Editorial Policy. *Prologue* is published quarterly by the National Archives and Records Administration. Its primary purpose is to bring to public attention the resources and programs of the National Archives, the regional archives, and the presidential libraries. Accordingly, *Prologue* in the main publishes material based, in whole or in part, on the holdings and programs of these institutions. In keeping with the non-partisan character of the National Archives, *Prologue* will not accept articles that are politically partisan or that deal with contemporary political issues.

Articles are selected for publication by the editor in consultation with experts, but final responsibility for the decision to publish an article rests with the Archivist of the United States. The editor reserves the right to make changes in articles accepted for publication and will consult the author should substantive questions arise. Published articles do not necessarily represent the views of the National Archives or of any other agency of the United States government.

Manuscripts should be double spaced. Footnotes should also be double spaced and numbered consecutively in a separate section following the text. Prospective authors are encouraged to discuss their work with the editor prior to submission. Correspondence regarding contributions and all other editorial matters should be sent to the Editor, *Prologue*, National Archives, Washington, DC 20408.

Subscriptions and Reprints. Subscription rates are $12.00 for one year, $22.00 for two years, and $32.00 for three years. Rates for subscribers outside the United States are $15.00, $28.00, and $40.00. Single issues of the current volume are available for $3.00 each. Please make check or money order payable to National Archives Trust Fund (NEDC) and send to Prologue, National Archives, P.O. Box 100793, Atlanta, GA 30384. Notice of nonreceipt of an issue must be sent within six months of its publication date. Back issues are available from the National Archives and from Kraus Reprint Co., Millwood, NY 10546. Microfilm and paper copies of individual articles are available from University Microfilm, Inc., 300 N. Zeeb Road, Ann Arbor, MI 48106.
## Contents

### Essays

<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>127</td>
<td>ATHENIAN DEMOCRACY</td>
<td>Josiah Ober and Catherine Vanderpool</td>
</tr>
<tr>
<td>137</td>
<td>THINKING ABOUT DEMOCRACY: ANCIENT GREECE AND MODERN AMERICA</td>
<td>Jennifer Tolbert Roberts</td>
</tr>
<tr>
<td>149</td>
<td>THE EMANCIPATION PROCLAMATION: AN ACT OF JUSTICE</td>
<td>John Hope Franklin</td>
</tr>
<tr>
<td>157</td>
<td>DEMOCRACY IN THE WORKPLACE: WORKING WOMEN IN MIDWESTERN UNION, 1943-1945</td>
<td>Michael J. Lewandowski</td>
</tr>
</tbody>
</table>

### Features

<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>124</td>
<td>PROLOGUE IN PERSPECTIVE: &quot;... AND HENCEFORTH SHALL BE FREE ...&quot;</td>
<td>Trudy Huskamp Peterson</td>
</tr>
<tr>
<td>170</td>
<td>PROLOGUE PORTFOLIO: &quot;JOY RIDE IN A PAINT-BOX&quot;</td>
<td>Lynn Bassanese</td>
</tr>
<tr>
<td>174</td>
<td>WORLD WAR II: FIFTY YEARS AGO</td>
<td></td>
</tr>
<tr>
<td>176</td>
<td>GENEALOGY NOTES: THE RUSSIAN-AMERICAN GENEALOGICAL SERVICE</td>
<td>Patricia Boeck Eames</td>
</tr>
</tbody>
</table>

### Departments

<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>182</td>
<td>ACCESSIONS AND OPENINGS</td>
</tr>
<tr>
<td>206</td>
<td>PUBLICATIONS</td>
</tr>
<tr>
<td>209</td>
<td>NEWS AND NOTICES</td>
</tr>
</tbody>
</table>
In January the National Archives marked the 130th anniversary of the Emancipation Proclamation, signed by President Abraham Lincoln on January 1, 1863. This landmark document was on public display for the first time since 1979 in the Archives Rotunda between December 31, 1992, and January 4, 1993. A specially constructed case made it possible for nearly twenty thousand visitors to see the entire document, which is written on both sides of two large sheets of paper and one side of a third sheet. This was, in fact, the first time that it has been possible to display the entire text at once.

The National Archives concluded this special 130th anniversary commemoration with a public lecture by one of the foremost scholarly authorities on the Emancipation Proclamation, Dr. John Hope Franklin. Dr. Franklin’s remarks are included in this issue of Prologue, along with a facsimile of parts of the document he has rightly termed “a great American document of freedom.”

As the Civil War began, the Confederate Gen. Pierre G. T. Beauregard said, “The political hostilities of a generation were now face to face with weapons instead of words.” For four bloody years Americans used those weapons, but they did not forget the power of words. Ultimately words rather than bloodshed became the war’s greatest and most lasting legacy. The Gettysburg Address, Lincoln’s Second Inaugural, and the Emancipation Proclamation are some of the greatest documents not only of our own history but of human history.

The document we commemorated in January was conceived and proclaimed during some of the darkest days of the Civil War. But through that darkness shone forth this simple but eloquent beacon of hope, full of promise. Lincoln’s proclamation pledged that this nation was moving, however imperfectly at first, toward the goal of freedom and equal rights under the law for all Americans. The Emancipation Proclamation illuminated a key step along the path of human progress.

