

# Athenian Democracy: Lesson Notes

## Slide 1: Title Slide

**Title:** Introduction to the Athenian Democracy of the Fifth and Fourth Centuries BCE **Subtitle:** A Detailed Overview for Lesson Notes **Author:** John A. Rothchild (Wayne State University Law School) **Date:** October 9, 2007 **Key Takeaway:** Understanding the foundational principles and unique institutions of the world's oldest well-documented democratic polity.

## Slide 2: Introduction

- **Purpose:** To provide background on the democratic constitution of Athens (5th and 4th centuries BCE) and facilitate comparison with modern systems like the U.S. Constitution.
- **Historical Significance:** World's oldest well-documented democratic polity.
  - **Inspiration:** Empowered citizens to a unique extent.
  - **Cautionary Tale:** Direct democracy potentially led to excesses and is not easily scalable to large modern nations.
- **"Constitution" Definition:** In Athens, it was an unwritten collection of customs, laws, institutions, and understandings, not a single document (like modern England's constitution).

## Slide 3: Time Period and Cultural Context

- **Focus Period:** Classical Period (490 BCE - 323 BCE).
  - Begins: First Persian invasion of Greece (490 BCE).
  - Ends: Death of Alexander the Great (323 BCE).
- **Athenian Accomplishments:** Golden Age of Western thought.
  - **Philosophy:** Socrates (469-399 BCE), Plato (428-348 BCE), Aristotle (384-322 BCE).
  - **Drama:** Aeschylus (525-456 BCE), Sophocles (495-406 BCE), Euripides (480-406 BCE), Aristophanes (446-388 BCE).
  - **History:** Herodotus (~490-425 BCE) - Persian Wars; Thucydides (~460/455-399 BCE) - Peloponnesian War.

## Slide 4: Geography and Demographics

- **Scale of Athens:** Surprisingly small for its influence.
  - City walls: Less than a mile end-to-end.
  - Attica (Athens and environs): ~640 square miles (larger than Houston, TX).
- **Population (Classical Period - fluctuated due to war/plague):**
  - **Adult Male Citizens (political participation):** ~60,000 (5th century BCE, pre-Peloponnesian War); ~30,000 (4th century BCE).

- **Entire Citizen Population (including women & children):** ~160,000 (4th century BCE).
- **Non-Citizens:** ~25,000 resident aliens; at least 200,000 slaves.
- **Polis (Plural: Poleis):**
  - Basic political unit of Greek-speaking people.
  - Translated as "city-state."
  - Characteristics: Size of a small city, but with an autonomous political system (like a country).
  - Athens was the largest of ~700 known poleis.

## Slide 5: Just Enough History: Overview

- **Development Context:** Shaped by a particular historical context, primarily a series of wars.
  - Wars between Greeks and Persians.
  - Wars among the Greeks themselves.
- **Athenian Empire:** For a time, Athens led a "mini-empire" with other Greek poleis as subjects.
- **End of Democracy:** Conquered by the Macedonians.

## Slide 6: History on the Ground: The Persian Wars

- **Conflict:** Intermittent conflict with the vast Persian Empire.
  - Persian territory: Modern Iran, Iraq, Afghanistan, Pakistan, Turkey, parts of Egypt, Libya, and the Balkans.
- **Invasions of Greece:**
  - **490 BCE:** King Darius invades mainland Greece.
  - **480 BCE:** King Xerxes invades again with huge land and sea forces.
- **Athenian Role:** Key in defeating Persians.
  - Decisive victories at Marathon and Salamis.
  - *Note:* Persians sought revenge after Athenians supported a revolt by Greek cities in Asia Minor (490s BCE), which included burning Sardis.

## Slide 7: History on the Ground: The Athenian Empire

- **Delian League (Post-479 BCE):**
  - Formed by Athenians as a coalition of Greek poleis.
  - Ostensible purpose: Defensive/offensive alliance against Persians.
  - **Devolution:** Within a decade, became an empire controlled by Athens.
  - **Contributions:** Member states assessed annual payments; Athens later used League treasury for its own purposes.
  - **Suppression:** Members attempting to withdraw were ruthlessly suppressed by Athenian military force.

