

Week 9: Periclean Democracy

Lectures 15 and 16

Age of Cimon, Key Words

Aristides
Themistocles
Cimon
Areopagite constitution
Ephialtes
Pericles

Periclean Democracy, Key Words

Popular law courts
Areopagus
Cimon
Zeugitai
Council of 500
Dikasteria
Dikastai
Aristophanes
Wasps
Aristotle
Cleisthenes
United States
Russia
Great Britain
China
Switzerland
Cuba
Nigeria
Slaves
Resident Aliens
Women
Jacksonian Democracy
Elected Representatives
Checks and Balances
Separation of Powers
Judicial Life Tenure
Ekklesia
Pnyx
Acropolis
Agora
Acharnians

Thesmophoriazusae
Euripides
Demeter
Kore
Plutus
Calligeneia
Hermes
Graces
Sostrata
Timoclea
Lysilla
Representative Democracy
Philip of Macedon
Demosthenes
De Corona
Presidents of the Council
Elatea
American Embassy
White House
State Department
Defense Department
Prime Minister
Cabinet
Ten Generals
Euthynai
Eponymous Hero
Naval Architects
Treasurers of Athena
Vendors
Receivers
Accountants
Examiners
City Commissioners
Flute-girls
Harp-girls
Lyre-girls
Dung-collectors
Market Inspectors
Commissioners of weights and measures
Grain-commissioners
Heliaia
Public Prosecutor
State's Attorney
Lawyers
Speech-writer
Water Clock

**Athenian klepsydra
(water-clock)**

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Secret Ballot
Alcibiades
Plato
Socrates
Protagoras
Dicaeopolis
Grappe Paranomon
Old Oligarch
Pseudo-Xenophon
Republic
Polybius
James Madison
American Republic
Ephialtes
Military-industrial Complex
Lobbyists
Mass Media
Plutarch
Principate of Augustus
Rome
Despotism
Anaxagoras
Polis

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Athena Parthenos of Varva

Women and Slavery: the Women of Athens, Key Words

Oikos
Epikleros
Peloponnesian War
Tragedy
Comedy
Clytemnestra
Aeschylus
Agamemnon
Medea
Euripides
Medea
Dionysiac Festival

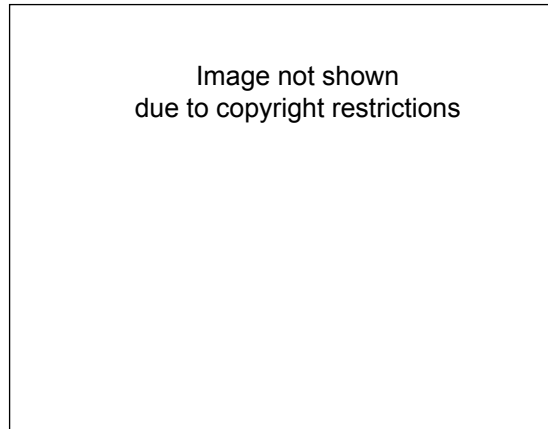
Athena Parthenos of Varva

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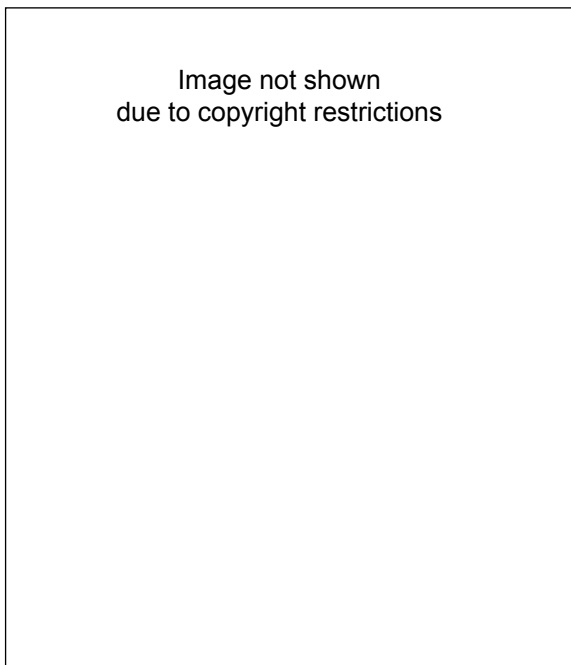
Athenian Slavery, Key Words

