and in the latter to 21,000. The remaining population of the republic consisted of slaves, male and female, and children and youth under the age of manhood. The former, namely, the actual slaves, amounted to no less than 400,000. The proportion of the free citizens to slaves was still smaller at Lacedæmon than at Athens; whence we may judge how far liberty was truly the characteristic of these ancient republics, whose constitution has been the subject of so much foolish admiration. See Gillies's *Translation of Lysias and Isocrates*, Pref.; and Mitford's *Greece*, vol. p 253.—*Thucyd.* l. viii. c. 40

possessed, the profession he followed, and the manner in which he spent his time: an excellent institution, if we could suppose it to be strictly enforced. The regulation of every thing that regarded religion was likewise committed to this high tribunal.

I have remarked, in a former chapter, that the number of the Areopagites seems to have been various at different periods; as some authors mention this tribunal as consisting only of nine judges, others of thirty-one, and others again of fifty-one. Nay, there is a probability that, in the more advanced times of the commonwealth, the numbers were even quadruple what has been mentioned. If the trial of Socrates proceeded before this court, which the nature of his crime (the charge of attacking the religion of his country) makes it presumable it did, we find 281 judges who voted against him, besides those who gave their suffrages in his favor.

The judges of the Areopagus were chosen from among the most respectable of the citizens, and were generally such as had discharged the office of archon. The most scrupulous attention was paid to character in the election of these judges. The slightest imputation of immorality, a single act of indecency, or even of unbecoming levity, was sufficient to disqualify from obtaining a seat in that tribunal, or to forfeit a place after it had been conferred. To be found in a tavern was such a stain on the character of a judge, that it was deemed a sufficient reason of exclusion from that office. *Let no Areopagite, says the Athenian laws, compose a comedy.* That judge was justly thought to have prostituted his character, who had stooped to employ his talents in furnishing a frivolous amusement for the people.

The institution of the senate, and the revival of the authority of the Areopagus, imposed undoubtedly some restraint on the proceedings of the popular assemblies. But still the Athenian populace had the ultimate power of decision in all the affairs of the commonwealth; a constitution that must have rendered fruitless the regulations of the wisest legislator that ever existed. The subsequent detail of the Grecian history will afford some strong instances of the miseries which flow from so defective a form of government. "*Illa vetus Græcia, (says Cicero,) quæ quondam opibus, imperio, gloria floruit, hoc uno malo concidit, libertate immoderata ac licentiâ concionum.*"* It was not alone by this disease, as we shall show in its proper place, although that must unquestionably be allowed to have had a great influence. Athens, in particular, was from that cause a scene of incessant disorders and combustion. Continual factions divided the people, and it was

* "Ancient Greece herself—once flourishing in dominion, wealth, and fame fell by this disease alone—the immoderate freedom and licentiousness of her popular assemblies."

often in the power of a venal orator, a worthless demagogue, whose only merit was a voluble tongue and dauntless effrontery, to counteract the measures of the greatest political wisdom, and persuade to such as were ruinous and disgraceful. Athens often saw her best patriots, the wisest and most virtuous of her citizens, shamefully sacrificed to the most depraved and most abandoned.

The particular laws of the Athenian state were, generally speaking, more deserving of encomium than its form of government. Solon restrained the severity of creditors to their debtors, by prohibiting all imprisonment for debt; but he restrained at the same time the frequency of contracting debts by the severe penalty of the forfeiture of the rights of citizenship; a punishment which, though it did not reduce a man to servitude, deprived him of all voice in the public assembly, or share in the government of the commonwealth. In like manner, if a debtor died insolvent, his heir was disfranchised till the debt was paid. This was a wise regulation; for no indigent man ought to be a legislator. The Areopagus, by an inquiry termed *dokimasia*, inquired into the life and morals of all who held offices in the state, and such as could not stand the scrutiny were not only incapacitated for employ, but declared infamous. Such was the award likewise against a son who should refuse to support his indigent parents. Solon ordained that a man's inheritance should be equally divided among all his lawful children, and allowed no higher provision to an illegitimate child than *five minæ*. He permitted a husband to divorce his wife on restoring her dowry; and a wife to leave her husband upon reasonable cause shown to a judge, and allowed by him.

By the Athenian laws, children, whose fathers were killed in the service of their country, were appointed to be educated at the public expense. "Let the father" (says the laws of Solon) "have the privilege of bestowing on that son a funeral encomium, who died valiantly fighting in the field. He who receives his death while fighting with undaunted courage in the front of the battle, shall have an annual harangue spoken to his honor."

