THESIS.

HISTORY AND FUNCTIONS
OF THE
AREOPAGITIC SENATE.

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I.

Certain ideas or conceptions seem common to all races. Rude notions of honesty, fidelity, justice, have been found in greater or less degree among even the most savage tribes. Ideas of justice, however, vary greatly, being influenced by peculiarities of the race, the climate, or the location of the different peoples. Among savages some forms of traditional procedure, similar to the old Mosaic code, are perhaps the commonest.

All circumstances and conditions, physical and moral, which bear on the life of any people, necessarily affect that people's ideas of justice. Generally speaking, if we know
the exact conception of justice which prevails in a nation, we can determine approximately, what degree of civilization has been attained.

Abstract ideas, theories, are useless if not put in practice. So we must know both the conception of justice, and the methods of its administration. Rude tribunals arise to decide quarrels and to settle disputes; in time, these try suspected or accused individuals, decide their guilt or innocence, and suggest or impose suitable penalties. Probably such tribunals originated in gatherings of neighbors, or tribesmen, met in order to settle disputes. Then judges were appointed, and caused to remain in
office, and listen to pleaders at stated times and places.

These primitive courts were naturally composed of old men, supposed always to be wiser than the younger ones. At first they heard and judged all cases, exercising general jurisdiction; afterward, they were restricted as to territorial limits, and different cases went to different courts. Thus arose courts having special functions, with procedure modified to suit the case, the people, and the surrounding circumstances or conditions. Hence among different peoples quite different courts and forms arose, based on different ideas, or adjusted to different surroundings.
The courts of great and successful nations are studied by other nations desirous of the best forms of government. Each nation usually has some supreme judicial body, which is in many ways peculiar to that state, and beyond which no appeal can be taken. The ancient Greek states were well-supplied with courts of various kinds. Not the least interesting of them was an international court of arbitration, with powers of peace and war, or of judging its members, called the Amphictyonic Council. Many other tribunals have been famous from the remotest antiquity, and among these none, perhaps, is more widely.
known than the high court of homicide and willful murder at Athens, called from the hill on which it met, the Areopagus. Its antiquity, the traditions of its divine founding, and its great power, combine to make its history one of the most interesting.

II.

This hill is an important place in all Athenian history, second only to the Acropolis, as these two were the only prominent elevations in the city. The importance of such elevations was due to a desire for protection, but later they had an added value from the character and use of the sacred
buildings erected upon them. Mars' Hill has had a proverbial reputation, due to Paul's having preached upon it to the members of the Areopagitie Senate and others.

The hill itself, an elevation having an area about equal to the Areopogus, and about a third of that of the larger hill, lies west and a little north of the Areopogus, on the street leading south from the agora past the western end of the Areopogus to the Odeon Herodis. The Pygma and the Hill of the Nymphs southeast, while the Temple of Bures is on the north-west corner of the hill. The hollow between the Areopogus and the Areopagis was only a few yards wide originally, but the
street, made it broader. The hill, like
the Acropolis, is a barren, rocky height;
on it the Persians encamped in order
to attack the Acropolis, before the battle
of Salamis. 13

The court of the Areopagus, as the oldest
and in some sense the supreme court
of Athens, with powers judicial, legislative,
executive, — powers also to oversee every
motion of every dweller in Attica, — which it
seems to have used wisely always, must
possess great interest for all civilized peoples.
(We, as a republic, nearest in
form of all present governments,
to the democracy of Athens,
should study carefully this

high court, which practically directed all Athenian life from Solon to Pericles.

The beginning of this court can not be found out. It was probably called the Boule till Draco founded his assembly of the four hundred. This would explain why it is not definitely mentioned by Draco, whose silence is used to prove that Solon founded the court. Thus must have been judges of homicide before Draco’s time, as he makes no provision for such cases. Other courts were founded, but the province of the boulêpagos is regarded as occupied.

1. Aristotle, Politics, II, 9, 2; Pollux, VIII, 125; Cicero, de officiis, I, 22; Plutarch, Solon, 18.
2. Plutarch, Solon, 18.
So a court for homicide, meeting at the Areopagus, seems to have existed before Solon's time (600-596 B.C.).