Chattel Slavery
Chinese
Egyptians
Cotton and Sugar Plantations
New World

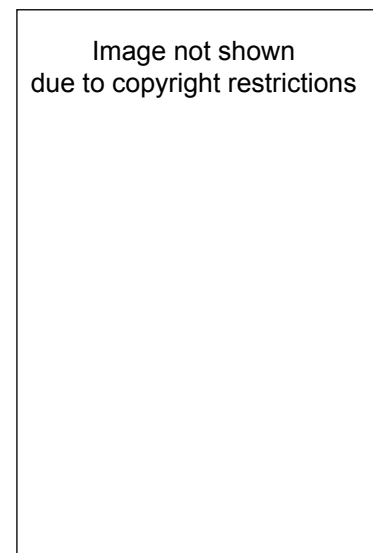
Nicias
Policemen
Prison Attendants
Clerks
Secretaries
American South
Civil War
Pasion
Plato
Old Oligarch
Resident Aliens
Old South
Battle of Arginusae



Parthenon- west facade



The Parthenon from the north



Parthenon (Athens)

Temple of Hephaistos



Chronological Table for the Development of Athenian Democracy (500-403)

507-461 the Athenians establish various courts (*dikasteria*) of first and last instance in place of the Heliaia, which, since Solon, had been the assembly sitting as a court of appeal.

493 Trial of Miltiades for “tyranny in the Chersonese”

489 Miltiades, after failure of his expedition against Paros, is brought to trial before the assembly for having deceived the people.

487/6 method of appointing archons by lot from a previously selected group out of the first two classes (*pentakosiomedimnoi* and *hippeis*), which the Peisistratids abolished, is restored; election by lot results in loss of prestige of archons; fewer distinguished men than in the pre-Peisistratid era. This increased the importance and prestige of the Board of Ten Generals; the 10 *strategoí* were now in a position to dominate both domestic and foreign policy by commanding the army and navy and working closely with the Boule, and through their ability to compel the council to call special meetings of the assembly.

479-462 Areopagite Constitution: “For seventeen years following the Persian Wars, the political order remained essentially the same under the supervision of the Areopagus, although it was slowly degenerating” (Aristotle, *Constitution of the Athenians*, 25.1).

463 prosecution of Cimon led by Pericles for accepting bribes after his subjugation of Thasos with league fleet and his occupation of Thasians holdings in Thrace; Cimon, who was vulnerable for favoring conservative, pro-Spartan, forces in Athens, was accused of failing to appropriate certain Macedonian territory because of bribes received from Alexander, king of Macedon.

462/1 opposition to the Areopagus, led by Ephialtes, reaches its peak: “As the common people grew in strength, Ephialtes, the son of Sophonides, who had a reputation for incorruptibility and loyalty to the constitution, became leader of the people and made an attack upon that Council [the Areopagus]. First he eliminated many of its members by bringing suits against them on ground of administrative misconduct. Then in the archonship of Conon, he deprived the Council of all its added [recently acquired?] powers [prerogatives?] through which it was the guardian of the state, and gave them [back?], some to the Council of Five Hundred, some to the people [assembly], and some to the law courts.”