## Slide 8: History on the Ground: The Peloponnesian War & Macedonian Conquest

- **Peloponnesian War (431-404 BCE):**
  - Conflict between Athens and Sparta (longstanding rival), supported by their allies.
  - **Outcome:** Sparta starved Athens into submission (404 BCE) by cutting off food supply from the Black Sea.
  - **Aftermath:** Sparta installed a pro-Spartan oligarchy in Athens, known as the Thirty Tyrants.
- **Fourth Century BCE:** Tumultuous period with shifting alliances and sporadic wars among poleis.
- **Conquest by Macedonia:**
  - **350s BCE:** Philip II of Macedon (north of Greece) begins expanding his kingdom southwards.
  - **338 BCE:** Athens effectively under Philip's control.
  - **322 BCE:** Antipater (controller of Greece after Alexander the Great's death) crushes a Greek revolt and imposes an oligarchic regime on Athens, ending the democracy.

## Slide 9: Constitutional History: Early Stages & Solon's Reforms

- **Monarchy:** Legend states Athens ruled by kings (from 16th century BCE).
  - **Evolution:** Functions divided among three officials: Archon, King Archon, Polemarch.
  - Later: Six Thesmothetai added, totaling nine Archons (forerunners of democratic system officials).
- **Reforms of Solon (594 BCE):** Appointed to moderate strife between wealthy and poor.
  - **Council of 400:** Created with 100 members from each of four tribes; counterweight to aristocratic Areopagos and archons.
  - **Right of Appeal:** Citizens gained right to appeal magistrate decisions to law court, making aristocratic magistrates accountable.
  - **Assembly:** Existing body of all citizens continued.

## Slide 10: Constitutional History: Tyranny & Cleisthenes' Reforms

- **Tyranny of the Peisistratids (546-510 BCE):**
  - Peisistratos seized power (546 BCE); ruled until his death (527 BCE).
  - "Tyrannos" originally meant one who seized power unconstitutionally, not necessarily harshly. Peisistratos pursued moderate policies.
  - Successors: Hippias and Hipparchus (reign became harsher after Hipparchus' assassination).

- **511/10 BCE:** Hippias expelled.
- **Reforms of Cleisthenes (507 BCE):** Viewed as founding the Athenian democracy.
  - **Goal:** Diminish political power of aristocratic families by eliminating tribal political functions.
  - **Deme:** Established as main local political institution (139 geographically based units with democratically elected leadership).
  - **Ten Tribes:** Reallocated people into 10 tribes, each with demes from coast, interior, and city, diluting aristocratic power. Tribes became basis for political power allocation.
  - **Council of 500:** Replaced Solon's Council of 400, with more authority and prestige.

## Slide 11: Constitutional History: Ephialtes, Pericles, & Oligarchies

- **Reforms of Ephialtes (462 BCE):** Led to the mature form of democracy.
  - Deprived aristocratic Areopagos of most political powers.
  - Increased powers of the Assembly.
  - Restructured law court into panels (courts of first instance, not just appeals).
- **Pericles (Post-Ephialtes assassination, 450s BCE):**
  - Introduced pay for service on the Council and juries, further democratizing these institutions.
- **Oligarchies of 411 and 404 BCE:** Brief suspensions of democracy.
  - **411 BCE:** Cabal of aristocrats installed a "Council of 400" during Peloponnesian War (lasted <1 year).
  - **404 BCE:** Spartans installed the "Thirty Tyrants" after their victory.
    - Eliminated democratic constitution, restored Areopagos powers, mass executions/banishment.
    - **403 BCE:** Democracy restored by democratic exiles.
  - **Lasting Effect:** Strongly disposed Athenians against weakening democracy.

## Slide 12: Structure of Athenian Democracy: Key Differences & Similarities

- **Radical Differences from Modern Representative Democracy:**
  - Most public officials selected by lot.
  - Most served single, one-year terms (or two non-consecutively).
  - Juries: Large panels (200-500+).
  - Final legislative authority: Entire citizen population (direct democracy), not a representative body.
- **Underlying Commonalities (Similar Goals to Modern Systems):**
  - Vest ultimate power in citizens.
  - Prevent overreaching by public officials and subversion of democracy.
  - Incentivize officials to perform for community benefit.

- Create stable constitutional structure.
- Implement the rule of law.