Over the years, we have practically loved this priceless document to death—not unlike the Declaration of Independence, which shows today the effects of many years of overexposure. In a sense, all archival work reflects the tension between careful preservation and public access. But we have a particular dilemma with a great document like the Emancipation Proclamation. Too much of either preservation or access is not wise: If we keep documents away from all light and other harmful environmental conditions, we deny ourselves the opportunity to see and treasure them. But if we display vulnerable documents too much, we risk or even hasten their eventual loss.

Had a National Archives existed when the Emancipation Proclamation was created (or when the Declaration of Independence was drafted, for that matter), both of these now-fragile documents would be in much better condition today. The fundamental responsibility of the National Archives is ensuring against further deterioration of either document so that future generations will have them to see and to treasure. We are proud to fulfill that responsibility on behalf of the American people and for all those who treasure freedom.

Dr. Franklin’s remarks helped to illuminate
the importance of the Emancipation Proclamation and its place in history as a beacon of hope for all peoples. Penned in highly acidic ink on inferior paper over a century ago, then overexposed to light and overhandled, the document itself is now in a weakened condition. Although its words on paper may be faint today, its precious message remains as radiant and clear as ever. And with proper care, long after all of us are gone, the Emancipation Proclamation will still be here, shining forth with that enduring message of freedom—and of hope.

The Civil War produced another landmark: the great dome on the Capitol Building in Washington, D.C. Completion of the dome was an act of great optimism, confidence, and courage on the part of the federal government, and by President Lincoln himself, who insisted that the work go on even when the fortunes of war were rather bleak for the Union. In early 1865, the eastward-gazing, nineteen-and-one-half-foot statue of Freedom was finally hoisted to the top of the dome, symbolizing that a reunited nation could look toward a future of freedom for all its peoples.

The statue was a visible symbol of freedom, and it remains one today. But the Emancipation Proclamation was more than a symbol: It was producing some highly visible consequences all across the land. The Proclamation had already changed the character of the Civil War, underlining the Union’s view of the conflict as one for freedom. In addition, increasing numbers of black men had served in uniform, and every advance of Union troops expanded the domain of freedom for former slaves. The Emancipation Proclamation thus undoubtedly hastened victory. As Dr. Franklin has said, there was now no turning back: Slavery was doomed in the United States.

The Emancipation Proclamation also served as a vital foundation for the Thirteenth Amendment, which banned slavery, and for subsequent efforts to secure the rights of freedom for black Americans. Still later, the Proclamation inspired those who took direct action to call attention to the lingering gap between promise and reality. The Emancipation Proclamation remains an important symbol of our struggle to attain the ideal of liberty and freedom upon which our nation was founded and upon which we base our self-government. May this document, carefully preserved by the National Archives, long continue to inspire both us and all other freedom-loving persons around the globe.

Acting Archivist of the United States

Josiah Ober is professor of Greek history at Princeton University and co-director of the Democracy 2,500 Project, sponsored by the American School of Classical Studies at Athens. He has written Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People (1989) and other books and articles on Greek history and archaeology.

Catherine Vanderpool is associate director of the Democracy 2,500 Project. She is Director/U.S. Operations for the American School and has lectured on Greek and Roman art and archaeology. She is currently preparing a publication on Roman portrait sculpture from the school’s excavation in Corinth.

Jennifer Tolbert Roberts is professor of history at Southern Methodist University in Dallas and visiting professor of classical languages at the City College of New York. She is the author of Accountability in Athenian Government (1985) and the coauthor with Richard Greaves and Robert Zaller of Civilizations of the West: The Human Adventure.

John Hope Franklin has taught at Fisk University, the University of Chicago, and most recently, Duke University, where he is James B. Duke Professor of History Emeritus. Past president of the American Historical Association and the Society of Phi Beta Kappa, his publications include From Slavery to Freedom (1947), The Emancipation Proclamation (1963), and Race and History: Selected Essays, 1938–1988 (1990).

Michael J. Lewandowski is an archivist in the Civil Reference Branch of the National Archives. He holds a B.A. in history from The American University and is an M.A. candidate at the University of Maryland. He serves as treasurer of American Federation of Government Employees Local 2578.

Lynn A. Bassanese is the public affairs specialist at the Franklin D. Roosevelt Library in Hyde Park, New York. She received her B.A. in history from Marist College.

Patricia A. Eames coordinates 207 National Archives volunteers and directs tour and school workshop programs for visitors to the National Archives. She received her B.A. in political science and philosophy from the University of Colorado at Boulder.
This fragment of a terra-cotta vase (460 B.C.) depicts the upper part of a woman dressed in a chiton (tunic).
Two thousand five hundred years ago, that is to say, sometime between July of 508 and July of 507 B.C., there occurred one of the most influential revolutions in the history of western civilization. In that year, the ordinary citizens of Athens rose en masse against a ruling clique of Athenian aristocrats and the foreign army of occupation supporting them. The spontaneous, leaderless uprising was successful. Some of the foreign soldiers were executed on the spot; others, along with the leader of the Athenian quislings, Isagoras, were expelled from the city-state. Suddenly and remarkably the people of Athens found themselves in control of their own political destiny—and they now had to decide what to do about it. What they eventually did was to lay the foundations for the world’s first democracy—a government that has been studied, praised, and often condemned. Until the American and French revolutions of the late eighteenth century developed new democratic institutions, Athenian democracy was also universally regarded as the ultimate experiment with political freedom and equality.