(Aristotle, *Constitution of the Athenians*, 25.1-2)

After Cimon’s second Athenian expedition to Sparta, Ephialtes, supported by Pericles, was carrying or had carried various measures through the assembly against the Areopagus. Cimon then tried to restore the aristocracy of Cleisthenes’ time; however, the failure of his pro-Spartan policy made it impossible for him to restore the Areopagus, with its many pro-Spartan members (Plutarch, *Cimon*, 16.8). Boards of nine archons enlarged with annual secretary added to the six *thesmothetai*. The jurisdiction of archons became limited to certain routine preliminaries before a trial; they merely presided over *dikastic* courts in the trials, without influencing the verdict; archon eponymous had responsibilities in connection supervising the Dionysia and festivals, including appointing men to provide choruses and had jurisdiction in litigation pertaining to the family; archon basileus had duties connected with the Eleusinian Mysteries; he alone directed almost all the sacrifices and his juridical jurisdiction concerned impiety suits and courts dealing with homicide; polemarch conducted sacrifices to Enyalios (Ares) and to Harmodius and Aristogiton, was in charge of funeral games in honor of war dead and in litigation he presided over cases involving metics and Proxenoí; the six *thesmothetai* conducted no religious rites but

performed a wide variety of judicial duties; the various boards played a supervisory role while the controlling influence resided with the assembly and courts.

461 Ephialtes murdered following his reforms at instigation of extreme oligarchs.

461-429 the **Age of Pericles** begins with the assassination of Ephialtes; introduction on Pericles' motion of 2 obols a day pay for jury service (*dikasts*). Ephialtes and Pericles wanted to remove jurisdiction from the control of the conservatives; pay was needed to enable the poor to serve as jurors; Areopagus deprived of most of its jurisdiction and magistrates lost the right to give judgments, which the demos obtained; therefore, other courts were needed to handle the litigation. Ancient sources attribute to Pericles the establishment of payment for service (*misthoporia*); *misthoporia* soon extended to many other branches of government (e.g., soldiers and sailors on active duty received 3 obols/day as maintenance pay; Plutarch, *Pericles*, 11.4, says that the state paid the crews who received training on the 60 triremes Athens sent out each year for eight months): "In regard to poverty, if a man is able to benefit the city [Athens], he is not debarred because of the obscurity of his position" (Thuc. 2.37.1). The main organs of the radical democratic government were the magistracies, the Council of Five Hundred, the assembly and the law courts; despite the power of certain magistrates or the Council, however, ultimate authority was in the hands of the demos in the assembly and law courts. The Areopagus' jurisdiction was limited to homicide cases and various matters pertaining to religion and sacred property; it could no longer influence archons, who would join the council after their term; magistrates presided over courts which had developed out of the Heliaia and were courts of first instance and not merely courts of appeal.

Magistrates: in Pericles' lifetime the process of choosing archons by lot after a preliminary election (*prokrisis*) of candidates is abandoned, possibly because large landowners were able to influence elections in the *demes*. Two methods of election remained: (1) direct election (i.e., *strategoï*) and (2) lot; double lot used for the 9 archons and secretary to the *thesmothetai* (i.e., 10 candidates selected from each tribe by lot and from these 100 candidates the archons were chosen by lot. Magistrates usually comprised boards or colleges of ten, one from each tribe, appointed by either election through the show of hands or by lot; property requirements for the holding of office were abolished or normally disregarded; the collegial principle, annual terms, pay for service and the prohibition against being reappointed to the same magistracy prevented anyone from becoming too influential; however, military offices were not paid, which excluded the poor; there was election for magistracies where experience, professional knowledge and technical skill was necessary (e.g., military offices like those of the *strategoï* and taxiarchs, the *hellenotamai*, various commissions for special purposes such as public works, where architects and supervising commissioners had to be appointed, embassies, religious missions, etc.); the most important and influential magistrates were the generals, who were elected in the assembly by show of hands, usually in the seventh *prytany* (February-March) and, after a check of their qualifications (*dokimasia*), assumed office on the first of Hekatombaion (ca. July), the beginning of the Athenian year.