## Slide 13: Citizenship and the Franchise

- **Limited Participation:** Only free adult (18+) male citizens could participate.
  - Excluded: Women, resident aliens, slaves.
  - Result: Only ~10-20% of total population participated politically.
- **Pericles' Law (451 BCE):** Further limited citizenship.
  - Both parents had to be citizens (previously, father being a citizen was enough).
  - Citizenship determined by Assembly List of one's deme.
- **Loss of Rights:** Could lose political participation for offenses (e.g., debt to public treasury, prostitution, failing to support parents, throwing away shield in battle, squandering inheritance).
- **Comparison to U.S. Founding:** While Athenian franchise was narrower, the early U.S. also had limited suffrage (excluded slaves, women, property qualifications for white males).

## Slide 14: The Council of 500: Membership & Administration

- **Membership:**
  - 500 citizens, at least 30 years old.
  - Appointed by lot: 50 from each of the ten tribes.
  - Term: One-year.
  - Term Limits: Could serve only twice in lifetime, not in successive years.
  - Impact: Large proportion of citizens served (1/3 of all citizens over 18; 2/3 of those over 40).
  - Pay: Five obols per day (mid-4th century BCE).
  - Dokimasia: Incoming members subject to examination for fitness by outgoing Council.
- **Administration:**
  - **Prytanies:** Year divided into 10 periods (35 or 36 days).
  - **Prytaneis:** 50 Councilors from one tribe served as steering committee during a prytany.
    - Duties: Convene daily Council meetings, set agenda, convene Assembly.
  - **Epistatēs:** One prytanis chosen by lot daily to be chairman (could hold once in lifetime). Presided over Council meetings.
  - **Tholos:** Prytaneis and Epistatēs had to be present 24/7 at the Tholos to deal with emergent issues.

## Slide 15: The Council of 500: Functions

- **Legislation (Most Significant):**
  - Initial forum for proposed legislation (from Council members, citizens, Assembly).

- Discussed proposals and placed accepted ones on Assembly agenda as **probouleumata** (preliminary motions).
- Assembly *could not* enact legislation not first considered by Council.
- **Executive & Administrative Duties:** Performed by subcommittees (usually 10 citizens chosen by lot).
  - **Euthynoi** ("public auditors"): 10 members, reviewed public officials' handling of office at term end.
  - **Logistai** ("public accountants"): 10 members, checked accounts of officials handling public money each prytany.
- **Diplomatic Relations:** Handled relations with other states.
  - Envoys/messengers presented themselves to officials at the Tholos.
  - Responsible for collecting payments from subject poleis during imperial period.
- **Limited Judicial Role:** Heard **eisangelia** (impeachment) prosecutions.

## Slide 16: The Assembly: Membership, Attendance, & Frequency

- **Ultimate Legislative Authority:** The core of direct democracy.
- **Membership:** All adult male citizens not subject to disfranchisement.
- **Meeting Place:** The Pnyx (a hill near the Acropolis), open air.
- **Attendance:** Typically ~6,000 citizens.
- **Pay:** Introduced in 390s BCE for attendance (originally 1 obol, rose to 3 obols, then 1-1.5 drachmas).
  - *Comparison:* Laborer earned 1 drachma/day (late 5th century), 1.5 drachmas (4th century); skilled laborer 2.5 drachmas (late 4th century). Pay was not munificent.
- **Frequency:**
  - Normally ~40 times/year (4 times per prytany).
  - One "Principal Assembly" (general session) and three other meetings.
  - Specific topics assigned to particular meetings (e.g., Principal Assembly: ratify magistrates, corn supply, defense, impeachments, property lists, inheritances).
  - Additional meetings scheduled as needed (e.g., Mytilenean debate).

## Slide 17: The Assembly: Procedure & Laws/Decrees

- **Presiding Officers:** 10 officials (changed daily, selected by lot from each tribe).
- **Agenda:** Published in advance by the Council of 500.
  - **Specific Motions:** Bills proposed for enactment. Read out, voted on. If not unanimous, discussion and final vote.
  - **Open Motions:** Issues for discussion, no recommendation. Read, discussed, voted on.
- **Right to Speak:** All attendees had equal right to speak, regardless of social status.
  - Risk of being shouted down if speech was unpopular (speakers often requested no interruptions).
- **Voting:** Generally by show of hands; some votes by secret ballot.
- **Laws (Nomoi) vs. Decrees (Psēphismata):** Distinction began in late 5th century BCE.

