citizens chosen by lot, had little independence of action. In the case of the generals, the fact that their re-election enabled them to escape the review no doubt largely explains why they were the most independent of Athenian officials.

The control of the courts by no means stopped with magistrates. They had a control over the law itself which might give them real legislative power and raise them to a position in particular cases coordinate with the Assembly itself. For the courts could try not only a man but a law. Thus a decision of the Council or of the Assembly might be attacked by a peculiar form of writ alleging that it was contrary to the constitution. Any citizen could bring such a complaint and the operation of the act in question was then suspended until it was acted upon by a court. The offending law was tried exactly as if it were a person and an adverse decision by the court quashed it. In practice there was apparently no limit to the ground of such an action; it might merely be alleged that the law in question was inexpedient. Again it is obvious that the Athenians thought of the jury as identical, for the purposes in hand, with the whole people.

POLITICAL IDEALS

The popularly chosen Council and its responsibility to the Assembly, and the independent and popularly chosen juries, were the characteristic institutions of Athenian democracy. As in any system of government, however, there were, behind the institutions, certain conceptions of what the institutions ought to embody, ideals of a valuable political life to which the institutions ought to be instrumental. Such ideals are less easy to discover and less tangible to describe, but they are no less important than the institutions themselves for an understanding of political philosophy. Fortunately, the historian Thucydides has stated, in a passage of incomparable brilliance, this meaning which democracy had for thoughtful Athenians. This is the famous Funeral Oration, appropriately attributed to Pericles, who was the leader of the democracy, and represented as having been delivered in honor of the soldiers who had fallen in the first year of the great war with Sparta.[2] Probably never in historical literature has there been a statement equally fine of a political ideal. The

[2] Thucydides, Bk. II, 35–46. The quotations are taken from Benjamin Jowett's translation, second edition, Oxford. 1900.

pride with which the Athenian contemplated his city, the love with which he cherished his share in her civic life, and the moral significance of Athenian democracy are written in every line.

The main purpose of Pericles's speech was evidently to awaken in his hearers' minds the consciousness of the city itself as their supremely valuable possession and as the highest interest to which they could devote themselves. The purpose of the address is a patriotic appeal and the occasion is a funeral, so that the speaker might be expected to dwell upon traditional pieties and ancestral greatness. In fact, Pericles has little to say of tradition or of the past. It is the present glory of a united and harmonious Athens upon which he dwells. What he asks of his hearers is to see Athens as she really is, to realize what she means in the lives of her citizens, as if she were a supremely beautiful and worthy mistress.

> I would have you day by day fix your eyes upon the greatness of Athens, until you become filled with the love of her; and when you are impressed by the spectacle of her glory, reflect that this empire has been acquired by men who knew their duty and had the courage to do it, who in the hour of conflict had the fear of dishonour always present to them, and who, if ever they failed in an enterprise, would not allow their virtues to be lost to their country, but freely gave their lives to her as the fairest offering which they could present at her feast.

Their citizenship is, then, the Athenians' highest glory. "In magnifying the city I have magnified them." For what treasure can the thoughtful man prefer to that? What possession has he which he can hold in higher esteem or for which he will risk and sacrifice more? Shall he prefer his property or his family? Of what use is property except to enable a man to enjoy that higher good which comes from having an active share in the city's life? And of what value is family, even though it be of ancient and honorable lineage, except as it gives one an entrance into that higher form of social relationship represented by civil life? Above all faction, above all lesser groups of any sort, stands the city, which gives to all of them their meaning and their value. Family and friends and property are to be enjoyed at their best only if they form elements in that supreme good, which consists in having a place in the life and activities of the city itself.