By **450** to **322** Examination of all magistrates (*dokimasia*), elected or appointed by lot, before assuming office, provided some check on their qualifications and deterred unqualified candidates from seeking office or entering their name for the drawing of lots; in each *prytany*, ten auditors (*logistai*), chosen by lot from the Boule, examined the financial accounts of those magistrates who had access to public funds and the assembly gave a vote of confidence or lack of confidence

on the officials; if under suspicion, officials were sent to the appropriate court and acquittal brought immediate reinstatement. At the end of their term officials submitted to a thorough investigation into their official conduct, financial and administrative; auditors, appointed by lot from the people, examined their accounts and if they found evidence of dishonesty, they sent magistrates to a law court for trial. Magistrates at the end of their term also had to submit to thorough examinations of their conduct in office called *euthynai* before a committee of the Council of 500 and *dikastic* courts; ten investigators (*euthynoi*) were appointed by lot from the Boule to receive any complaints which citizens might bring against the administrative actions of the magistrates; if the *euthynoi* considered a complaint legitimate, then the accused were sent to the proper tribunal for trial. The Boule rendered its account of its administration to the assembly and, if the people approved the accounting, the assembly would vote that a golden crown be presented to the Council for dedication in some shrine; but the assembly, if it were displeased with the Boule, granted no crown.

By 418 the Athenians were employing a legal action known as *graphe paranomon*, an indictment for proposing measures contrary to the laws (could also be directed against proposals which had already become decrees by a vote of the assembly); it was a public action which any citizen could bring; thereafter, individual citizens protected and interpreted the laws; duty of running and maintaining the democracy was the responsibility of every citizen, instead of the Areopagus.

The Council of Five Hundred (Boule) comprised 50 men from each of the ten tribes, at least thirty-years old, appointed by lot from the entire citizen body, serving for one year, representing the demes in proportion to population, could be reappointed one time, but not for consecutive terms; 50 councilors from each tribe (*prytaneis*) served as the steering committee for the assembly for one-tenth of the year—a *prytany*; these *prytaneis* met daily in the Tholos on the west side of the agora, and one-third of them were on constant duty; toward the end of each *prytany* the tribe which would provide the *prytaneis* for the next one-tenth of the year was selected by lot; every day a new foreman (*epistates*), appointed by lot from the fifty *prytaneis*, served as the President for twenty-four hours; he held the keys to the temples where the treasures and archives were kept, and he also presided over sessions of the Boule or assembly if they met in that period. The Boule prepared the agenda for the assembly; only matters which the Council had discussed and formulated as proposals (*probouleumata*) could be brought before the assembly; the *prytaneis* and their foreman for the day—the *epistates* presented these proposals (*probouleumata*) to the assembly; in its probouleutic capacity the Boule could act alone, but often consulted with the generals; other officials and also private citizens, if granted access to the Council, could discuss problems with the councilors and suggest items to be brought before the assembly. The administration of the Athenian government largely depended on the Boule.

Assembly (*ecclesia*) was a primary, not a representative body; all citizens were entitled to attend its meetings (i.e., adult male citizens); since women, *metics* (resident aliens) and slaves did not possess citizenship, they played no political role; probably fewer than 6,000 of the estimated 40,000-50,000 estimated adult males in Periclean Athens attended a typical meeting; the assembly met a minimum of four times each *prytany* (40/year), with as many extraordinary meetings as circumstances dictated; in each *prytany* one meeting was designated the principle assembly (*kyria ecclesia*) which had obligatory agenda items, including a vote of confidence (or lack of confidence) on the magistrates in office, and a consideration of the food supply and the defense of the country; in the sixth *prytany* it was also necessary to decide whether to hold an

ostracism; meetings could continue till darkness, unfinished business would be postponed till next regular meeting, or, if urgent, a special session would be scheduled; current *prytaneis* maintained order and the chair (*epistates*) presided over the meeting; meetings began with a curse spoken against those who might try to deceive the people (cf. Aristophanes, *Thesmophoriazusae*, 295-371); after preliminaries, the secretary of the people read aloud the *probouleuma*—the agenda prepared by the Boule, the real business of the assembly; no matter could be discussed without being previously considered by the Boule and posted publicly 5 days before the meeting of the assembly (Aristotle, *Ath. Const.*, 45.4); the chair called for a show of hands to determine whether the Council’s proposal would be accepted as it stood, or if the people wanted to debate; if approved, the second item on the agenda was read; when the assembly demanded a debate, the herald pronounced the formula: “Who wishes to speak?” The speaker would then advance to the tribune, place a myrtle wreath on his head and address the assembly; discussion was unlimited, except that it was restricted to matters included in the *probouleuma*.

