

Profligacy, insolence, idleness or any fault could be tried by the Areopagus. Probably this censorial power was original with Solon<sup>1</sup>. The Areopagus in this office resembles the Roman Censors who had the same general unlimited guardianship over the morals and habits of all the people.<sup>2</sup>

Isocrates in his famous Areopagitic oration, a eulogy on the services of the Areopagus and a plea for the preservation of its ancient power, ascribes all the prosperity of former times to the controlling influence of the Areopagus. He says: 'Our ancestors paid such attention to virtue that they charged the senate of the Areopagus with the maintenance of upright living.'<sup>3</sup> Again, 'From what takes place now

1. Note III 122-3, Plutarch, Solon, 18, 19, 237.

2. Roman Greek History p 111.

3. Isoc. Areop. Or. see 37.

we may draw inferences respecting the institutions of that day. [The age when the Areopagus was the greatest,] (or even) in this time of general lawlessness, men whose conduct has been insufferable being chosen to the Areopagus, conform to its regulations.

If the mere memory of former glory can do so much, what would be the effect, he asks, if that ancient glory were to return!

While the Areopagus cared for the government of the city, it also kept watch over individuals, admonishing some, threatening others, and inflicting fit punishment when it was necessary.<sup>2</sup> Careful supervision, and the prevention of unseemly or evil deeds were more to its liking than punishment for wrongs committed.<sup>3</sup>

<sup>1</sup> Luc. Areop. Dial. sec 38.    S. Luc. Areop. Dial. sec 48.

<sup>2</sup> . . . . . 46. . . . .

The care of the education and training of youth was a special duty of the Areopagus. 'The whole period of youth is spent under rulers who are chosen by the Areopagus to be placed over young people.'<sup>1</sup> 'The youth specially need careful training since their spirits are turbulent, and those who are rightly brought up both entertain high thoughts and abide firmly by them.'<sup>2</sup> 'Not all could follow the same pursuits, so each was ordered to take up an occupation suited to his means and rank.'<sup>3</sup>

This care for the youth was due to the fact that (they knew) prevention is always easier than cure. 'They labored to teach the citizens to refrain from any acts deserving punishment; eagerness to inflict " " was

1. Plato, Axioth. sec 8.

3. Lsec, Areop. sec. 44.

2. Lsec, Areop. sec. 43.

almost a disgrace as if betraying some personal spite.

These passages from the oration of Isocrates show his ideal government ruled in all things by the Areopagus, but he forgets that the character of the people was different in his time.

One writer says, while granting all due authority to the Areopagus: 'An attempt to restore the Areopagitic senate as supreme at Athens would have been like trying to rule all Greece by the Amphictyonic Council.'<sup>2</sup>

This tribunal of the Areopagus which set the standard of morals and habits at Athens had a high tone itself. Calm dignity was its ruling characteristic as befitted the guardian of the law, the state and the individual.

1. Isoc. Areop. orat. sec 42.

2. Simcox Athens p. XXXVI.

As a censorial power, the Areopagus had the peculiar privilege of inquiring concerning malefactors and suspects, and delivering them up to be tried without the knowledge of the people. This resembles the Russian administrative process, though we have no proof that the Areopagus exercised its power in such boundless measure.

#### d Impiety.

Impiety, as far as I have investigated, was taken cognizance of by the Areopagus, but there is no evidence that it had authority to sanction the entrance of new religions into the state. The court, however, had power to do over those charged with ~~worshipping~~ clandestinely some unauthorized duties or introducing new forms of religion, inasmuch as these might

be considered forms of ἀσέβεια [impiety], because the ancient gods might be slighted for the newer ones. The history of Paul's speech on Mars' Hill proves that the Areopagus had some power in matters of religion, and in regard to the introduction of new religions.<sup>1</sup> It is probable that the Areopagus could forbid the teaching in Athens of doctrines which dishonored the accepted religion, (deities).<sup>2</sup>

But we can not say positively from our present knowledge what action the court could take, its power in such cases being probably discretionary. Sacrilege does not seem to have been judged by the Areopagus, unless in exceptional cases.<sup>3</sup>

The jurisdiction of the Areopagus in regard to the so-called

<sup>1</sup> New Testament, Acts XVII 19-32.

<sup>3</sup> Thucydides, p 367.

<sup>2</sup> Schömann: *Att. Accus.* p 286.

sacred olive-trees was based on  
 the worship of Athene. They  
 were said to be scions of the  
 one tree Athene had caused to  
 grow on the Acropolis, and were  
 under the direct care of the  
 Areopagus which sent inspectors  
 to visit the trees once a  
 month, while a special com-  
 mission was appointed to each  
 year to care for them. The  
 laws on the subject are given  
 by Aristotle. Formerly the state  
 took the oil from these trees; and  
 if any one dug up a sacred olive-  
 tree or broke it, the Boule of the  
 Areopagus judged the case, and  
 if the offender were found  
 guilty, he was put to death.  
 Even if a man owned the land  
 on which the injured tree stood,  
 he was subject to the same penalty  
 as if he had harned a tree on  
 1. Lysias, On the sacred olive-tree. see. 10. 29. 25; Job, *the Oration* I 252.

the public land. Even the stamps on any land belonged to the state.<sup>3,4</sup>

The archon Basileus, who presided over the Areopagus, first collected all the evidence possible, and then the case was heard by the court.<sup>2</sup> This care of the sacred olive-trees was a proper subject for the Areopagus to consider, as well as the safety of the state, and cases of homicide which was an injury to both the civil and religious parts of the state.

While the foregoing and similar cases were the most important which came within its jurisdiction, minor matters were not neglected. Other cases came to the Areopagus, <sup>those</sup> belonging to no special court but having some connection with religious affairs, i.e. offenses against propriety.

1. Arist. Ath. Const. ch. 60 l. 10+.    2. Arist. Ath. Const. ch. 60 l. 15+.



minor crimes, and various misdemeanors. These being offered to the Areopagus for settlement, it came to possess a large variety of special peculiar powers and functions.

As first arranged by Solon it merely fined evil-doers and turned the fines into the city treasury without setting forth the cause of the action, and also decided who should be banished.

In one function the Areopagus resembled the modern (American) grand jury, as it gave to other courts and to assemblies of the people which (that) had judicial power, information concerning crimes which were out of its jurisdiction.

It was said to make the crime plain as charged [ἀνοφαίρετος];

the written statement, corresponding in some ways to the indictment or true bill of a grand jury, was called an *ἀπόφασις*, or 'setting forth'; this might, <sup>originally did,</sup> contain a recommendation as to the court to which the case belonged, or concerning the penalty to be inflicted.

The Areopagus was esteemed by the other Greek states almost as highly as at Athens. Before the first Messenian wars 744 B. C., the Messenians offered to submit the questions at issue to the Areopagus for their decision, and agreed to yield to that decision.<sup>1</sup> But the Spartans, always jealous of Athens, refused the proposition.<sup>2</sup> (This seems to prove that Solon did not found the Areopagus.)

See pp. 17, 18. The court must have been powerful then, and really existed 800 - 390 B. C., i. e. about 400 years

1. Schömann, *Att. Proc.* p. 217.

2. Pausanias IV. 5.