- **Laws:** Established general rules.
- **Decrees:** Called for specific actions in particular cases (e.g., honoring a citizen with a crown).
- **Rule:** Decrees could not contradict laws.

## Slide 18: Making & Changing Laws: Nomothesia

- **Nomothesia:** Special, more cumbersome procedure for adding or amending laws (effective 403 BCE, after Thirty Tyrants).
  - **Proposal:** Any citizen could propose a new law or a replacement for an existing law.
  - **Publication:** Proposal written on a whitened board next to Eponymous Heroes statues in the agora.
  - **Council & Assembly:** Council considered, placed on Assembly agenda. Assembly voted in favor of *referring* the proposal.
  - **Nomothetai ("establishers of the law"):**
    - Selected by lot from year's 6,000 jurors (number varied, could be >1,000).
    - Proceeding like a trial: 5 citizens defended existing laws, others spoke for amendment.
    - Vote by show of hands; if approved, became law.
- **Other Routes for Law Modification:**
  - Assembly review of laws at first meeting of year (majority vote to change -> nomothetai hearing).
  - Thesmothetai annual review of laws (mid-4th century onwards).
- **Significance:** Nomothesia + Law/Decree distinction = implementation of "constitutional law" as higher, more stable law.

## Slide 19: "Judicial Review": Graphē Paranomōn

- **Definition:** Graphē paranomōn ("prosecution for being against the law").
- **Purpose:** Challenge constitutionality of a law or decree.
- **Unconstitutional Circumstances:**
  - New law contradicting existing one without advance publication.
  - Law proposed to Assembly without Council's prior consideration.
  - Decree conflicting with an existing law.
  - Decree proposed by a person deprived of citizenship rights.
- **Initiation:** Any citizen could initiate, either after enactment or during consideration.
  - Prosecutor's sworn statement halted Assembly consideration.
- **Trial:** Before an ordinary jury court (500+ jurors).
- **Outcome:**
  - **Invalidation:** If found unconstitutional, declared invalid, proposer fined.
  - **Three Convictions:** Proposer lost citizen rights.
  - **Validation:** If found constitutional, gained status of enactment *even if Assembly hadn't approved it.*

- **Separation of Powers:** Striking example where court (representing the demos) enacted law, blurring modern lines.
- **Bulwark of Democracy:** Suspended during oligarchies of 411 and 404 BCE, confirming its importance.

## Slide 20: The Jury Courts: Structure & Selection

- **Third Principal Institution:** Crucial to the democracy.
- **Before Ephialtes:** Court was the entire Assembly (Heliaeae), hearing appeals from magistrates.
- **After Ephialtes' Reforms:** Heliaeae reconstituted into individual jury courts for many types of lawsuits (up to 10 courts daily).
- **Selection of Jurors (Dikastai - "judges"):**
  - **Annual Pool:** 6,000 jurors enrolled annually from volunteers (600 per tribe).
  - **Qualifications:** Male citizens, 30+ years old, not disfranchised, not in debt to state.
  - **Daily Selection:** From pool, as needed for courts in session.
  - **Panel Size:** Very large (200-500+; one *graphē paranomōn* had 6,000 jurors!).
  - **Random Process:** Complex, designed to prevent bribery. Early 4th century BCE: use of **kleroterion** (juror-selection machine) with tokens.
  - **Allocation:** Randomly assigned to courts.
- **Jurors' Pay:** Introduced ~450 BCE by Pericles (2 obols, then 3 obols).
  - Not attractive to those with other employment.
  - "The Wasps" (Aristophanes) suggests indigent elderly, but evidence indicates well-off men and farmers also served.

## Slide 21: The Jury Courts: Appeals & Initiating Lawsuits

- **No Appeals:** No appeal from a jury court judgment.
  - Reason: Jury (like Assembly) represented the entire **demos** ("the people" or "the community"). No higher authority.
  - Litigants addressed jury as "you" (referring to collective demos).
- **Initiating a Lawsuit:** Almost all cases initiated by private parties, not public prosecutors (even serious crimes).
  - Some cases only by victim, others by any citizen.
  - **Summons:** Plaintiff served summons on defendant before witnesses, to appear before a magistrate.
  - **Magistrate's Role:** If magistrate accepted charge, set date for preliminary hearing (*anakrisis*).
  - **Anakrisis:** Limited knowledge, possibly clarified issues via magistrate questioning. Date for trial set after anakrisis.

