

Isocrates claims that the Areopagus was the model of the Spartan Gerousia, or Council of Elders.¹ Of all ancient Athenian institutions, none achieved for the city an earlier or more widely-spread of fame (renown) than the Areopagus. Its code was taken as a norm² by following law-makers. Calenkus, the Law-maker of the Locrians in Magna Graecia, adopted the statutes of the Areopagus as the standard and basis of his penal code.³

Such unlimited authority gave the Areopagus a broad scope for action, while its sacred origin and the well-known upright character of its members, helped to preserve the high reputation (which) it had gained

1. Isoc., Panathenaiakos see. 154.

3. Strabo p. 260.

2. Cicero, I 326.

at a very early period.

The Roman censors are compared to it, but they were elected and served only a short time, while all ex-archons who had passed the *pythia* could be ~~be~~ admitted, and were members of the Areopagus, the members of the Areopagus (too) held their office for life.

IV

Destruction.

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.¹ Its extensive powers led to evil, and being abused, became contrary to the general sentiment.² 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 license, and ultimately caused the disintegration and downfall of the state.

The Areopagus naturally came in for its full share of opposition and opprobrium in trying to check the dangerous tendencies (that) it saw coming in. While it had indefinite power

1. Note V, 209.

2. Note V, 214.

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

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 chapters² have been construed as ^(of Aristotle!) meaning that Draco did something with the Areopagus but it is a doubtful interpretation. Solon to 594 B.C. to whom tradition ascribes the founding of the court (that is impossible), (yet) sustained it in all particulars.

fashioning his whole scheme of government to unite with it.

During the time of the Peisistratidae, Solon's successors, the Areopagus 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 exarchs (who had been only figure-heads in office) who became members of the Areopagus were friends of oligarchy, and hence enemies of Cleisthenes.

Therefore when he came into power in 509 B. C., he was hostile to the Areopagus, and lessened its power, as a means of developing his (own) notions of a democratic state. Cases which had been

under its jurisdiction were sent to popular courts and juries. 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 Boule of Five Hundred but failed.¹ The court of the Areopagus was put in the background and though it recovered in later years much of its old-time authority, it never (again) became the great care-taker and guardian that Solon had intended, nor did it regain the position which Cleisthenes had taken away.²

At the time of the Persian wars the Areopagus again came into public favor. The quick (prompt), patriotic and

1. Botteford, Ath. Const. p. 201. 2. Note V 217.

thoroughly satisfactory manner in which it took hold of the government after the battle at Thermopylae, 480 B. C. led to a reaction in its favor. But the reforms (that) 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 Ephialtes virtually destroyed the Areopagus as a factor in the government! The magnitude of the changes made by Ephialtes may be inferred

from this: 'Then for the first time the common people took part in the government. The laws of Solon were brought down from the Areopagus, as were also those of Themistocles and Ephialtes.'

Aristotle says: 'Ephialtes, son of Sophonides, being leader of the demes, 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 charges of malfeasance in office against them. Then, in the archonship of Conon, he took away every power of the Boulê through which it was a guardian of the laws, giving these powers to the Five Hundred, the demes, and the dikasteries. Ephialtes did

1. Arist. *Att. Const.*, ch. 35, l. 8.

this with the aid of Themistocles, who was then an Areopagite and about to be tried for Medizing. 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 prevented the capture of Ephialtes by officers sent by the Areopagus. Then (both) Ephialtes and Themistocles accused (denounced) 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 received this last blow about 462 B.C. when it had come to represent
 Arist. Ath. Const., ch. 25, § 41.

Spartan ideas and hence was obnoxious to the democratic party. It no longer enjoyed its ancient reputation for honor and wisdom. Ephialtes had several members condemned for maladministration, and finally he carried a decree transferring its powers of governmental supervision and many of its judicial functions to the Five Hundred and other courts.

As a conservative body it was opposed by the young men. The Areopagus was the one court ~~where~~ at Athens composed of men elected for life, and without responsibility to higher authority, and therefore was well-fitted to assert its views in the state with firmness and unanimity.