When all due allowance is made for the rhetorical exaggeration natural to the occasion, the fact remains that the Funeral Oration

was expressing a perfectly genuine ideal of Greek political life. This life had a quality of intimacy which it is very difficult for the modern man to associate with politics. Modern states are relatively so large, so remote, so impersonal, that they cannot fill the place in modern life that the city filled in the life of a Greek. The Athenian's interests were less divided, fell less sharply into compartments unconnected with one another, and they were all centered in the city. His art was a civic art. His religion, in so far as it was not a family matter, was the religion of the city, and his religious festivals were civic celebrations. Even his means of livelihood were dependent upon the state far more frequently than is the case in modern life. For the Greek, therefore, the city was a life in common; its constitution, as Aristotle said, was a "mode of life" rather than a legal structure; and consequently the fundamental thought in all Greek political theory was the harmony of this common life. Little distinction was made between its various aspects. For the Greek the theory of the city was at once ethics, sociology, and economics, as well as politics in the narrower modern sense.

The pervasiveness of this common life and the value which the Athenians set upon it is apparent upon the face of their institutions. Rotation in office, the filling of offices by lot, and the enlargement of governing bodies even to unwieldiness were all designed to give more citizens a share in the government. The Athenian knew the arguments against all these devices as well as anyone, but he was prepared to accept the drawbacks for the sake of the advantages as he conceived them. His government was a democracy, "for the administration is in the hands of the many and not of the few." In modern politics such an expression is likely to be taken not quite literally, unless it be understood of the rather colorless right to cast a ballot. Certainly the holding of office counts for little in the calculations of modern democrats, other than those few for whom politics is a career. For the Athenian it might be a normal incident in the life of almost any citizen. On the strength of figures given by Aristotle in his *Constitution of Athens* it has been estimated that in any year as many as one citizen in six might have some share in the civil government, even though it might amount to no more than jury-service. And if he held no office, he might still take part, regularly ten

times each year, in the discussion of political questions at the general assembly of the citizens. The discussion, formal or informal, of public matters was one of the main delights and interests of his life.

Accordingly, the proudest boast of Pericles is that Athens, better than any other state, has found the secret of enabling her citizens to combine the care of their private affairs with a share of public life.

An Athenian citizen does not neglect the state because he takes care of his own household; and even those of us who are engaged in business have a very fair idea of politics. We alone regard a man who takes no interest in public affairs, not as a harmless, but as a useless character; and if few of us are originators, we are all sound judges of policy.

To have absorbed his entire time with his private business would have seemed to the Athenian of Pericles's time a monstrous perversion of values; Athenian manufacture, especially of pottery and arms, was indeed in its time the best in the Greek world, but even the artisan would have been revolted by a life which left no leisure for an interest in the common business, the affairs of the city.

With this desire that all should participate went necessarily the ideal that none should be excluded because of extraneous differences of rank or wealth.

When a citizen is in any way distinguished, he is preferred to the public service, not as a matter of privilege, but as the reward of merit. Neither is poverty a bar, but a man may benefit his country whatever be the obscurity of his condition.

In other words, no man is born to office and no man buys office, but by an equal opportunity he is sifted down to the position to which his natural gifts entitle him.

Finally, this ideal of a common life in which all might actively share presupposed an optimistic estimate of the natural political capacity of the average man. On the negative side it assumed that severe training and intense specialization were not required in order to form an intelligent judgment of political and social questions. There is no clearer note in Pericles's speech than the pride which the democratic Athenian takes in his "happy versatility."

> We rely not upon management or trickery, but upon our own hearts and hands. And in the matter of education, whereas they [the Spartans] from early youth are always undergoing laborious exercises which are to make them brave, we live at ease, and yet are equally ready to face the perils which they face.

This is, of course, a fling at Sparta with its rigid military discipline, but it is more than that. The spirit of the amateur, both for good and ill, is written large upon Athenian political practice. Athenian wits were sharp and the Athenian was prepared to believe — to his cost — that sharpness of wit might be a substitute for expertness of knowledge and the skill of specialization. Nevertheless, there was truth in the Athenian's boast that by sheer intellectual ability he could surpass all other nations — in art, in craftsmanship, in naval warfare, and in statesmanship.