## Slide 22: The Jury Courts: Conduct of Trials

- **Trial Components:** Primarily speeches by litigants and witness statements read by court clerk.
- **Litigants' Speeches:**
  - Nearly always delivered by litigants themselves.
  - No professional delivery, but close friends/relatives could support.
  - Written by professional **logographers** (speech writers), but delivered in first person without acknowledging outside authorship.
  - Unknown if read or recited from memory.
- **Witness Testimony:**
  - Before ~380 BCE: Oral.
  - After ~380 BCE: Written statements prepared in advance, read by clerk, affirmed by witness.
  - Witnesses: Adult male citizens, resident aliens, freedmen.
  - Excluded: Women and children generally.
  - Slaves: Permitted only under torture (dubious rationale: ensure truth against master).
- **Trial Length:** Completed within one day.
  - Speeches timed by a water clock (**klepsudra**).
- **Presiding Magistrate:**
  - Not like modern judges: laymen, selected by lot for one-year term, no specific training/legal knowledge.
  - Could not dismiss cases, set issues for jury, or hear objections/stop irrelevant material.
- **Voting:** 4th century BCE: Bronze voting tokens into urns.
  - Hollow tube = plaintiff; Solid tube = defendant.
  - Two urns: one for counted tokens, one for discarded (secret vote).
  - Verdict by majority; equal votes = acquittal.
- **Post-Speeches:** Jurors voted immediately after speeches. No judge instruction, no deliberation.

## Slide 23: The Jury Courts: Nonjudicial Functions

- **Dokimasia (Scrutiny for Fitness):** Conducted for most magistrates; final determination for archons and Council members.
- **Eisangelia (Impeachment) & Apophasis (Investigatory Report):** Heard prosecutions resulting from these procedures.
  - Formally trials, but often invoked against politically active individuals.
  - Considered more political than judicial acts since courts represented the entire **demos**.
- **Graphē Paranomōn:** Formally a trial, but also cast the court in a legislative role.
  - If challenged law found constitutional, it was deemed enacted even without Assembly vote.

## Slide 24: The Areopagos

- **Membership:** Council of the Areopagos ("Hill of Mars").
  - Composed of all archons who had completed their term of office.
  - Membership for life (holdover from pre-democratic times).
  - Number: Probably 100-200 men.
- **Functions (Pre-Democratic):**
  - Broad authority, "guardian of the laws," watched magistrates.
- **Functions (Post-Ephialtes Reforms):**
  - Stripped of most political authorities.
  - **Principal Duty:** Tried cases of intentional homicide, assault, wounding, certain sacrilege.
- **Investigatory Role:** Could be called upon by Council or Assembly to conduct an investigation into an offense and make a report (**apophasis**).
  - Based on report, Assembly might decree prosecution.
  - Often used to investigate public officials' conduct.

## Slide 25: Magistrates: Overview & The Nine Archons

- **"Magistrate":** Term for various public officials.
  - All had some judicial function (introducing cases, presiding over trials).
  - Could impose fines (up to 50 drachmas) for violations within their jurisdiction.
  - Selection: All chosen by lot *except* strategoi and military officers.
  - Term: One-year.
- **The Nine Archons:**
  - Eponymous Archon, King Archon, Polemarch, and six Thesmothetai.
  - Selection: By lot (from early 5th century BCE).
  - Term: One-year.
  - Term Limit: Only once in a lifetime.
  - Dokimasia: Subject to scrutiny by the Council.
  - **Judicial Role:** Handled pretrial phase of legal cases; presided over trials within their subject matter jurisdiction (e.g., Eponymous Archon for property/family matters).
  - **Executive Responsibilities:**
    - King Archon: Religious functions (Mysteries, festivals, overseeing land dedicated to gods).
    - Eponymous Archon: General oversight of orphans, heiresses, widows, managed dramatic contests and liturgies.
  - **Post-Service:** Became members of the Areopagos for life.

## Slide 26: Magistrates: The Eleven, Astynomoi, Agoranomoi

- **The Eleven:**
  - Primarily executive officers: in charge of prisons and executions.
  - **Judicial Functions:** If caught *in flagrante delicto* for theft, kidnapping, burglary, pickpocketing:
    - Admission of guilt -> summary execution (without trial).

