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IV; THE DEVELOPMENT OF
THE ATHENIAN CONSTITUTION**

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George Willis Botsford

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GEORGE WILLIS BOTSFORD

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BY GEORGE WILLIS BOTSFORD, PH.D.

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THE DEVELOPMENT
OF THE
ATHENIAN CONSTITUTION

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PREFACE.

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GEO. W. BOTSFORD.

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THE DEVELOPMENT OF THE ATHENIAN CONSTITUTION.

CHAPTER I.

THE PATRIARCHAL THEORY.

IT was the belief of the ancients that the family was the primitive society out of which the state developed.¹ They were led to this view partly by observing that the institutions of their state and family were throughout of a similar character,²—as were also the relations sustained by the individual to family and state,—but more directly by the fact that each ascending group in the gentile organization of the ancient city had, as its protecting deity and centre of its common religious life, an eponymous (name-giving) hero, from whom the members of the respective groups were supposed to have derived their lineage.³ Thus Aristotle⁴ says: "That society which

¹ Not only did the philosophic thinker hold this view, but the ordinary man constantly acted on the belief that the state was but a large family, and that ties of a like nature bound him to these two societies. For illustration of this, read any of the Attic orators touching the public obligations and services of the individual.

² That the institutions of the state are largely those of the family, the former being developed from the latter, will be fully established, it is hoped, in the following pages.

³ When a new organization of the state took the place of the old, eponymous heroes were selected for the tribes, in case of the Cleisthenean organization, by the oracle at Delphi; Aristotle, *Ath. Pol.*, ch. 21. This seems to indicate that no other theory of the state than the one above proposed was conceivable or, at least, acceptable. Furthermore, the Athenians clung thus closely to the primitive theory of the state, even after the opportunity for an improved conception had been given in the fictitious nature of the Cleisthenean tribe; cf. Pseud. Dem. Epitaph. §§ 30-1; Rohde, *Psyche*, pp. 158-9, 164.

⁴ *Politics*, I. 2, p. 1252 b, 12 ff.

nature has established for daily support is a household (*οἶκος*). . . . But the society of many households for lasting and mutual advantage is called a village (*κώμη*), naturally composed of members of one family, whom some call *ὁμογάλακτες*. . . . When many villages join themselves perfectly together into one society, that society is a state (*πόλις*).” Plato¹ and Cicero² present the same view. Arguments based on the character and institutions of the state are equally cogent to the moderns.³ That proof, on the contrary, which depends upon the religious belief as to the genesis of the city from a single ancestor through the family, clan, and phratry has for us but little value. We must replace it, therefore, by an inquiry into the development of the city, in accordance with the recognized methods of historical investigation.

The Aryan⁴ household (or family), as it appears at the dawn of history, possessed a political, social, and religious organization which rendered it capable of an isolated, independent existence, and was held in partial subjection only by the superior power of the city. The tendencies were centrifugal, the family possessed large individuality and freedom of action, and the ties of kindred and home were stronger than love of country (*city*) or loyalty to the king. Thus the Greek house was monarchical in government,⁵—its *pater* was priest and

¹ Laws, book III, pp. 680-1; Jowett's Trans., ¹ Vol. V, pp. 60-1.

² De Officiis, I, 17.

³ Maine, Ancient Law, pp. 118 ff.; Early Law and Custom, ch. III. Spencer, Principles of Sociology, I, p. 730. Bluntschli, Theory of the State, pp. 182-9; he says, "But even in the Aryan nations the beginnings of the state are connected with the bond of the family and the tribe." Fustel de Coulanges, Ancient City, p. 111 ff. Thumser, Die griech. Staatsalterthümer, pp. 28 ff. Grote, ch. X. of his History of Greece (small edition), I, p. 561. Buchholz, Die homerischen Realien, II, 1, p. 6. Curtius, Alterthum und Gegenwart, I, p. 360. Petersen, Ueber die Geburtstagsfeier bei den Griechen, p. 343. Philippi, Beiträge zu einer Geschichte des att. Bürgerrechts, p. 5. Müller's Handbuch, ² IV, pp. 18-20. Leist, Altarisches Jus Gentium, p. 113. Krauss, Sitte und Brauch der Südslaven, pp. 1-2, 21, 32-3, and n. 1. Rohde, Psyche, pp. 13, 231.

⁴ The term "Aryan" is used throughout this treatise in the sense in which it is employed by anthropologists,—to correspond with "Indo-European" (not "Indo-Iranian") of the linguists. ⁵ Aristotle, Politics, I, 7, 1, p. 1255 b, 19.