The probouleutic function of the Council did not, however, eliminate the right of initiative for the individual Athenian citizen, who could initiate discussion in such ways as the following:

- (1) Any citizen could rise and suggest an amendment to a particular item in the *probouleuma* under discussion; if the assembly, having heard the arguments, voted in favor of the amendment; it was appended to the original *probouleuma* prepared by the Boule; often the wording of the *probouleuma* prepared by the Council was deliberately worded in very general terms so that assembly had to work out details and specific proposals.
- (2) Any citizen could rise in the assembly and propose some measure which had no bearing—or immediate bearing—on the *probouleuma* under discussion; if the arguments advanced persuaded the assembly to vote approval, the proposal was referred to the Boule, which considered the matter and included it in the *probouleuma* for the next meeting of the assembly.

However, the *probouleuma* was the basic method of initiative and most proposals took shape in the Boule, often suggested by the *stratego*i who were *ex officio* members of that body or by other magistrates and politicians who had friends among the councilors; on the other hand, if an individual could and persuade enough people, he was able to influence and to exert control over state policy by offering amendments, implementing general *probouleuma* and proposing new measures. The aim was to discourage ill-considered proposals; for the *prytaneis* were accountable, if they submitted an illegal motion to the vote (Aristotle, *Ath. Const.*, 29.4); Athenian democracy was based on the sovereignty of the people and final authority lay in the assembly and in the popular courts. The assembly decided on matters of war, peace, and alliances; it appointed envoys to, and received them from, foreign states. In military affairs it determined the number and character of the forces to be employed, authorized the campaigns, and appointed the generals and heard their reports. It dispatched colonies and cleruchies, and had the ultimate authority in the administration of the empire. It was responsible for the building of temples and other public buildings, for the introduction of new cults, and for supervision over state finances and problems of the food supply. It passed decrees honoring citizens and foreigners and controlled the machinery of ostracism and of granting citizenship to deserving aliens. The assembly exercised final authority in accepting or rejecting, amending and implementing the *probouleumata* it received from the Boule, and it had the power of initiative. (Fine, 413)

The following are three of the means the Athenians used to guard against the passing of contradictory and possibly dangerous decrees:

(a) *graphe paranomon*: when a measure was proposed in either the Boule or assembly, or at any time subsequent to the decree's enactment, any citizen could initiate a *graphe paranomon* to challenge the legality of the decree's (1) form (e.g., the measure was not included in a *probouleuma* presented to the Council) or (2) content. The person who proposed the decree was free from prosecution one year after he had offered his motion, but the motion was open to attack anytime; the trial took place in a popular court with a jury of at least 1000 *dikasts*, presided over by the *thesmothetai*; conviction had a penalty of a heavy fine or death; three convictions on this charge resulted in a ban from addressing the assembly; if the prosecutor failed to obtain one-fifth of the jurors' votes, he would be fined and denied the right to institute such a charge again.

(b) *eisangelia* or impeachment could be used against individuals suspected of attempting to overthrow the government, and for treason and corruption (i.e., orator's intent to mislead the people as a result of being bribed); Solon made a law dealing with *eisangelia* under the jurisdiction of the Areopagus; Cleisthenes added the assembly as a body competent to hear impeachments; after Ephialtes such actions were always introduced to the assembly or Boule; the plaintiff and defendant state their case and the assembly decides whether to send it to the Boule to consider whether to put it in a *probouleuma* and recommend that the assembly or a law court hear the case.