Several legends of its origin were current at Athens, all of a more or less religious turn. In Euripides' Orestes, I.1651, Apollo tells Orestes: 'The gods, arbiters of the cause, shall judge thee most sacredly on the hill of Ares.' Again, in his Iphigenia in Tauris, Orestes says: when Loxian Apollo sent me to Athens that I might render satisfaction to the deities who must not be named; for there is a sacred council, instituted once upon a time by Zeus so that Ares might cleanse his hands of pollution. Ares slew Halirrhothius, son of Poseidon, because he had disgracedacle Priene, daughter of Ares.'

1. It seems at first to have resembled Homer's Council of Elders, or the Spartan council.

Aeschylus in the *Eumenides* uses the legend most beloved at Athens. Athené refuses to decide the case of the *Eumenides* against Orestes, because he came as an innocent supplicant whom Athené has received into her city. The *Eumenides* demand a trial, and threaten to destroy the country if it is not held. Having failed to gain a victory, the venom from their hearts, falling earthward, will become an everlasting, intolerable plague to this land forever.

Athené says also, "Since it must be decided, having chosen oath-bound judges of homicide, I will establish this court forever. Athené herself is present and the judges swear to act in strict accord with justice, sworn witnesses being summoned."

Athena declares: ‘this court shall exist forever.
The hill of Ares was the stronghold of the Amazons, built to help them fight.
The cave, and by them dedicated to Ares, whence its name. Around this rock awe
and innate fear shall keep the citizens
from injustice, day and night, if they
preserve the laws. — Do not cast all
fear out of the city, for what mortal
fearing nothing, is just?’

Hellenicus says that many other trials of heroes and
gods had been held at the Acropolis before
that of Orestes.

While these legends are not reliable history,
they testify however to a well-settled belief
at Athens, of the high antiquity of the court.

1. Aeschylus, Eumenides, 668.2+.
This belief doubtless rested upon a basis of real fact, latterly known only through tradition. Some sort existed, with general renown like that of the Areopagus, at the time when Solon revised the laws. The religious rights of the court were retained, and all the laws of Solon honored the Areopagus. Thuc. says: 'The designation of the court of the Areopagus as a court of willful murder, murderous assaults, incendiarism and poisoning in servant of time, sacred to the Eumenides and infernal gods, as the Acropolis was to Athens. The Eumenides, as they were called, best their

real name not be spoken, 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 the Areopagite jurisdiction, on account of the danger to human life which it presented, as proved by complaints laid before it upon this ground.

Solon organized this court to be a guardian of the laws, just as it had formerly been the guardian of the politeia. It was both judicial and administrative, in this being like the Homeric Boule. The governmental system was a compromise; in the courts it was democratic;

in the manner of selecting magistrates it was aristocratic, in the court of the Areopagus we have an oligarchic element. It was intended as a counterpoise, a balance-wheel, constituting a guard and a conservative anchor for the State.

Assemblies of citizens were to be rare and the Areopagus, sacred with reminiscence of former times, was chosen as a conservative influence. 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. All archons, who at the end of a term of

office, passed the official scrutiny, and proud that they had served their country blamelessly, became members of the Areopagus for life. The scrutiny or estlyne, all Athenian officials had to pass at the close of their term of office. Complaints were lodged with the board of Logistae within thirty days after an official went out of office, and the case was settled by legal procedure. The officials could not leave the city or take any measure affecting their property till the estlyne 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 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. 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 discouraged lest the Athenians are not well-trained.

By this method Solon united in the Areopagus all the eminent intelligence and experience of Athens; 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 the god of war.


Boeckh, Public Law of Athens, p 189.
The exact date of its beginning under the form in which we know it was 460-594 B.C. The period of its glory was short, only about two hundred years. The number of judges according to Ctesybus was ten, 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 to Solon's constitution, males became the qualifications. All pentakosiochimenes, i.e. those owning land which produced five hundred measures (about seven hundred bushels) of grain yearly, were eligible for membership and hence could become members of the Areopagus. 

The court was almost wholly Episcopal, and for many years extremely conservative, the supreme deliberative body of the state, controlling the scrutiny, and so self-perpetuating, and the only court for homicides.

III.