- Claim of innocence -> trial before a jury court (with Eleven presiding).
- **Astyynomoi:** (5 for Athens, 5 for Piraeus)
  - Responsible for cleanliness and order in streets.
  - Enforced miscellaneous regulations (e.g., flute girl hire fees, dung disposal limits, building over streets).
  - Collected dead bodies.
- **Agoranomoi:** (5 for Athens, 5 for Piraeus)
  - Supervised commercial activity in the marketplace (agora).
  - Dealt with false advertising, adulterated goods, public order.
  - Possibly involved in price regulation.
  - Specialized officials for grain trade and weights/measures.
- **Logistai & Euthynoi:** Magistrates with auditing functions (details covered later).

## Slide 27: Magistrates: The Ten Strategoi

- **Strategoi ("generals"):** Chief military commanders.
  - **Selection:** Elected (one from each of the ten tribes) - *exception to selection by lot.*
  - **Reelection:** Could be reelected any number of times (e.g., Pericles served 15 continuous years).
- **Military Command:**
  - Forces in the field.
  - Formerly: Summary execution of soldiers; later: Remand into custody or impose fine.
  - Within polis: Enrolment of soldiers, designation of wealthy citizens for warships (liturgies), presided over trials for desertion/evasion.
- **Subordinates (Elected):**
  - Ten **taxiarchs** (commanded tribal hoplite contingents).
  - Two **hipparchs** (commanded cavalry).
- **Influence:** Considered most influential magistrates due to election and reelectability.

## Slide 28: Methods of Constraining Power: Introduction

- **Perennial Difficulty:** Assign sufficient power to officials while preventing overreaching and subversion of liberty/democracy.
- **U.S. Constitution (Concerns of Tyranny):**
  - Democratic accountability.
  - Confinement of federal government to enumerated powers.
  - Federalism.
  - Protection of individual rights.
  - Separation of powers.
- **Athenian Concerns:** Experience with Peisistratids' tyranny, brief oligarchic subversions.
- **Question for Students:** How do Athenian constraints compare to modern systems?

## Slide 29: Methods of Constraining Power: Dokimasia & Eisangelia

- **Dokimasia ("Examination" or "Scrutiny"):**
  - **Purpose:** Examination for formal qualifications before taking office (citizenship, age, prior office holding).
  - **Procedure:** Conducted by a jury court (most magistrates); by Council first (archons/Councilors).
  - **Questions (Aristotle's Reconstruction):** Family lineage, ancestral Apollo/Zeus, family tomb, treatment of parents, tax payment, military service.
  - **Accusation:** Anybody could accuse; candidate spoke in defense.
  - **Outcome:** Rejected = excluded from office (no punishment).
- **Eisangelia (Impeachment Procedure):**
  - **Purpose:** Used principally against public officials (and orators misleading demos, or those trying to overthrow democracy).
  - **Timing:** Could be brought at any time (unlike euthyna, only at term end).
  - **Initiation:**
    - To the Council: Rendered preliminary verdict, referred to court.
    - Directly to Assembly: Decided to hear case or refer to court.
  - **Significance:** Prosecutor not subject to 1,000-drachma fine for failing to win 1/5th of jurors' votes (highlighted importance).

## Slide 30: Methods of Constraining Power: Epikheirotonia, Euthyna, Apophasis

- **Epikheirotonia ("Voting by a Show of Hands"):**
  - **Procedure:** At first (Principal) Assembly meeting each prytany, vote on officials' performance.
  - **Outcome:** Negative vote -> provisional deposition, trial before jury court.
    - Convicted -> removed, possibly fined (e.g., Pericles in 430 BCE).
    - Acquitted -> returned to office.
- **Euthyna (Post-Term Examination):** Applied to all magistrates and Council members (not jurors).
  - **Stage 1 (Financial Review):** By 10 **logistai** (selected by lot from citizens). Examined public money handling (embezzlement, bribes, neglect). Brought official to jury court; invited public charges.
  - **Stage 2 (Other Misconduct):** By 10 **euthynoi** (Council members, one per tribe, by lot). Sat in agora, accepted written charges (neglect of duty, misuse of power). If founded, passed to appropriate magistrate for trial.
- **Apophasis (Investigatory Report):** (Mid-4th century BCE onwards).
  - **Purpose:** Allowed Areopagos to investigate possible offenses.
  - **Initiation:** Assembly referral or Areopagos' own initiative.
  - **Report:** Areopagos made a report (**apophasis**) to Assembly.
  - **Outcome:** Assembly decided on prosecution, passed decree detailing trial.