In the Athenian conception, then, the city was a community in which its members were to live a harmonious common life, in which as many citizens as possible were to be permitted to take an active part, with no discrimination because of rank or wealth, and in which the capacities of its individual members found a natural and spontaneous and happy outlet. And in some considerable measure — probably more than in any other human community — the Athens of Pericles succeeded in realizing this ideal. Nevertheless, it was an ideal and not a fact. Even at its best the democracy had its seamy side which had as much to do with the beginnings of political theory as its successes. The *Republic* of Plato might almost be described as a commentary upon the democratic notion of "happy versatility," a notion which seemed to Plato nothing less than the ineradicable defect of any democratic constitution. And indeed, with the disastrous outcome of the Peloponnesian War before his eyes, the values might well appear more questionable to him than they had to Pericles. In Thucydides's *History*, too, there is a dreadful irony about the Funeral Oration, when it is placed against the story of Athenian defeat that followed.

On the wider issue of achieving a harmonious common life, also, it must be admitted that the city-state was only a qualified success. The very intimacy and pervasiveness of its life, which was responsible for much of the moral greatness of the ideal, led to defects which were the reverse of its virtues. In general the city-

states were likely to be a prey to factional quarrels and party rivalries whose bitterness was as intense as only a rivalry between intimates can be. Thucydides draws a terrible picture of the march of revolution and faction through the cities of Greece as the war progressed.

> Reckless daring was held to be loyal courage; prudent delay was the excuse of a coward; moderation was the disguise of unmanly weakness; to know everything was to do nothing. Frantic energy was the true quality of a man. . . . The lover of violence was always trusted. . . . The tie of party was stronger than the tie of blood. . . . The seal of good faith was not divine law, but fellowship in crime.[3]

At a later date, after the war was over, Plato sadly said that, "Any city, however small, is in fact divided into two, one the city of the poor, the other of the rich."[4]

It is precisely because the ideal of harmony was only partly or precariously realized that it forms so persistently a part of Greek political thought. Loyalty tended constantly to be paid to a particular form of government or to a party rather than to the city, and this too easily opened the way to sheer political egoism which was not even loyal to a party. In this respect Athens was certainly better than the average and yet the career of Alcibiades illustrates both the dangers of faction and the unscrupulous selfishness which were possible in Athenian politics.

Though but precariously realized, this ideal of a harmonious common life in which it should be the chief joy of every citizen to have a part remains the guiding thought in Greek political theory. This more than anything else explains the unfamiliarity which a modern reader immediately feels when he first takes up the political writings of Plato and Aristotle. Our commonest political concepts are not there; in particular, the conception of individual citizens endowed with private rights and a state which, by means of the law, protects citizens in their rights and exacts from them the obligations required for this purpose. Our most familiar political thought contemplates some balance of these two opposed tendencies, enough power to make the state effective but enough liberty to leave the citizen a free agent. The philosopher of the city-state envisaged no such opposition and no such balance. Right or justice means for him the constitution or the organization of a

[3] Bk. III, 82.

[4] *Republic*, Bk. IV, 422e.

life common to citizens, and the purpose of law is to find for every man his place, his station, his function in the total life of the city The citizen has rights, but they are not attributes of a private personality; they belong to his station. He has obligations, too, but they are not forced on him by the state; they flow from the need to realize his own potentialities. The Greek was happily free both from the illusion that he had an inherent right to do as he pleased and from the pretension that his duty was the " stern daughter of the voice of God."

Within the circle thus set by the conception of civic harmony and a life in common the Athenian ideal found a place for two fundamental political values, always closely connected in the Greek mind, which formed as it were the pillars of the system. These were freedom and respect for law. It is important to notice how Pericles unites the two almost in the same sentence.