Concerning the general power of the areopagus, we may rely on Demosthenes. There are many institutions among us of a character not found elsewhere; but there exists in the most peculiar of all, and the most highly venerated, the court of the areopagus, respecting which we have more glorious traditions and legends.

Oman, Greek History, p163.
and more honorable testimonies of our own than we have of any other tribunal; (it was founded by the gods who here alone designed to demand and render justice for murder and judge disputes between each other). Neither despotic, oligarchic, nor democratic has ventured to deprive it of jurisdiction own homicide.

The decisions of the archons, who are judges of full power in all cases outside the specific jurisdiction of the Areopagus, could be overruled by the Areopagus at its pleasure. According to the same authority the functions of the court are: 1. to supervise the execution of the laws; 2. to perform the greatest and most
important part of the administrative duties of the state, to exercise a general, unlimited supervision over the conduct and morals of any dweller at Athens; (these three administrative duties,) further, it had jurisdiction over cases of homicide or blood-guiltiness; this power was put in use however through the Areopagus, or the Ephexia, or in other courts, according to the nature of the case. As an advisory council it also controlled the exekyia, or assembly of the people, and was really all-powerful.

The chief of its duties were: judging homicide, assault with intent to kill, poisoning, arson, guarding the laws, watching morals.

4. " " " 174.
6. Botford, Atho. Const., p. 126,
caring for the safety of the state, judging of wrongs. It also supervised the scrutiny of therricks before their admission to the Areopagus. There were other minor duties.

1. Safety of the State.

The specific duties of the Areopagus are mentioned by many of the ancients. For instance, Lysias declares that the citizens must put themselves wholly in the Areopagus, so that he may save the state, though they know he is a traitor, and only the Areopagus is charged with caring for 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.  

1. Lysias Against Eratosthenes see 69.  
2. Lycurgus Against Discoverers see 52.
A private citizen fleeing from Athens to Samos, sympathizing with the enemies of Athens, was arrested, and put to death on the same day. He was charged with attempted treason. This was not the punishment of a crime regularly belonging to the jurisdiction of the Areopagus, but an extreme measure to protect the State. Just before the Battle of Salamis, 480 B.C., when the ten generals issued an order for each one to save himself, the Areopagus offered a bounty of eight drachmae to any citizen able to bear arms, who would go on board the fleet, manning many ships. It also provided transportation for the families of citizens to Salamis. After Thermopylae, some men had to lead in the transfer of the State.
to the ships. Haste was imperative. Popular assemblies move 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 decreed and superintended the evacuation of the city, the embarkation and support of the people; the Areopagus itself fled to Salamis, thus passing the decree, aimed especially at Aristides, permitting exiles to return. A statement is made that the money paid out by the Areopagus on this occasion was taken from the public treasury in the Parthenon, but no proof can be found. This act of the Areopagus was not ordered by public decree, but was an independent act, taken primarily to save the state. The court was
bound by its religious character, to preserve the state of Atheni. On account of its prompt and adequate actions, regarded in great part for many years its former honor and power. Antiphon, after he had been acquitted by the popular assembly, was by Demosthenes brought before the Areopagus, tried, convicted and executed at once, on the charge of having plotted against the safety of the state.

L. Cases of homicide.

The jurisdiction over cases of homicide which is usually thought very important in connection with this court is considered of small account by Thucydides, who says: "It was, relatively speaking, the least important

because, when it lost the other powers, the Areopagus became politically dead.

This power was the first it possessed and the last which it lost. From immemorial times the hill had been sacred to the Eumenides, a place noted for the conflict of Ares and Poseidon. We have no historical proofs of the legends of the trials of Ares and Orestes. Aristotle, Demosthenes, and others testify that the court always had jurisdiction over homicide. The law as quoted by Demosthenes is: ‘The pulse of the Areopagus shall have cognizance of homicide, assault with intent to kill, arson, and poisoning where one person kills or attempts to kill another by poison.

Anterior to the democracy, alone in its life-tenure, traditionally founded on religion, its cognizance of homicide was both religious and judicial. The prosecution of a homicide was at first the privilege and duty of the victim's relatives. Only in later times could any citizen appear as prosecutor, and in such cases the procedure was different from that in the so-called blood-avenging cases. The guilty man could not be prosecuted if the victim before dying had forgiven him. A summons from the eunuch must be obeyed. The cases were conducted with all solemnity. The plaintiff must take oath as to the truth of the charge, and his relationship to the murdered man.