- **Targets:** Private citizens and public officials.
- **Famous Example:** Harpalos affair, leading to conviction of Demosthenes for bribery.

## Slide 31: Review Questions

- What political systems preceded the democracy? What were the stages of democratic progress?
- What were the qualifications for political participation in the democracy?
- Who were members of the Council of 500? What were its legislative, executive, and judicial functions?
- Who were members of the Assembly? How often did it meet? What were its legislative, executive, and judicial functions?
- Describe the procedure for enacting laws.
- What was the difference between a law and a decree? What special procedure was used for new laws?
- What procedure challenged the constitutionality of a law or decree?
- How were jury courts constituted? What were their judicial and nonjudicial functions?
- By whom were lawsuits initiated and conducted?
- Who were the members of the Areopagos, and what were its functions?
- What were the categories of magistrates? How were they selected? What were their powers?
- What were the judicial and executive functions of the archons?
- Which class of magistrates was popularly elected and not subject to term limits?
- What mechanisms did the Athenian system use to constrain public officials' powers?
- Who were the prytaneis and epistatai, and what were their duties?

## Slide 32: Discussion Questions: Institutions of Democracy

- To what institution in our system does each Athenian institution most closely correspond? How does each differ from its modern analogue?
- Are there any elements of the Athenian system that seem bizarre or inexplicable to you?
- Many Athenian institutions combined executive, legislative, and judicial functions. Is this inconsistent with separation of powers? Are there comparable overlaps in the current U.S. system?
- Do you agree that jury courts had an inherently political role? (Large juries, no judge instruction, immediate voting, no deliberation). Was their decision more an exercise of "political will" than "judgment"? (Refer to Federalist No. 78).

## Slide 33: Discussion Questions: How Democratic Was It?

- Most magistrates (except strategoi) were selected by lot and limited to one-year terms. Council members limited to two non-consecutive one-year terms. How was this *more* democratic than our system of popular election? How was it *less* democratic? What is your definition of "democratic"?

- In what respects was the Council a democratic institution? Undemocratic? (Using your definition).
- In what respects was the Assembly more democratic than our Congress? Less? (Using your definition).
- Was the Areopagos an antidemocratic institution? Did it belong under a democratic constitution?
- Do you think Athenians would object to any elements of the contemporary U.S. constitutional system as undemocratic? Consider: electoral college, pre-17th Amendment Senate selection, equal state representation in Senate, supermajority for constitutional amendments, Bill of Rights.

## Slide 34: Discussion Questions: Controlling Officials & Ancient vs. Modern

- What sorts of checks and balances did the Athenian system incorporate?
- What aspects of federalism were present in the Athenian system?
- What purposes do you think Athenians hoped to serve by random selection of officials and term limitations?
- Why do you think the strategoi were elected rather than chosen by lot? Why no term limit for them?
- The Athenian system lacked democratic accountability through popular election (except for strategoi). Was this a major flaw? What mechanisms filled the gap, and how effective do you suppose they were?
- Are there any elements of the Athenian system that could profitably be adopted into our own system today, given modern U.S. society differs from classical Athens?
- Which elements of the Athenian system are completely unsuited to modern conditions? Could they have been more plausibly applied to the U.S. in 1787 than now?
- Internet technology makes direct democracy feasible. Would legislation by the entire citizenry be an improvement over our current representative system? (Recall Madison's contention in Federalist 10).
- How did a citizen gain political power in the Athenian system? How does one gain political power in our system?
- Under the Athenian system, was there more danger of manipulation by demagogues than under our system?

## Slide 35: Glossary (A-C)

- **Agora:** The heart of Athens, market square, location for goods and political/philosophical debates.
- **Agoranomoi:** Magistrates supervising commercial activity in the agora.
- **Apophasis ("report"):** Procedure for Areopagos investigation and report potentially leading to prosecution.
- **Archon ("leader" or "ruler"):** One of The Nine Archons (Eponymous, King, Polemarch, 6 Thesmothetai) with judicial/executive duties.