Even today, Athens remains the best documented example of direct democracy in human history (in contrast to the representative democracy of many modern nations). The story of Athenian democracy, however, can only be partially told by the few and precious ancient texts that have survived the centuries—whether those of Thucydides, Plato, Aristotle, Herodotus, or others. But these, taken together with the material record obtained principally through extensive archaeological investigation, can re-create for us a vivid image of the ancient democracy that has greatly, if indirectly, influenced our own. Much of the history of Athenian democracy took place in and around the ancient political and commercial center of Athens, known as the Agora. Excavations of the Agora have also revealed much about early Athenian social structure.

At the time of the revolution, Athens was a polis (city-state) in central Greece, covering an area of approximately one thousand square miles and populated by some 150,000 persons. It shared many of the features that characterized other Greek city-states. Power lay, as it had for many generations, in the hands of a few large aristocratic families, their claim to political power and prestige based on extensive property holdings and their supposedly noble bloodlines. Outside this small group, the rest of the population played little direct role in
The five granaries on this chest reveal that the owner belonged to the highest class of Athenian society.

the political life of the city.

Among the finds in the Agora, which in the early centuries of the first millennium B.C. served mainly as a cemetery, are grave goods from burials where the wealth and position of the deceased is reflected in gold jewelry, fine glass, and elegant pottery. One of the most curious finds, from a female burial of the mid-ninth century, is a terra-cotta chest with a lid decorated with five miniature structures thought to represent granaries. In turn, these granaries have been interpreted as a reference to the source of the family’s wealth. Perhaps they numbered among the pentekosiomedimnoi, those Athenians whose property produced 500 medimnoi, equivalent to 750 bushels, of wheat or barley a year.

In addition to the “500 medimnoi people,” the early-sixth-century constitution of Solon, known as the Lawgiver, recognized three other classes: the hippes (knights), who could afford to maintain a horse and had land producing 300 medimnoi per year; the zeugitai (teamsters), who owned a pair of oxen for plowing and whose land produced 200 medimnoi per year; and the thetes, or common laborers. Perhaps we can read indirect reference to these additional classes in objects such as the pyxis (a round, lidded box) of the mid-eighth century B.C. that has three horses perched on the lid, recalling the hippes, or a terra-cotta figure showing a pair of oxen and their driver, recalling the teamsters. One of the humblest items found, an iron pick, recalls the thetes, a class so poor and powerless that legal recognition was necessary to keep its members from being confused with, or even becoming, slaves.

A generation before the revolution of 508–507 B.C. the government had been taken over by a single man, Peisistratos, and his family. Peisistratos was known as a tyrannos, but the Greek word did not have the same connotations as does the modern English cognate, “tyrant.” Although the portrayal of the Peisistratids in surviving literary sources is generally hostile, archaeological evidence shows even as they ruled, other members of the aristocracy continued to serve as archons (chief magistrates of the Athenian state).

Excavations in the Agora have uncovered a fragmentary inscription that preserves portions of the names of the archons during the 520s, including that of Kleisthenes, whose postrevolution reforms marked the beginning of democracy.

Albeit for ultimately selfish reasons, Peisistratos attempted to build up grass roots patriotism by focusing on Athenian uniqueness, instituting new national festivals and monumental building programs, and encouraging cultivation of the arts, both visual and literary. The Acropolis, increasingly the focus of religious activity, and the Agora, now focus of commercial and political activity, were the recipients of benefactions not only by Peisistratos himself but by members of his family. Evidence of the tribute paid by the tyrants to religious tradition is reflected, for example, in the Altar of the Twelve Gods, dedicated in 522–521 B.C., whose foundations have been uncovered in the Agora excavations. In addition to temples and altars, the Peisistratids also improved the city’s infrastructure, donating utilitarian structures such as aqueducts and fountain houses.

Peisistratos worked to break the oppressive hold of the old aristocratic families on their dependents, which meant the effective liberation of many Athenians from the informal, but powerful, social bonds that tied them to the aristocrats. For this reason, the “tyrant” was probably quite popular with most nonaristocratic Athenians. But Peisistratos’s sons, Hipparchos and Hippias, who took over as rulers of the polis after his death, were more capricious and failed to retain the loyalty of the ordinary citizens. Their diminishing popularity encouraged the old aristocratic families to try to overthrow the tyranny. The beginning of the end for the Peisistratids is vividly memorialized by a fragmentary inscription from the base of one of the most famous statues in the Agora. Preserved is the name “Harmodios” and the phrase “established their native land.” Harmodios and his friend and companion Aristogeiton slew Hipparchos in 514 B.C., setting in motion a chain of events that ultimately led to the overthrow of the family. Almost immediately the two friends became symbols of the struggle against tyranny and were honored by statues in the Agora. With the help of Sparta, an extraordinarily powerful and conservative city-

128

SUMMER 1993
state in southern Greece, the Athenians expelled the last son of Peisistratos, Hippias, from Athens in 510 B.C.—two years before the revolution.