1. Note E, 214. 2. Thurner, Ancient States, p. 34.
with terrible imprecations on himself, his household and all his family; while taking this oath he stood on the entrails of a boar, a ram, and a bull which had been sacrificed to the Eumenides and infernal gods with proper rites. The Hellephoric judges were considered priests of the Eumenides. Witnesses must take oath similar to the plaintiff’s. The complaint could not be made until the victim was buried.

As soon as complaint was entered, a proclamation was issued forbidding the accused to visit public places, for his approach to the altar with preservably bloody hands was a sacrilege. Then three investigations were made in as many

1. Demosthenes Against Aristocrates see 65. 2. Curtius II, 420-1. 3. Theban p 368. 4. Curtius I 326.
months, and the archon basileus, or king-archon, had to decide to which court the case belonged. Cases of accidental homicide not to the Palladion, cases of defense of oneself or one's rights to the Delfinum, cases of exiles accused of a second crime to the Chreontea, while animals and inanimate objects were judged at the Pythoneum. All cases were tried in the open air to avoid contamination of the judges by too close association with the guilty person; they held such trials, too, in the three days of the month, because those days were sacred to the infernal gods to whose cult the whole preceding belonged.

The trial could be broken off at the end of the first session of the king-archon who presided, laid aside his mantle, then...
Acquiser and defendant took their places on two unhewn stones, the plaintiff on that of ἀνάδεικτος (unreconcileableness), the defendant on that of ἵππος (wantonness). Two speeches, without any rhetorical digressions were permitted each person; no irrelevant or unimportant matter was allowed. After the first speech the defendant could escape punishment by going voluntarily into lasting exile, his property being confiscated by the State. This means of escape however was not open to parties.

The two stones for the presbys concerned were near the altar of Athena_area (Dipnecatus), which Cretes was said to have erected in gratitude to Athena. Near this were others dedicated

to Pluto, Earth, Hermes, and the Immortals (there had a temple also) on which those who were acquitted offered sacrifices.

If the homicide was involuntary the property of the exile was not confiscated. If the victim was not a citizen, the penalty was exile, not death. Only through lasting exile could the guilty murderer of a citizen escape death. The property of such exiles was listed for a year, then sold, like that of debtors of the state.

The relatives of the victim could let the murderer go free, sometimes the case would be settled by the payment of money. Hostages to the number of three could be demanded from the murderer's family, to be held

...till the guilty one was found and tried.

If an equal number of votes were cast, the defendant was acquitted. Atticus in "Plutarch in Sores," reminds Orestes that she had him by casting her ballot for acquittal making the numbers equal to that for conviction. This last practice was called the vote of "Athena," to commemorate her share in its founding.

Legal certainty did not so much determine the decision, as the the moral conviction of the judges, who could themselves be called as witnesses. Appeals are not mentioned, but false witnesses were watched for and punished. If anyone had intentionally slain an Athenian citizen wantonly, death was the punishment which the Areopagus must inflict.

If it was a case of assault with intent to kill, each must swear to or against the guilt of the defendant in regard to the particular facts before the court. Any one was permitted to lay an accusation, before the Areopagus, stating on what law he based his complaint. The defendant could demand of the plaintiff under what law he was accused. Assault with intent to kill was punished by exile, not death. A case of poisoning is recorded, which the king-archon sent to the Areopagus for trial.

As a guardian of morals and general life, the almost unlimited power of the Areopagus as a censor and guardian of morals can

hardly be overestimated. It was subject to no authority, under no restraint; its will was law; a summons to appear before the Areopagus was feared, while a reprimand from it was a lasting disgrace. It could inquire into the private life of any citizen or resident of Athens, and inflict fines and penalties on anyone whose conduct was displeasing.

Profligacy, insolence, idleness, or any fault could be tried by the Areopagus. Probably this censorial power was original with Solon.

The Areopagus in this office resembles the Roman censor, who had the same general, unlimited guardianship over the morals and habits of all the people.