(c) *probole*: if a citizen deemed the actions of another citizen are detrimental to the best interests of the state, he could charge him before the assembly, which, after hearing the prosecutor and defendant, decided whether the case might go to a regular law court.

Popular Courts (*dikasteria*) the administration of justice in the fifth and fourth centuries was under the control of the demos; for magistrates acting on their authority as magistrates to decide legal cases independently came to be considered unwarranted interference with the rights of the people; for example, in the cases of Miltiades the assembly acted as a court of first and last instance; Solon started the development of popular justice by granting to citizens the right of appeal from verdicts of magistrates to their peers in the assembly (*Heliaia*); through the work of Ephialtes and Pericles popular courts (*dikasteria*) began to develop in which members (*dikasts*), appointed by lot, determined the verdict; thereafter, the magistrate's role was limited to taking care of certain preliminaries and then presiding at the trial, though the assembly could appoint public prosecutors (e.g., Pericles' appointment to impeach Cimon in 463); there were two types of suits (1) private cases (*dikai*), which primarily involved the interests of individuals; only the parties concerned or their legal representatives could initiate such suits; (2) *graphai*, which owe their origin to Solon, involved the interests of the state and any citizen could initiate them; two laws were directed at professional and unscrupulous accusers (*sycophants*): (a) an accuser who abandoned a suit after undertaking it should be fined 1,000 drachmas and barred from ever instituting a similar action again; (b) if a plaintiff failed to receive at least one-fifth of the votes of the *dikasts*, he was subject to similar penalties.

Popular courts were made up from a pool of 6,000 *dikasts* (jurors); every Athenian citizen in good standing on reaching the age of thirty was eligible to become a *dikast*; each tribe provided annually 600 *dikasts*, selected by lot from those who had submitted their names; the 6,000

dikasts were assumed to represent or to be the Athenian people; therefore, they were not held accountable at the end of the year and there was no appeal from their verdicts, but each took a *dikastic* oath; pay was equal to a half day's wage; *dikasts* were divided into sections or panels in which each tribe was supposed to have equal representation, with panels of 200 for private suits, 500 for public ones; the large panels made bribery difficult; in the fifth century the courts met every day except for festival days—300 days a year.

The legal procedure may be summarized as follows: (1) the plaintiff accompanied by two witnesses summons the defendant; (2) plaintiff gives his complaint in writing to the magistrate who has jurisdiction; (3) a preliminary hearing (*anakrasis*) is held before the magistrate to check that the case is in order; the magistrate used to have full powers to render a verdict; (4) magistrate communicates with the *thesmothetai* who set the day for trial and determine the size of the panel of *dikasts*; (5) magistrate presides over the trial to preserve order and make sure it is conducted properly; in the trials themselves, each litigant is allowed only a certain period for speaking, timed by a water-clock (*klepsydra*); no trial could last more than one day; after the speeches, the *dikasts* recorded their verdicts; the plaintiff had to receive at least one-fifth of the votes or be fined; if prosecutor won, there were two methods to determine the penalty; in one category (*agones atimetoï*) the penalty was fixed by law or decree; in the other type (*agones timetoï*), each litigant proposed and defended a penalty, and then the *dikasts* voted for one of the two proposals.

458 Aeschylus produces his *Oresteia*; in the third play of the trilogy—the *Eumenides*—Athena establishes on the Hill of Ares (Areopagus) the court of Athenian citizens to try Orestes, son of Agamemnon, for slaying his mother Clytemnestra: “I will appoint judges of homicide bound by oath and establish a tribunal, a tribunal to endure for all time” (*Eumenides*, 483-4).

457/6 the third census class, the *zeugitai*, become eligible for the archonship (Aristotle, *Ath. Const.* 26.2); hoplites who fought at Tanagra and Oenophyta in 457 achieve greater participation in the government, but wealth still a barrier.