After the end of the tyranny, many aristocrats hoped for and expected a quick return to government as usual—that is, to the pre-tyranny days in which Athenian society and politics were dominated by a handful of powerful and wealthy families. Two leaders, Isagoras and Kleisthenes, quickly emerged and just as quickly became rivals for power. Isagoras had an immediate advantage—he was a close friend of Kleomenes, the leading king of Sparta. (Sparta, anomalously, was ruled by two kings and a council of elders.) Kleomenes had stayed at Isagoras’s house during the military operations that ended in the expulsion of the Peisistratid tyrants, and it was whispered that the Spartan king had been allowed free access to Isagoras’s wife. Be that as it may, Isagoras certainly had friends in high places, and his influential contacts gained him election as the chief archon—the most important officer in the Athenian government—for the year 508-507 B.C. Kleisthenes was initially flummoxed, but he soon struck back with a daring and original plan; he turned away from intra-elite politics and openly solicited the support of the ordinary citizens. Writing about a half century after the fact, the Greek historian Herodotus remarked that Kleisthenes set about to become the trusted comrade of the people and quickly began to overshadow his rival in Athenian politics.

Not to be outdone by his opponent’s bold initiative, Isagoras responded by playing his trump card. He sent word of the unsettling developments to Kleomenes, who dispatched a herald to Athens ordering Kleisthenes into exile. Kleisthenes had no choice but to obey; Sparta was, after all, the dominant military state in Greece. But affairs in Athens were still unsettled. Kleomenes arrived in the city with a small army and proceeded to establish Isagoras and his friends as the new government of Athens. Kleomenes first expelled seven hundred prominent families thought to be a threat to Isagoras and then attempted to dissolve the Athenian advisory council. But here Isagoras and Kleomenes made a serious mistake. The councilmen (who remain anonymous in our sources) resisted, and their brave resistance sparked the spontaneous uprising of the mass of Athenians. Isagoras and his allies fled to the Acropolis but surrendered after a three-day siege.

Immediately following the expulsion of Isagoras and the Spartans, the people of Athens recalled their comrade Kleisthenes. He was faced with a remarkable challenge—to create a system of government that would be acceptable to the revolution-inspired Athenian people and to have it operating smoothly before the Spartans inevitably returned to punish Athens for its insolent behavior. Kleisthenes’ options were limited. The old hierarchical social order had been shattered by the double blow of a generation of tyranny and the revolution itself; there was no longer a viable tradition on which to build a new government. The people would not tolerate continued aristocratic rule, and tyranny had been discredited by the harsh reign of Hipparchos and Hippias. How then to restore legitimate political authority?

Kleisthenes’ remarkable insight—and the origin of ancient democracy—was to build a new political order quite literally from the ground up. He divided the Athenian population into ten new tribes, effectively breaking up the centuries-old power structure. Each tribe was deliberately subdivided and gerrymandered so as to include people from different parts of Attica. The tribes were named after ten early Athenian heroes, who were ever after referred to as the Eponymous Heroes. The foundations of the Monument of the Eponymous Heroes have been excavated in the Agora just east of the Metroon (the state archives). Over sixteen meters long, the base supported bronze statues of the heroes.

The roots of Kleisthenes’ new system lay in much smaller political units—the existing village and neighborhood communities that dotted the territory of Athens. Kleisthenes designated 140 of these little communities as demes (demoi), which translates as “peoples.” Each deme was to be a semi-independent political entity that would be responsible for its own internal government. The adult male members of each deme (on the average about one hundred to two hundred people) would be expected to meet regularly in an open assembly, at which every member had a vote, and everyone could speak his mind (“’his’ is precise, as women were never regarded as citizens of Athens or of any other Greek polis). Among the duties of the deme assembly was the “election” of new members—no one could be a citizen of the deme unless he had been voted in by the other members. Election was tremendously significant because deme membership was, from this period on, the basis of citizenship in the polis itself. Thus, overnight, the Athenian citizen body became a self-

ATHENIAN DEMOCRACY

Spartan warriors helped to overthrow the tyrants of Athens but were soon expelled by Kleisthenes and his army.

PROLOGUE
A senate (boule), composed of five hundred members, met year round in the Bouleuterion to debate legislation.

establishing body, and that body was responsible for its own membership.

Kleisthenes' new system called upon each deme to send a certain number of representatives (based on population) to an advisory council of five hundred citizens, fifty from each tribe. The council handled the day-to-day business of the government. At first, the selection of representatives may have been by election, but soon the demes adopted the method of an open lottery. Any citizen aged thirty or older who was willing to serve (and perhaps half or three-quarters of all Athenian citizens did eventually serve a term in the council) could put his name in the lottery. If his lot came up in the drawing, he was sent to the council. Councilmen could only serve two nonconsecutive annual terms, and most served only one.