> There is no exclusiveness in our public life, and in our private intercourse we are not suspicious of one another, nor angry with our neighbour if he does what he likes; we do not put on sour looks at him which, though harmless, are not pleasant. While we are thus unconstrained in our private intercourse, a spirit of reverence pervades our public acts; we are prevented from doing wrong by respect for the authorities and for the laws, having an especial regard to those which are ordained for the protection of the injured as well as to those unwritten laws which bring upon the transgressor of them the reprobation of the general sentiment.

The activities of the city are carried on with the voluntary cooperation of the citizens, and the main instrumentality of this cooperation lies in the free and full discussion of policy in all its aspects.

> The great impediment to action is, in our opinion, not discussion, but the want of that knowledge which is gained by discussion preparatory to action. For we have a peculiar power of thinking before we act and of acting too, whereas other men are courageous from ignorance but hesitate upon reflection.

It was just this belief in discussion as the best means to frame public measures and to carry them into effect — this faith that a wise measure or a good institution could bear the examination of many minds — that made the Athenian the creator of political philosophy. It was not that he despised custom, but he never believed that a customary code was binding merely because it

was ancient. He preferred to see in custom the presumption of an underlying principle that would bear rational criticism and be the clearer and more intelligible for it. This problem of the interrelation of custom and reason ran through all the theory of the city-state. Thus the skepticism which sees in right nothing but blind custom and which therefore sees in political institutions only a way of gaining advantages for the beneficiaries of the system seemed to Plato the deadliest of all social poisons. But in this respect Plato stood for the native Greek faith that government rests in the last resort upon conviction and not on force, and that its institutions exist to convince and not to coerce. Government is no mystery reserved for the Zeus-born noble. The citizen's freedom depends upon the fact that he has a rational capacity to convince and to be convinced in free and untrammeled intercourse with his fellows. The Greek had, indeed, a somewhat naive belief that he alone of all men was gifted with such a rational faculty, and that the city-state alone of all governments gave free play to it. This was the ground for his somewhat supercilious attitude toward "barbarians," who, as Aristotle said, were slaves by nature.

Freedom thus conceived implies respect for law. The Athenian did not imagine himself to be wholly unrestrained, but he drew the sharpest distinction between the restraint which is merely subjection to another man's arbitrary will and that which recognizes in the law a rule which has a right to be respected and hence is in this sense self-imposed. There is one point upon which every Greek political thinker is agreed, namely, that tyranny is the worst of all governments. For tyranny means just the application of unlawful force; even though it be beneficent in its aims and results, it is still bad because it destroys self-government.

> No worse foe than the despot hath a state,
> Under whom, first, can be no common laws,
> But one rules, keeping in his private hands
> The law.[5]

In the free state the law and not the ruler is sovereign, and the law deserves the citizen's respect, even though in the particular case it injures him. Freedom and the rule of law are two supplementing aspects of good government, the secret, as the Greek be-

[5] Euripides, *The Suppliants*, ll. 429–432 (Way's trans.).

lieved, of the city-state and the prerogative of the Greek alone of all the peoples of the world.

This is the meaning of Pericles's proud boast that, "Athens is the school of Hellas." The Athenian ideal might be summed up in a single phrase as the conception of free citizenship in a free state. The processes of government are the processes of impartial law which is binding because it is right. The citizen's freedom is his freedom to understand, to discuss, and to contribute, not according to his rank or his wealth but according to his innate capacity and his merit. The end of the whole is to bring into being a life in common, for the individual the finest training-school of his natural powers, for the community the amenities of a civilized life with its treasures of material comfort, art, religion, and free intellectual development. In such a common life the supreme value for the individual lies just in his ability and his freedom to contribute significantly, to fill a place however humble in the common enterprise of civic life. It was the measure of the Athenian's pride in his city that he believed that here, for the first time in human history, the means for realizing this ideal had been approximately realized. It is the measure of his success that no later people has set before itself the ideal of civic freedom uninfluenced by his institutions and his philosophy.

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