The laws relating to slaves did great honor to the humanity of the Athenians, and formed a strong contrast to the inhuman usages which prevailed with regard to them at Lacedæmon. All Athenian slaves were allowed to purchase their freedom at a price stipulated by the magistrate. If any slave found his treatment intolerably severe, and was unable to purchase his freedom, he might oblige his master to sell him to another who would use him better. The emancipation of a slave, however, did not exempt him from all the duties to his master. He was still bound to the performance of certain services which the law prescribed, and to show him due homage and respect as a patron and benefactor. Such enfranchised slaves were not admitted to the rights of citizens. They were not allowed to attend the public assemblies; nor could they hold any office in the commonwealth. Their

enfranchisement relieved them only from the hardships of servitude. Yet they might marry free women; and their children by such had all the rights of citizens.

It was a very singular law of the Athenians, which permitted a man to bequeath his wife, like any other part of his estate, to any one whom he chose for his successor. The mother of Demosthenes was left by will to Aphobus, with a fortune of *eighty minæ*. The form of such a bequest has been preserved, and runs thus: "This is the last will of Pasio the Acharnean. I bequeath my wife Archippe to Phormio, with a fortune of one talent in Peparhetus, one talent in Attica, a house worth a hundred minæ, together with the female slaves, the ornaments of gold, and whatever else may be in it."*

One law of a very improper tendency, was peculiar to the state of Athens:—it was that which allowed a *popular action* for most offences,—or permitted *any citizen* to be the prosecutor of any crime committed against a *citizen*. An injury done to an individual, it is true, is not only an offence against that person, but likewise against the state, whose laws are thereby violated: yet it is a very dangerous policy to allow to any person whatever of the public, a right of prosecuting the aggressors. It is easy to conceive what a source would thus be opened for unjust, revengeful, and calumnious prosecutions. It is true, that the mischiefs which might possibly arise from this law were counteracted, in some measure, by another ordinance, which declared, that any accuser or prosecutor who had not a fifth part of the votes in his favor should pay a heavy fine; but the remedy was not adequate to the evil—for even the most calumnious accusations might often find a fifth part of the people to support them; and the rich would seldom be restrained from the gratification of malevolence or revenge by a pecuniary fine.

This leads to the mention of one most impolitic and pernicious law; not indeed peculiar to Athens, but common likewise to the states of Argos, Megara, Miletus, Syracuse, and others. Solon, who found the temperament of his countrymen repugnant to those rigorous restraints on the accumulation of wealth which Lycurgus had established at Sparta, was desirous however of providing some security against the danger which might arise in a democracy, from any individual attaining an inordinate degree of power or influence. For this purpose the Athenian lawgiver retained and enforced an ancient institution termed the *Ostracism*, which was said to have been first introduced in the age of Theseus. The professed object of this institution was not the punishment of offenders. It was not requisite that a man should be accused of any crime to deserve the sentence of the ostracism. It was enough

* Jones's Commentary on *Isæus*.

that any person, either from his wealth, his uncommon talents, or even his eminent virtues, should become an object either of envy, or of public praise and admiration. When a citizen had arrived at that degree of credit as to fall under either of those descriptions, and to offend by too much popularity, any individual of the people might demand an ostracism. The ceremony was this: every citizen who chose took a *shell* or piece of tile, on which having written the name of the person in his opinion the most obnoxious, he carried it to a certain place in the forum, which was inclosed with rails, and had ten gates, for ten tribes. Officers were appointed to count the number of *shells*; for, if they were fewer than 6000, the vote did not take place. If they exceeded that number, the several names were laid apart, and the man whose name was found on the greatest number of *shells*, was banished for ten years from his country; his estate in the meantime remaining entire for his own use or that of the family.

This "*shelling*," though it has found its advocates, as apparently consonant in theory to the spirit of a pure republic, was in practice a barbarous, disgraceful, and impolitic institution. It powerfully repressed ambition; but it was by discouraging merit and the desire of excellence. It afforded an easy handle for the worst and most dangerous members of the commonwealth to rid themselves of the worthiest and the best: thus counteracting its own end, and paving the way for that usurpation against which it was intended as a barrier. It recommended the worst passions of the human mind under the disguise of the best: it substituted envy for patriotism, made virtue criminal, and stained the nation with the most opprobrious character,—that of public ingratitude. Thus we find, in the course of the history of this republic, that virtue, without the imputation or suspicion of ambitious views, was frequently the victim of this pernicious law. It was enough that Aristides by his virtues had merited the glorious epithet of *just*: that epithet, in the eyes of the Athenian people, was sufficient crime. When Aristides himself was passing by, an illiterate rustic requested him to write upon his shell the name of *Aristides*. Why, what harm, my friend, said the other, has Aristides done you? None in the world, replied the clown; but I hate to hear every body call him the *Just*. Thucydides, from whom Athens had received the most eminent services, at length the victim of ostracism, composed in his exile that history in which he records the fame of his ungrateful country; a fact which has drawn from Cicero this severe but just remark:—"Hos libros tum scripsisse dicitur, cum a republica remotus, et id quod optimo cuique civi Athenis accidere solitum est, in exilium pulsus esset."* With much reason does Valerius

* "Those great works are said to have been written when he was driven into exile; the common reward bestowed by Athens on her most virtuous citizens."