I Introduction

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 idea 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. Do we know both the conception of justice, and the methods of its administration? Rude tribunals arise to decide quarrels and settle disputes; in time, they try all suspected or accused persons, decide (declare) their guilt or innocence, and suggest or impose suitable penalties. Probably such tribunals originated in gatherings of neighbors or tribesmen, and in order to settle disputes, (adjust differences) there 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 a general jurisdiction; afterward, (later) 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 were 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 punishing (or punishing) its
members, called the Amphictyonic Council. (Semi-religious in nature)

Many other tribunals have been
found 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 (for) these two
were the most prominent elevations
in the city. The importance of such
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 popular reputation due to Paul's having preached upon it to members of the Areopagitic Senate and others.

The hill itself, an elevation having an area about equal to the Areopagus, and about a height one-third of that of the larger hill, lies west and a little north of the Areopagus. The street leading south from the Agora past the western end of the Areopagus to the Odeum Herodes.

The Pnyx and the hill of the Nymphs are southwest, while the temple of Are is on the northwest corner of the hills. The hollow between the Areopagus and the Areopagos was only a few yards wide originally, but the street made it broader.

The hill, like the Areopagus, is a barren rocky height; on it the Persians

2. Curtius, I, p. 326.
encamped in order to attack the Acropolis before the Battle of Salamis.

The court of the Areopagus, as the oldest and in some sense the supreme court of Athens, with powers judicial, legislative, executive, power also to oversee every action of every dweller in Attica—all of 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 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. There 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 Areopagus is regarded as occupied. Doe may assume that a court for homicide, meeting at the Areopagus, seems to have existed before Solon's time or 600-590 B.C. Several legends of its origin were current at Athens, all of a more or less religious turn. In Euripides' Orestes, l.1681, Apollo tells Orestes: "The gods arbiters of the

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

Plutarch, Solon, 18. 2. Note III 72.
cause, shall judge thee most sacredly on the hill of Ares. Again, in his epic 
Sphigenia in Ierous, Arestes says: 
"When Iochian 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 by Zeus so that Ares might cleanse his hands from pollution." (Foi) 
Ares slew Halirrhothios, son of Poseidon, because he had disgraced Aleippe, daughter of Ares. 
Aeschylus, in the Eumenides uses the legend most believed at Athens: 
Athenē refuses to decide the case of the Eumenides against Arestes, because he came as an innocent whom Athenē she 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." Athenê says also: Since it must be decided, having chosen oath-bound judges of homicide, I will establish this court forever. Athenê herself is present, and the judges swear (take oath) to act in strict accord with justice, sworn witnesses being summoned.

Athenê declares: This court shall exist forever. The full of Ares was the stronghold of the Amazons, built to help them fight Theseus, and by them dedicated to Ares whence its name. Around this rock arms and innate fear shall keep the citizens from injustice (harm, day and night, if they preserve the labor.

--- Do not cast all fear out of the city.
for what mortal, fearing nothing is just?

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

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

This belief doubtless rested upon a basis of (real or) fact, latterly known only through tradition. Some court existed with general power like that of the Areopagus when Solon revised the laws.

The religious rights of the court were retained, and all the laws of Solon honored the Areopagus.

Thueser says: the designation of the court of the Areopagus as a court of willful murder, murderous