The councilmen met regularly in a special building on the west side of the Agora, the Bouleuterion. The earliest form of the council house appears to date from around 500 B.C. It served simultaneously as the state archives until the end of the fifth century, at which time the council moved to a new Bouleuterion, and the old building, now known as the Metroon, was dedicated entirely to archival purposes. Remains of the foundations of the early Bouleuterion have led to its reconstruction as a nearly square building, presumably filled with wooden benches. The

inscription on a fragment of a marble basin found close by its foundation indicates that it belonged to the council; archaeologists speculate that it may have held water in which Athenians washed or dipped their hands (as a form of ritual purification) before entering any sacred place.

Administration of the council lay in the hands of a rotating executive committee, the prytaneis, each tribe's fifty councilmen serving as such for thirty-five or thirty-six days at a time. Headquartered in the Tholos, a round building next to the Bouleuterion, the prytaneis ate at public expense throughout their term of office. Fragments of the Tholos dining ware have turned up in excavations, clearly marked with the letters "DE," the first two letters of the word demosion, or public property.

The council's most important task was the preparation of the agenda for the national assembly, the much larger governing body made up of all Athenian citizens who cared to show up. Meetings of the assembly, held outdoors in a natural depression shaped like a theater and located on a ridge (the Pnyx) to the west of the Agora and the Acropolis, were remarkable affairs. In the fourth century B.C. (the period for which our sources are most detailed), the assembly, or ekklesia, met forty times each year. Six thousand to eight thousand men regularly attended, approximately 20–25 percent of the total citizen body. After a preliminary sacrifice to the state gods, a member of the prytaneis, selected by lot as "president for the day," would call the meeting to order. He announced the first item on the agenda, which could be anything from a change in the calendar of the state religion to the state of the city's food supply, welfare provisions for the orphaned and handicapped, or a declaration of war against a neighboring polis. The president then indicated the council's recommendation on the subject, if it had one to offer (sometimes it did not). In either case, he then opened the subject for discussion by asking, "Who among the Athenians wishes to speak?" At this point every one of the thousands of men in the audience had the chance to stand up and address the assembly for as long as two conditions pertained: his voice held out, and his fellow citizens were willing to listen to him. Addressing the assembly was a tough and potentially humiliating undertaking. When the assemblymen decided a speech was of excessive length, they simply hooted and jeered the speaker from the orator's stand.

After everyone who wished to speak had faced this public gauntlet, a vote was taken by counting raised hands. A simple majority determined the issue, and if it passed, the new decree immediately became Athenian policy. Thus, for example, if the assembly voted for war with Sparta, a state of war would immediately be declared. It was in this manner that all of the important business of the state was attended to; taxes were levied, alliances with other states were made or broken, and generals and other specialized officials were elected to annual terms of office. By ca. 390 B.C., the Athenians deemed it necessary to reimburse citizens for their attendance at deliberations of the ekklesia. Shortly following the devastating Peloponnesian War (431–404 B.C.), Athens was plagued by economic hardship. Many Athenians were impoverished in
the postwar years, and taking an unpaid
day off work imposed a real strain. In or-
der to make it possible for working Athe-
nians to fulfill their citizen duties, lead
tokens were distributed to those attend-
ing the meeting and could be redeemed
for first one, then two, and finally nine
obols per day for certain meetings (an obol
was the equivalent of one-sixth of a
drachma, which equaled roughly one
day's wage).

To the modern observer, perhaps the
most unusual meetings of the assembly
were those held to carry out an ostracism.
Until the late fifth century B.C. when the
procedure was abandoned, the Athenian
citizens voted annually whether or not to
hold an ostracism.² If the vote was posi-
tive, a date was set for the actual cere-
monies. On the designated day, every
Athenian citizen was entitled to come to
the Agora with a shard of pottery
(ostra-
kon) on which he (or someone for him)
had scratched the name of the man he
thought most deserved banishment from
the polis. At the end of the day, if a quo-
rum of six thousand votes had been cast,
the “winner,” the man whose name was
found on the most shards, was forced
into exile for ten years. Among the pow-
erful political figures of the fifth century
thus eliminated were Kimon (son of Mil-
tiades), the general who defeated the Per-
Athenians held ostracisms to protect de-
mocracy. Above, the ballots (ostrakon) of
Megakles and Kimon.

Athens held ostracisms to protect de-
mocracy. Above, the ballots (ostrakon) of
Megakles and Kimon.

PROLOGUE

Disputes between citizens that could
not be resolved by private or public arbi-
tration and crimes against society were
normally resolved in the people's courts.
A citizen who felt himself wronged or
who believed that a crime had been com-
mitted would, in front of witnesses, chal-
lenge the malefactor to appear before a
certain state magistrate at a certain time.
In civil cases, the magistrate might re-
quire the disputants to appear before an
official public arbitrator. In the fourth
century B.C., every Athenian citizen who
reached age sixty was expected to put his
accumulated wisdom and experience to
work by serving for one year as an arbi-
trator. The arbitrator would attempt to re-
solve the problem equitably, but if he
failed to satisfy both parties, the evidence
presented to him was sealed, and the
case was forwarded to the people’s
courts. The Athenians were a notoriously
litigious people, causing the comic play-
wright Aristophanes to joke, “The cicada
sings for only a month, but the people of
Athens are buzzing with lawsuits and
trials their whole life long.” Law courts
were scattered throughout the city. A se-
ries of rooms excavated in the northeast
corner of the Agora may have served as a
law court from the late fifth century B.C.,
as suggested by finds of bronze ballots
and a ballot box.