Isocrates in his famous Areopagitie Oration, a eulogy on the services of the Areopagus and a plea for

1. Curtius, ii, 425
2. Plutarch, Solon 18, 19, 23
3. Oman, Greek History, i, 111.
The preservation of its ancient power, ascribes all the prosperity of former times to the controlling influence exerted by 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.' Again: 'From what takes place now we may draw inferences respecting the institutions of that day.' For 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.

1. Isocrates, Areopagitica Orations, sec. 37.
2. " " " " 38.
admonishing some, threatening others, and inflicting fit punishment when it was necessary. Careful supervision, and prevention of unseemly or evil deeds, were more to fit its liking than punishment for wrongs committed.

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. The youths especially need careful training since their spirits are triubulent, and those who are rightly brought up both entertain high thoughts and abide firmly by them. Not all could follow the same pursuits, so each was ordered to take up an occupation suited to his means and rank.

2. " " 45.
3. Plato, Apologi, see 8.
5. Areop. Orat. see 94.
This care for the youth was due to the fact that prevention is always easier than cure. They labored to teach the citizens to refrain from any acts deserving punishment; eagerness to inflict punishment was almost a disgrace, as if betraying some personal spite.

These passages from the Isocrates show his ideal government ruled in all things by the Areopagae, but he forgets that the character of the people was different in his time. One writer says, while granting all due authority to the Areopagae: "An attempt to restore the Areopagitic senate as supreme at Athens, would have been like trying to rule Greece by the Amphictyonic Council."

This tribunal of the Areopagae which set the

1. Isocrates, Apology sec. 42.
standard of morals and habits at Athens had high tone itself. Calm dignity was its ruling characteristic, as befitted the guardian of the law, the state, and the individuals. As accusatorial 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.

1. Democritus against Democ. p. 61, 28.
but there is no evidence that it had authority to sanction the new religions into the state. The court, however, had power over those charged with worshiping clandestinely some unauthorized, or introducing new forms of religion, inasmuch as these might be considered forms of ἄοτρπα (impiety), because the ancient gods might be slighted for the new one. The history of Pausanias' speech on Mars Hill proves that the Areopagites had some power in religion, and in regard to the introduction of new religions. It is probable that the Areopagites could forbid the teaching in Athens of doctrines which dishonored the accepted religion.

But we can not say positively from our

present knowledge what action the court could take, its powers in such cases being probably discretionary. Sacculge does not seem to have been judged by the Areopagus, unless in exceptional cases.

The jurisdiction of the Areopagus in regard to the so-called sacred olive-trees was really based on the worship of Athens. They were said to be sacred of the one Athens 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 commission was appointed 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 anyone...'

1. Thurn, p. 367 f.
2. Zephyros, or the Sacred Olive Trees, apud Athenaeus, 128, 2. [29, 25.]}
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 harmed a
tree on the public land. Even the stumps on
any land belonged to the state.

The archon basilicus, who presided over the Areopagus,
first collected all the evidence possible, and
then the case was heard by the court.

This case of the sacred 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
social and religious parts of the state.

2. " " " " " L 164.
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, those belonging to no special court but having some connection with religious affairs, i.e., offenses against property, minor crimes, and various misdemeanors. These being referred 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 over to the city treasury, without setting forth the cause of the action, and also decided who should be punished.
In one function the inopagous resembled the modern grand jury, as it gave to other courts and to assemblies of the people which had judicial power, information concerning crimes which were out of its jurisdiction. It was said to make the crime plain as charged (ἀποφαίνειν); the written statement, corresponding in some ways to the indictment or true bill of a grand jury, was called an ἀποφασίς, or setting forth; this might contain a recommendation as to the court to which the case belonged, or concerning the penalty to be inflicted.

The inopagous was esteemed by the other Greek states almost as highly as at Athens. Before the first Messeniads
war 744 B.C. to the Messenians offered to submit the questions at issue to the Areopagus for their decision, and agreed to yield to their decision. But the Spartans, always jealous of Athens, refused this proposition.