453/2 system of district judges to the number of thirty who went on circuit throughout Attica to settle locally as many disputes as possible revived (Aristotle, *Ath. Const.*, 26.3); later (in **403** after the fall of the Thirty Tyrants) the number increased to 40 (The Forty).

451/0 assembly on the motion of Pericles passes a law restricting citizenship to those, both of whose parents are Athenians. Some reasonable estimates for the population of Athens at its height in the mid-fifth century include: 350,000 residents of Attica, 175,000 Athenians, of whom approximately 40,000-50,000 were adult male citizens, 30,000 metics or resident aliens, and about 100,000 slaves.

443 Thucydides, son of Melesias, Cimon's ‘successor’ and Pericles' rival is ostracized.

441/0—on, inscriptions reveal that on occasion two strategoi were elected from the same tribe, but the board of 10 strategoi usually came one from each of the ten different tribes.

425 increase of jury pay for the *dikasteria* from 2 to 3 obols/day (= half a day's wages), on motion of Cleon; jurors were appointed annually by lot and could be reappointed indefinitely.

422 In Aristophanes' *Wasps* the jurors number 6,000.

415 mutilation of the herms and the profanation of the Eleusinian mysteries

411 by this time members of the Council of Five Hundred and the archons received pay (Thuc. 8.69.4; Aristotle, *Ath. Const.* 29.5); in the fourth century councilors receive 5 obols/day, prytaneis a drachma (6 obols), archons 4 obols. In the revolution of 411 the oligarchs abolish the

graphe paranomon and that part of the *bouleutic* oath which forbade putting to the vote any motion contrary to the laws.

409/8 Draco's law concerning homicide is re-inscribed on stone

404 The Thirty Tyrants claim to adopt the ancestral constitution.

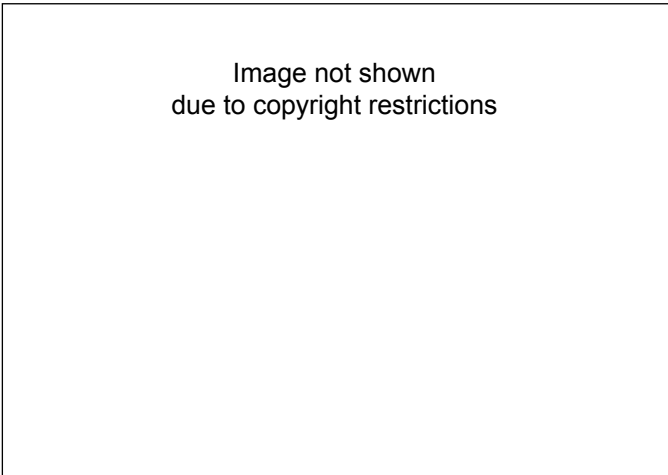


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Parthenon (Athens) exterior

Temple of Hephaistos

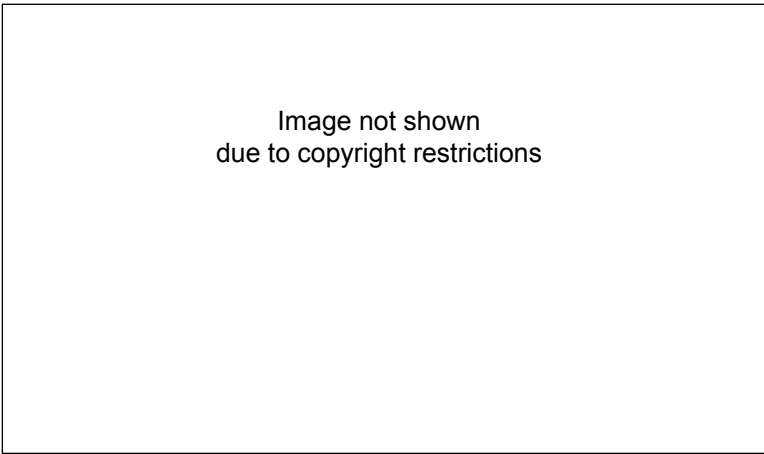


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