A jury, usually consisting of two hun-
dred to five hundred men (although its
size might occasionally reach twenty-five
hundred), would be drawn from the list
of approximately six thousand available
jurors. As with the assemblymen, the ju-
rors were for the most part ordinary
working men chosen for a period of one
year and (in the fourth century B.C.) as-
signed to courts by an elaborate allotment
machine. Jurors received compensation
from the mid-fifth century B.C., when
Perikles introduced a two-obol stipend for
service. In the 420s, Kleon raised this to
three obols. Their goal was to encourage
participation of poorer men in the demo-
cratic process.³

This ballot box is where jurors cast their
votes. A hollow ballot signifies guilt, a
solid one, innocence.
Water clocks limited the speaking time of trial participants. This clay clock runs about six minutes.

To speed up trials and to keep them to a one-day limit, the Athenians timed speakers with a *klepsydra*, or water clock. Some clocks may have allowed only a few minutes of speaking time, but judging from speeches preserved in literary texts, the harangues could be of considerably greater length. The trial itself consisted of an officially timed speech by the plaintiff, followed by a speech of the same length by the defendant. Each party to the case had to speak for himself, at least in theory. There were no professional lawyers in Athens, although there were men willing to write a clever legal speech for a fee. Persuading an Athenian jury often required more than just the facts. A litigant might attempt to persuade jurors that he was a better citizen than his opponent—more public-spirited, more generous with his time and resources, and less offensive in his private life. Many jury trials (especially of rich and powerful men) were highly publicized contests in which political opponents competed for the respect and admiration of their fellow citizens. But a private citizen, unskilled in the arts of rhetoric, might be at a disadvantage in such a contest. Thus, occasionally, after speaking a few words, a litigant with a poor speaking voice would step aside and allow a friend to continue to plead his case.

After listening to the two speeches, the jury voted; all verdicts were in principle final. As in the assembly, a simple majority determined the issue; though in jury trials from the fifth century on, a secret ballot procedure was employed in the place of a show of hands. This was probably done to avoid undue influence by the powerful, revenge by relatives, or bribery of jurors. By the middle of the fourth century B.C., the secret voting procedure employed bronze ballots manufactured with an axle through the middle, half of them hollow and half solid. After all the evidence was presented, each juror, in full view of all, received one of each type of ballot. As they voted, jurors held their thumbs and forefingers over the ends of the axles (disguising which hand held which ballot), placing one into a receptacle for valid votes, the other into a waste receptacle. A hollow ballot indicated a vote for the plaintiff, a solid for the defendant.

The penalties levied in many categories of legal action were fixed by law, generally consisting of a fine, exile, or death. Rarely was long-term imprisonment prescribed as Athens had no formal prison system. While there was a jail in which to hold those who could not be released on bail, Athenians would probably find long-term imprisonment a waste of state resources, especially as exile was a viable option. In certain cases, however, no penalty was set by law, and a different procedure was used. If, after the first pair of speeches, the jury voted for the plaintiff, each litigant was given a second chance to address the court, this time to propose alternate penalties. The stakes could be very high. In the famous trial of Sokrates, who in 399 B.C. was charged with impiety and corrupting the youth of Athens, the prosecution called for the death penalty. Ordinarily the defendant (now officially guilty) would propose a stiff fine or possibly even exile. In his case, however, Sokrates proposed an ironic "penalty" of being feasted for life at state expense. As Athenian juries were required to choose one of the two alternatives, it is not surprising that Sokrates was penalized with death.

Trials could be equally problematic for the plaintiff. The Athenian judicial calendar was rather busy, and nuisance suits were looked upon with great disapproval. Thus, in many categories of legal action, if the plaintiff did not receive one-fifth of the jury votes cast (thus justifying his case), he could be severely fined. If he was incapable of paying the fine, he would be stripped of citizenship and forced into exile.

Kleisthenes' system of government, which was soon given the newly coined

PROLOGUE

Perikles, a great leader and statesman of classical Athens, was responsible for building the Parthenon.
Throughout the fifth century, Athens's military strength lay primarily in its vast fleet of warships (triremes).

In the century following the reforms, Athens extended its power well beyond its borders and from mid-century experienced a peak of glory, prosperity, and renewal under the leadership of the statesman Perikles. Athens built up a powerful army and navy, which in organization and administration reflected the new political system. The ekklesia elected one general from each tribe per year, and at least in the early fifth century, the army as a whole was managed by the polemarch, or chief commander. The majority of the army consisted of armed hoplites, infantry soldiers wearing helmets, breastplates, and greaves (armor for the lower legs) and fighting with a shield and thrusting spear. The cavalry formed a smaller elite unit because of the expense of maintaining a mount, although the state itself paid a maintenance allowance to the owners after an annual inspection. The Athenian navy, comprising as many as four hundred ships and eighty thousand sailors during its peak, helped Athens dominate the eastern Mediterranean in the fifth century B.C. Many of the sailors, while citizens, were drawn from the poorer ranks of society. They served principally as oarsmen for the wooden warships known as triremes, each of which carried 170 rowers positioned on three banks of oars.