Isocrates claims that the Areopagus was the model of the Spartan Gerousia, or Council of Elders. Of all ancient Athenian institutions, none achieved for the city an earlier or more widely-spread fame than the Areopagus. Its code was taken as a norm by following law-makers. Gaienkos, the law-breaker of the Locrians in Magna Graecia, adopted the statutes of the Areopagus as the standard and basis of his legal code. Such unlimited authority gave the Areopagus a broad scope for

1. Pausanias IV, 5.
2. Isocrates Panathenaeos 2215.

*The court must have been ancient even then, which gives it a known existence as a power, for five hundred years.
action while its sacred origin and the well-known upright character of its members, helped to preserve the high reputation it gained at a very early period. The Roman censors are compared to it, but they were elected and served only a short time; all exarchons who had passed the eunyche could be admitted and once member of the Areopagus, the members of the Areopagus held their office for life.

IV.

We have seen how influential the senate of the Areopagus was in the Athenian state, and it seems hardly possible that this court, with all its associations, should be destroyed. But its great authority caused its ruin. Its freedom from restraint probably led to
Injustice, possibly to corruption, certainly to arbitrariness. Such an assembly of rich men holding office for life must have shown oligarchical tendencies. Its extreme proneness led to evil, and being abused, became contrary to the general sentiment. Further, the dislike of restraint, both of a personal and a national sort, abetted the tendency to decay. The new democracy was too bent on those schemes of personal liberty which soon grew into licence, and ultimately caused the disintegration and downfall of the state. The Arcophagus naturally came in for its full share of opposition and opprobrium in trying to check the dangerous tendencies it saw coming in.

While it had indefinite power it was a great negative, conservative force. The position of the Areopagus as defined by Solon, was hostile to absolute democracy, and seemed even more formidable because, as a court, it had no definite limits. Such absolute freedom bred envy and bribing.

The laws of Draco, about 620 B.C., honor the Areopagus by letting it alone. Very little is known, and nothing definitely. Passages in the third and fourth chapter have been construed as meaning that Draco did something with the Areopagus, but it is a doubtful interpretation.

Solon, 594 B.C., to whom tradition ascribes

1. Thucyd., p. 920.
the founding of the court, sustained it in all particulars fashioning his whole scheme of government to unite with it.

During the time of the Pristiatidae, Solon's successors, the Areopagis flourished and was filled, as all Athens was in fact, with Spartan sympathizers, a state of affairs due to the ambition of the rulers of Athens. The ex-archons who became members of the Areopagis were friends of oligarchy, and enemies of Kleisthenes.

Therefore, when he came into power in 509 B.C., he was hostile to the Areopagis and lessened its power, as a means of developing his notions of a democratic state. Cases which had been under its jurisdiction were sent to popular courts, and
juris. The Areopagus was considered as a conservative, aristocratic power, hostile to the liberty of the people. Cleisthenes tried to transfer all its powers to the new body of five hundred, but failed. The court of the Areopagus was put in the background and though it recovered much of its old-time authority in later years, it never became the great care-taker and guardian that Solon had intended, nor regained the position which Cleisthenes had taken away.

At the time of the Persian Wars the Areopagus again came into public favor. The quick, patriotic, and thoroughly satisfactory manner in which it took

hold of the government after the
Battle of Thermopylae, 480 B.C., led to
a reaction in its favor. But the
reforms it instituted after the victory
at Salamis were not lasting.

Under the leadership of Aristides whom
it had recalled from exile, the plans of
the Areopagus were defeated by the
popular assembly. The policy outlined
by Aristides, 477 B.C., was carried out seventeen
years later when Epixiades virtually
destroyed the Areopagus as a factor in
the government. The multitude of its
changes made by Epixiades may be
inferred from this: "Then for the first
time the common people took part in the

government. The laws of Lophon were brought down from the Areopagus, as were also those of Themistocles and Ephialtes.

Aristotle says: "Ephialtes, son of Sophronides, being leader of the dème, and seeming to be just and incorruptible in regard to the government, made an attack on the Areopagus. First he did away with many of the Areopagites, bringing charge of malfeasance in office against them. Then in the archonship of Eonon, he took away every power of the Boule through which it was a guardian of the laws, giving those powers to the Five Hundred, the dème, and the dikasteries. Ephialtes did this with the aid of Themistocles, who..."
was then an archon and about to be tried for sedition. Themistocles, who desired the destruction of the Boule urged it to seize Ephialtes. He alleged also that the Areopagus was planning to destroy the state. However, Themistocles, the capture of Ephialtes by officers sent by the Areopagus. Then Ephialtes and Themistocles ascered the Areopagus in the Boule of the Five Hundred and in the popular assembly, till they had stripped the Areopagus of all its power except as a court of homicide.

