

assaults, incendiarism and poisoning, was in point of time primordial.

The rocky height was originally sacred to the Eumenides and infernal gods, as the Acropolis was to Athenê. The Eumenides, as they were called lest their real name be (being) spoken (should bring evil), were the Furies or avenging goddesses. Euripides first said there were three of them; while later writers even give their names. Incendiarism was given to (put under) the <sup>new</sup> Areopagitic jurisdiction because of the danger to human life which it presented, as proved by complaints laid before it (the court) on <sup>that</sup> (that) ground.

Solon organized this court to be a guardian of the laws, just as it had formerly been the guardian of the political <sup>(government)</sup> ~~politics~~.

1. Victor Hummer, Ancient States, Vol 2 part 2, p 366.

2. Aristotle 6th. Constitution ch. 5, l 18.

> It was intended as a counterpoise, a balance<sup>15</sup> wheel, constituting a guard and a conservative anchor for the State.<sup>3</sup>

It was both judicial and administrative, in this being like the Homeric Boule.<sup>1</sup> The governmental system ~~it~~ was a compromise: in the courts it was democratic; in the manner of electing magistrates it was aristocratic, but in the court of the Areopagus we have an oligarchic element.<sup>2</sup>

supra →

Assemblies of citizens were to be rare, and the Areopagus, sacred with reminiscences of former times, was chosen as a conservative influence.<sup>4</sup> The religious sentiment of the people gave it greater power.

The judges sitting in the Areopagus were the only ones not chosen by lot.

The nine archons, who were the rulers in Athens after the time of the kings, were selected by lot from a number of candidates of worth and wealth.

5. Arist. Ath.

1. Botsford, Ath. Const. p 117.

3. Boeckh, Pub. Econ. of Athens p 45.

Const. ch. 2, 135-6. 2. Aristotle, Politics II 112.

5. Curtius I, 356.

All archons, who at the end of their term of office, passed the official scrutiny, and proved that they had served their country blamelessly, became members of the Areopagus for life.

The scrutiny or *eutryne*, all Athenian officials had to pass close of their term of office. Complaints were lodged with the Board of Logistae (Auditors) within thirty days after an official went out of office, and the case was settled by legal procedure. The <sup>law</sup> officials could not leave the city or take any measure affecting their property till after the *eutryne* had been settled.

A similar examination took place upon a man's becoming a candidate for any office. Like other official positions, therefore, the Council was certain to enroll as members only

1. Botsford, Ath. Const., pp. 132-3.

those who had good qualifications for the positions.

The judges of the Areopagus had to give satisfactory account of the performance of all their previous duties before they could enter the court.<sup>1</sup> Socrates is represented as saying - that, "while these judges remain, acknowledged to be the most upright and honorable in all things we need not be disheartened lest the Athenians are not well-trained.

By this method Solon united in the Areopagus <sup>(most of)</sup> all the eminent intelligence and experience of Athens;<sup>2</sup> (and in all his laws the Areopagus is honored and upheld. The court was dedicated to the Eumenides the personified torture of a guilty conscience, and to Ares, god of war. The exact date of its beginning under the form in which we know it

1. Xenophos, Memorabilia III, p. 203. Baekh. Pub. Sem. of Coll. p. 187. 2. Curtius, I 356.

was 600-594 B.C. The period of its (greatest) glory was short only about two hundred years.

The number of judges <sup>(according to)</sup> ~~is given by~~ Aeschylus ~~(as)~~ twelve. But the number is not definitely given by any authority. It naturally varied from year to year, and could hardly be kept down to a certain limit. At first only Eupatrids, nobles, were eligible. But according (under) to Solon's constitution, wealth became the qualification. All pentakosiomedimni, i. e. those owning land (that) which produced five hundred measures (about seven hundred bushels) of grain yearly, were eligible for archonship and hence could become members of the Areopagus. The court was almost wholly Eupatrid (however), and for many years extremely conservative, the supreme deliberative body of the state, controlling the sentencing. of

1. Boteford, Att. Const., p. 112.

the archons) and so self-perpetuating, and (too) the only court for homicides!