Although Athens and Sparta had cooperated against the Persians, the two city-states remained locked in a bitter rivalry. Peace was declared between Athens and Sparta in 446, giving Athens a chance to rebuild. The city and its temples had been burned by the Persians in 480 B.C., and the truce as well as additional funds provided from the opening of the silver mines and the seizure of the Delos Treasury gave Perikles the chance not only to repair the damage, but also to erect the Parthenon, Propylaea, and other buildings throughout the city. The peace, however, was short lived, and the renewed power struggle with Sparta would test the resiliency of the democracy.

In 431 B.C. war again erupted between Athens and Sparta; both city-states were by this time leaders of large confederacies; it was not just Athens versus Sparta but the Athenian empire versus the Spartan-led Peloponnesian League. The stakes were high; it soon became clear that the winner would dominate the whole of Greece. The Peloponnesian War, which lasted twenty-seven years, took a terrible toll on the Athenians; at least a quarter of the total population was wiped out in a few years by wartime plague, and battle deaths numbered in the tens of thousands. Modern estimates suggest that, by the end of the war, the male population of Athens may have been cut in half.

The war, which Athens eventually lost, also put a tremendous strain on the democracy. In 411 b.c., soon after Athens had suffered a ghastly reverse in Sicily, concerted terrorism by pro-oligarchy Athenians led to the temporary overthrow of the democracy. But the oligarchic government soon collapsed, and the democracy was restored. After the Spartan victory in 404 B.C., the victors imposed a new government administered by "The Thirty," a band of democracy-hating Athenian aristocrats, whose leader, Kritias, was a well-known follower of Sokrates. Once again, the democrats fought back successfully. A band of prodemocracy Athenians gathered a guerrilla army outside the city, challenged and defeated the military forces of The Thirty, took back the city, and in 403 B.C. reinstated the democracy. For the next eight decades, the Athenians enjoyed a stable democratic government...
and maintained their independence against various external threats. The democracy was finally extinguished in 322 B.C., after Athens had been repeatedly defeated by the vastly superior military forces of Macedon—an imperial nation-state in northern Greece that was gigantic by the standards of the polis. Yet for centuries thereafter the memory of democracy contributed to periodic revolts by the Athenians against a succession of foreign masters. Whenever the Athenians managed to free themselves, they reinstated a democratic government.

A modern admirer of democratic Athenians can point to a number of signal accomplishments. The Athenians created the first known complex society that proclaimed and actively maintained significant political equality. When Athenians entered the assembly or sat on a jury, the rich and the poor, the scion of the oldest family and the “nobody, son of nobody,” were equals. When they raised their hands or dropped their juror’s ballots, their votes had identical weight. Notably, this equality was achieved without the need to resort to an oppressive statist enforcement of social equality; there was no push by the democratic government to equalize property or wealth. Moreover, Athenian citizen society was famous for having the highest level of freedom of thought, speech, and behavior in the Greek world. Everybody knew that, as the orator Demosthenes put it, “you can praise Sparta in Athens, but not Athens in Sparta.” As that comment suggests, freedom of speech extended to the freedom to criticize the Athenian form of government. Among the most outstanding products of Athenian literature produced under the democracy are works by Thucydides, Plato, and Aristotle, many of which are profoundly critical of the workings of democracy. Finally, although there was no formal Athenian bill of rights, the practical workings of the democracy served to protect the essential dignity of the lowliest citizen from insult or violent outrage by those who were his superiors in strength, wealth, or political influence. Any Athenian could be tried for the crime of committing hubris against one of his fellows. Hubris generally meant verbal or physical assault but was never defined in the law code. Because it was up to the jurymen themselves to decide if some member of the aristocracy was using his influence in an unacceptable manner, elite Athenians were careful to avoid any sort of public arrogance that could be interpreted by a hostile jury as hubris. And so, Athenian citizenship provided security against the types of personal indignity that social inequality has often visited upon the poor and undistinguished elsewhere.

But if we honor Athens’s successes, it is at the same time important to remember that the ideals and institutions on which Athenian society was based were far removed from those assumed by contemporary American society. Democratic Athens proved no less willing than other Greek states to commit ugly atrocities in times of war, and the Athenian empire of the fifth century was frankly exploitative. Many resident foreigners (metics) lived in Athens and were quite welcome to do so, yet few of them ever had the opportunity to become citizens. After 451 B.C., when Pericles’ law restricting citizenship was passed, only those with both an Athenian father and mother could be brought before a deme assembly for consideration of membership. Before this decree, only the father was required to be an Athenian. Ironically, this law would later affect Pericles’ own son, who was born of a foreign mother. Only with the express permission of the ekklesia could citizenship be granted to foreigners or the children of foreigners. And even then, to ensure that no rules had been bent or broken, “cleansings” were occasionally held in the demes, stripping some people of their ever-tenuous citizenship.

Athenian women enjoyed none of the equality and little of the freedom and dignity cherished by their citizen husbands. An Athenian woman was normally expected to avoid frequenting public places. Women who were forced by economic hardship into occupations such as ribbon-selling in the Agora were objects of scorn to others and shame to their families. Women had little or no voice in the choice of their husbands; a father or male guardian would arrange a suitable match, and the girl might see her husband for the first time at the betrothal. Further, she had only indirect control (at best) over her property, but if her husband divorced her, he was forced to return her dowry.