- **Areopagos ("Hill of Mars"):** Body of former archons serving for life; limited functions under democracy (primarily homicide trials), but broader powers pre-democracy.
- **Assembly:** Athenian legislative body of all adult male citizens not disfranchised.
- **Astynomoi:** Magistrates responsible for street cleanliness and order.
- **Attica:** The territory surrounding Athens.
- **Classical Period:** 490 BCE (Persian invasion) to 323 BCE (death of Alexander); flourishing of democracy and Athenian accomplishments.
- **Cleisthenes:** Athenian reformer (507 BCE) who reorganized political structure to reduce aristocratic power, a major step toward democracy.
- **Council of 400:** Created by Solon.
- **Council of 500:** Created by Cleisthenes, replacing Solon's Council of 400; functioned throughout the democracy.
- **Councilor:** A member of the Council of 500.

## Slide 36: Glossary (D-E)

- **Deme:** Geographically based political unit (139 throughout Attica).
- **Demos ("the people" or "the community"):** The political community as a whole.
- **Dokimasia ("examination" or "scrutiny"):** Examination of a person selected for public office to determine formal qualifications.
- **Eisangelia:** Impeachment procedure, primarily against public officials.
- **Eleven, The:** Board of magistrates in charge of prisons and executions.
- **Ephialtes:** Athenian reformer (462 BCE) who initiated reforms leading to the mature form of democracy.
- **Epikheirotonia ("voting by a show of hands"):** Vote on officials' performance; negative vote led to deposition and trial.
- **Epistatēs (plur. epistatai) ("chairman"):** Chosen by lot from prytaneis to preside over Council meetings and be on call for emergencies.
- **Eponymous Archon:** One of the Nine Archons.
- **Euthyna:** Post-term examination of a public official (two stages: financial review by logistai, misconduct review by euthynoi).
- **Euthynoi ("public auditors"):** Ten-member Council subcommittee reviewing officials' performance at term end.

## Slide 37: Glossary (G-P)

- **Graphē paranomōn ("prosecution for being against the law"):** Procedure to challenge the constitutionality of a law or decree.
- **King Archon:** One of the Nine Archons.
- **Logistai ("public accountants"):**
  - (1) Ten-member Council subcommittee checking public money accounts each prytany.
  - (2) Citizens reviewing public officials' accounts as part of euthyna.
- **Magistrate:** Range of public officials with judicial and executive functions (e.g., archons, Eleven, astynomoi, agoranomoi, logistai, euthynoi, strategoi).

- **Nomothesia:** Special, more cumbersome procedure for making or amending a law.
- **Nomothetai ("establishers of the law"):** Group of citizens selected by lot to determine if a proposed law should be accepted.
- **Obol:** Unit of money (six obols in a drachma).
- **Oligarchies of 411 and 404 BCE:** Brief periods when democracy was replaced by oligarchic rule.
- **Peisistratids:** Peisistratos and his sons Hippias and Hipparchus, who ruled Athens (546-510 BCE).
- **Peloponnesian War:** War between Athens and Sparta (431-404 BCE), won by Spartans.
- **Persian Wars:** Persian Empire invasions of Greece (490, 480 BCE), repelled by Greeks (with Athenian leadership).
- **Polemarch ("leader in war"):** One of the Nine Archons.
- **Polis (pl. poleis):** Basic Greek city-state political unit.
- **Prytaneis (sing. prytanis) ("president"):** Fifty Councilors from one tribe serving as Council's steering committee during a prytany.
- **Prytany:** One-tenth of the year (35 or 36 days).

## Slide 38: Glossary (S-T)

- **Solon:** Upper-class Athenian reformer (594 BCE) who moderated strife between wealthy and poorer classes.
- **Strategoi ("generals"):** Chief military commanders of Athens; ten elected annually, one from each tribe.
- **Thesmothetai ("those who establish the laws"):** Six officials, along with Eponymous Archon, King Archon, and Polemarch, making up the Nine Archons.
- **Thirty Tyrants:** Brutal oligarchy installed by Sparta in Athens (404 BCE) after Peloponnesian War; lasted less than a year.
- **Tribes, Ten:** Ten subdivisions of Athenian population established by Cleisthenes (507 BCE) for political purposes.