Powers

III.

Concerning the general power of the Areopagus we may rely on Demosthenes: 'There are among many institutions among us of a character not found elsewhere; but there exists as the most peculiar - of all, and the most highly venerated, the court of the Areopagus, respecting which we have more glorious traditions and legends, and more honorable testimonies of our own than we have of any other tribunal; [it was founded by the gods who here alone deigned to demand and render justice for murder and judge disputes between each other]. Neither despot, oligarchy nor democracy has ventured to

1. Osmar, Greek History, p. 103.

deprive it of jurisdiction over homicide.

The decisions of the six archons, who were judges of full power in all (many) cases outside the specific jurisdiction of the Areopagus, could be overruled by the Areopagus at its pleasure.<sup>2</sup>

According to the same authority the functions of the court are (were)

- (a) to supervise the execution of the laws,<sup>3</sup>
- (b) " perform the greatest and most important part of the administrative duties of the state;<sup>4</sup>
- (c) " exercise a general, unlimited supervision over the conduct and morals of every dweller at Athens; [these three are administrative];

(d) further, it had jurisdiction over cases of homicide or blood-guiltiness; this power was put in use, however, through the Areopagus,<sup>5</sup> the Ephetae, or (in private) other courts, according to

1. Demosthenes, Against Leocrates, sec. 24, 65. 3. Arist., Ath. Const., ch. 4, § 20.  
2. Poteford, Ath. Const., p. 129-30. 4. Arist., Ath. Const., ch. 3, § 34-8. 5. Demos. Against Leocrates, sec. 24.

the nature of the cases<sup>1</sup>. As an advisory council it also controlled the ἐκκλησία, or assembly of the people and was really all powerful<sup>2</sup>.

The chief of its duties were judging; homicide<sup>3</sup>, assault with intent to kill<sup>3</sup>, poisoning<sup>3</sup> and arson<sup>3</sup>; guarding the laws<sup>4</sup>, watching morals, caring for the safety of the state<sup>and</sup>, judging impiety. It also supervised the scrutiny of the archons before they were admitted their admission to the Areopagus.

There were other minor duties, (also).

#### a. Safety of the State.

The specific duties of the court Areopagus are mentioned by many of the ancients. For instance, Lysias declares that the citizens were putting themselves wholly

1. Botsford, Att. Court., p 132-3.

3. Arist., Att. Court., ch. 57. l 14.

2. " " " p 170

4. Botsford, " " " 3, 34-5.  
p 126



in Themamenes' power, so that he may save the state, though they know that he is a traitor and only the Areopagus is charged with the safety of the state! The Areopagus could arrest and execute ~~most~~ summarily men suspected of treason or deserters, if they thought it necessary for the safety of the state, exercising a power like that of a Roman dictator?

A private citizen fleeing from Athens to Samos after the battle of Salamis, sympathizing with the enemies of Athens, was arrested and put to death on the same day.<sup>3</sup> He was charged with attempted treason.

This was not the punishment of a crime regularly belonging to the

1. Lycurgus, Against Ctesiphon, sec. 69.

2. Lycurgus, "Leocrates," "52.

3. Herodotus, Against Ctesiphon, sec. 252.

Lycurgus, "Leocrates," 122.

jurisdiction of the Areopagus,  
but an extreme measure to  
protect the state.

Just before the battle of Salamis,  
480 B.C., when the generals issued  
an order for each one to save  
himself, the Areopagus offered  
a bounty of eight drachmas to  
any citizen able to bear arms  
who would go on board the  
fleet, manning many ships  
thus, it also provided transporta-  
tion for the families of citizens  
to Salamis! (As) after Thermopylae  
too, some power had to lead in  
the transfer of the state to the  
ships! Haste was imperative,  
and Popular assemblies were too  
slow. Some absolute authority  
must act and the Areopagus  
had, legally, power to do  
anything for the safety of the  
state!

Therefore the Areopagus both  
Clinton # 316-17.