Slave ownership was legal and probably quite common (although exact figures do not exist) in the democratic state. Slaves were brought to Athens from all

---

**Exhibit Information & Schedule**

On June 15, 1993, the National Archives will open a new exhibition, "The Birth of Democracy." Celebrating the 2,500th anniversary of the first steps toward democracy in Athens, the exhibit will explore the workings of the world’s first democratic government. Through ancient documents and artifacts, some of which date from as early as the ninth century B.C., visitors will learn how democracy started in Athens, how it worked, and how it was defended.

Viewing these ancient artifacts in the cases flanking the Declaration of Independence, the Constitution, and the Bill of Rights, visitors will have a unique opportunity to compare the first ancient democracy with our system of government, the first modern democracy. The exhibition is free and will be open to the public through January 2, 1994.

The prestigious American School of Classical Studies at Athens organized the exhibition as the centerpiece of its "Democracy 2500 Project." Most of the artifacts come from the Agora, the commercial and political heart of the ancient city, and are now housed in the Agora Museum in Athens. The school has fielded the Agora excavations almost continuously since 1930, interrupted only by World War II and its immediate aftermath. Through the generosity of the Ministry of Culture of Greece, many of these objects will be seen for the first time outside of Greece. Other items included in the exhibit come from museums in Europe and the United States.
over the eastern Mediterranean and Black Sea regions. Some were Greeks taken by the Athenians as prisoners of war. Others were bought up by professional slave dealers from various peoples of eastern Europe, Asia, and northern Africa and sold on the open market in Athens and other Greek poleis. The conditions under which slaves worked, especially those purchased for the silver mines, were miserable to the extreme. Although there were laws against killing or hitting slaves, they were hardly free from abuse. A slave's testimony was allowed in an Athenian courtroom only on the condition that it had been given under torture; slaves who gave information without torture were assumed to be liars.

When celebrating the remarkable equality, openness, and dignity enjoyed by Athenian citizens, we must not forget that those citizens were a relatively small minority who jealously guarded their privileges against a more numerous and oppressed majority of noncitizens. To claim, however, that we have nothing to learn from this early, and in many ways still unique, experiment in direct democracy because Athenians had the moral standards of classical Greeks rather than of twentieth-century Americans, is at once anachronistic and ethnocentric.

Athenian democracy was a great political experiment, acknowledged by America's Founding Fathers and ultimately rejected in favor of a model based more on the Republic of Rome. It was feared that direct democracy had too few controls and might lead to "rabble" rule. Direct democracy was a system that evolved in what was, by modern standards, a small homogeneous state, where it was possible to travel from one end to the other, for the most part, in less than a day; where citizens could attend an assembly that met every ten days to pass laws; where the shared knowledge of the community and its inner workings permitted the citizens, in Aristotle's words, "to rule and be ruled in turns." The differences are easy to see; remarkable is the fact that 2,500 years later we can still recognize some common ground and respond (even if with mixed emotions) to the words of Perikles, who declared his city "an education to Greece," indeed, to the world.

NOTES
© 1993 by Josiah Ober and Catherine Vanderpool
1There were a total of nine archons, or state magistrates, selected (by various means) each year. The first was "the" archon, sometimes called the "eponymous" archon because he gave his name to the year. For clarity, we have called this officer "chief archon." This was clearly a very powerful office before 508 B.C. (much less so afterwards and largely ceremonial by the time of Perikles). It was the office of "the" archon that some of the other aristocrats held under the Peisistratids. The second archon was the "king" archon. He was not actually a king but rather the head of the state religion. The third archon was the polemarch, or military leader. The remaining six archons were thesmothetes, or legal officials.
2We do not know why ostracism was abandoned after the late fifth century B.C. Presumably it fell into disuse at least in part because its function was replaced by the legal action of graphe paranomon, which was the indictment of the proposer of an illegal or "uncustomary" decree.
3The issue of pay in Athens is very complex; some workers could make a drachma for the days they worked, which may suggest to the modern mind that the workers would not give up a day's wage for lower-paying jury service. But the laborers did not work 365 days a year. We should also not immediately make the modernizing assumption that all Athenian actions were governed solely by "rational" economic motives. Serving on a jury was regarded as vitally important in protecting basic rights, was empowering, and probably was often a lot of fun. If we say that only the leisured citizens (nonworkers) served as jurors because the poorer men could not afford to, we must throw out the number six thousand potential jurors (for which there is good textual support), since there cannot have been that many leisure-class Athenians. All the evidence (gathered especially by M. M. Markle) suggests that we have every reason to suppose that most jurors fell between the leisured and the genuinely impoverished. There may have been an overrepresentation by elderly men, but this cannot be proved. The dread that the wealthy felt of the courts is good evidence that poorer Athenians did in fact dominate the courts.

ATHENIAN DEMOCRACY 135
The Illinois Memorial, located in Vicksburg Military Park, embodies the Greek revival architecture typical of the antebellum period.