The Areopagus probably fell about 462 B.C. at that time it had come to represent Spartan ideas, and hence was obnoxious to the democrats party. It no longer enjoyed its ancient

reputation for honor and wisdom. Ephialtes had several measures condemned for mal-administration. Finally he carried a decree transferring its powers of governmental supervision and many of its judicial functions to the Five Hundred and the other courts.

As a conservative body, it was opposed by the young men. The Areopagus was the one court at Athens composed of men elected for life, and without responsibility to higher authority, and therefore was well fitted to assert its pride in the state with firmness and unanimity. It could interfere in any court or assembly at any time. This power, undefined and practically boundless, exercised in autocratic

fashion, antagonized the younger, radical element in the state, and the downfall of the Areopagus was made certain. Cimon, son of Miltiades, returning from the Egyptian expedition 465 B.C., had tried to reverse the decree of Ephialtes. Then Pericles attacked Cimon and he was ostracised 458 B.C. Pericles also obtained the removal of several of the Areopagitic judges.

Cicero says, although Themistocles was praised and accounted even greater than Solon, he showed ingratitude by attempting to destroy the Areopagus, which had helped him, about 464 B.C. By such acts, the ancient prerogatives of the court were diminished, and it became a court of homicide of definite limits. Zeno says that, 459 B.C., the Areopagus had become
an organ of oligarchy, which Simon had
used as a tool. Pericles finished by
depriving it of the censorial power, and all its
judicial competence except in regard to homicide.
Opponents cited the religious associations of the
court, but without avail. Care was taken at
all times however not to harm the rights
eternally secured, by the sanction of religion
of the court as a religious body.

According to Bunseler's 1800-'90s. to his edition
of Isocrates, Ephialtes and Themistocles,
were ambitious and needy; they knew that
they were about to be prosecuted by the
Anregsper, and therefore persuaded the city
to destroy it. Just before the blockades of
Athens, 404 B.C., the Anregper was re-established.
as a high court, and given extraordinary power to help save the city. The Thirty had removed all authority from the Areopagus, and unwittingly made it popular again. With added dignity it took charge of the government in order to secure the accurate observance and preservation of the newly-arranged laws.

After the fall of the Thirty, the court was again designated as 'guardian of the laws.'

After the close of the Peloponnesian war, nothing is heard of the Areopagus in political history. It continued its jurisdiction over homicide, however, in the time of Demosthenes. Having become a court of definite narrow limits it had no influence in the state. Presumably cases of homicide remained undetected.

1. Curtius IV, 72.  2. Hume, 'Ancient States' p. 390.  3. 'Cicero III, 78.'
jurisdiction during the rule of Macedon and Rome. For Rome, as we know, left conquered nations in quiet enjoyment of such institutions as did not interfere with the general conduct of their civil affairs. The court doubtless had a quiet existence, honored by some, hated by others, yet possessing a certain influence over the subjects of the Caesars at Athens. The latest reference to the Areopagus is in the New Testament, where there is recorded the speech of Paul before the Areopagites in defense of his faith, about A.D. 54.

What became of the court of the Areopagus is a matter of mere conjecture, not history. It disappeared.

V.

Its political power lost, the form of government under which it had flourished destroyed, with no legal way to fill the seats made vacant by death, the court itself perished when the last feeble survivor had passed away. For two hundred years the highest authority in all matters of life for a great people, the Areopagus fell to the position of a court where murderers were tried, and when the nation died, it lingered and then disappeared.

Its influence can be traced in the laws of the colonies of Magna Graecia, and who can say what Roman law owe to the Areopagus? And all the world knows...
the debt of modern civilization to the Code of the Caesars. The disappearance of the court cast an organized body was imperative, but the wisdom of its laws and the greatness of letters are an enduring monument to the cruciform, the greatest of ancient tribunals in the greatest of ancient states.