

# Title: 고대 그리스 역사의 소개

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- ✓ **Dictated: 유영현, 김지은, 김현주, 신동규, 정회빈**

- 🔊[00:02] I was trying to describe to you how the Athenian democracy in its full form
- 🔊[00:08] after the reforms of the instituted by Perikles after the death of Ephialtes
- 🔊[00:15] how that system work and I describe the ... what we would called the legislative branch and much less significant executive branch
- 🔊[00:31] And now I would like to turn to what we would called the judicial branch
- 🔊[00:37] Now this Athenian judicial system, I think might seen even more strange to the modern eye than the rest of the constitution
- 🔊[00:48] You start with this panel of 6000 jurors, who enlisted to serve in the courts each year
- 🔊[00:58] On any given day, the jurors who showed up to accept an assignment were signed to specific courts and to specific cases
- 🔊[01:10] The usual size of a jury seems to have been 500 and 1
- 🔊[01:17] Although there were juries from a small as 50:1 to many as 1500:1
- 🔊[01:27] Depending on what the case was, whether it was public or private and also how important it was
- 🔊[01:36] To avoid any possibility of bribery or partiality, the Athenians evolved an astonishingly complicated system of assignments that effectively preventing tampering
- 🔊[01:50] That is system is described in our material constitution of Athenians
- 🔊[01:54] I think it is chapter 61, if any of you think that you had about it a month or 2 to despair
- 🔊[02:01] Read that paragraph and tell me what the heck it means, and how it works
- 🔊[02:04] It is so complicated. And the point is that they wanted to be sure that it was just impossible for anybody to know who is going to be in a particular jury panel for particular case, so that he wanted bribe or anybody you had to 6000 people and that would be mildly discourage them
- 🔊[02:22] You might say that's an honest bunch of people

- 🔊 [02:25] Well you don't devise such a complicated system
- 🔊 [02:28] if everyone is busily thinking of a way to cheat, it seems to be
- 🔊 [02:32] However it would have been failed, the system was certainly fully proved, I think
- 🔊 [02:38] Legal procedure was remarkably different from what it takes place in a modern American court
- 🔊 [02:46] The first surprise you would meet, the absence of any public prosecutor or state attorney
- 🔊 [02:55] In fact, there are no lawyers at all
- 🔊 [03:00] Think of that, think of how happy that would make Shakespeare
- 🔊 [03:06] Complaints whether they were civil or criminal, public or private, large or small were registered and argued by private citizens
- 🔊 [03:18] Plaintiff and defendant, suer and sue each made his case in its own voice
- 🔊 [03:25] If not, in his own language because anyone was free to hire a speechwriter to help him prepare his case and that profession flourished in Athens
- 🔊 [03:38] Although reached peak only in many years after the days of Perikles
- 🔊 [03:43] The greatest writers of courtroom speeches that have been preserved
- 🔊 [03:49] I believe they were preserved because generations thought that they were the best speeches and they were come from the next century they were from the 4<sup>th</sup> century B.C
- 🔊 [03:58] Here's another surprise, there is no judge
- 🔊 [04:03] The jury was everything
- 🔊 [04:06] No self-respecting Athenian democrat would allow some individual, whatever his qualifications to tell him what was relevant evidence and what was not or which laws or which precedents apply
- 🔊 [04:20] From the Athenian point of view that would give too much weight to learning and to experts and it would also create the danger of corruption and undemocratic prejudice, I mean if the judge
- 🔊 [04:34] you couldn't conceal who the judge is going to be
- 🔊 [04:37] as well as you couldn't the jurors
- 🔊 [04:41] and if there was a judge and he is important, you might be able to bribe him
- 🔊 [04:45] Indeed in our own system, it is not unheard of that judges are bribed
- 🔊 [04:51] It's not even unheard of that they are not unduly prejudiced to one direction or not

Athenians would had none of that

🔊[04:56] So it was up to the contestants in the case

🔊[04:59] To sight the relevant laws and presidents

🔊[05:02] And it was up to the jurors to decide between the plaintiff and defendant

🔊[05:06] So, in fundamental matters of justice and unfairness

🔊[05:13] The Athenian democrat put very little faith in experts

🔊[05:18] This was one of the most democratic aspects of democratic constitutions assumptions that all citizens had enough sense and had enough whatever it else took to make the judgements that was so important than the court

🔊[05:38] In a courtroom, the plaintiff and defendant each had an opportunity to present its case

🔊[05:46] Also to rebut his opponents, to sight what would had to be relevant law to produce witnesses and to sum up his case

🔊[05:59] Now here's another amazing thing from American perspective

🔊[06:02] Each case, I'm sorry, each fase in the case was limited to a specific amount of time which was kept buying inofficial using a waterclock and no trial get this last than no more than a single day

🔊[06:24] Finally, the case went to the jury which of course received no charge or instruction since there were no judge to tell them what they had to think about and what possibilities were available

🔊[06:38] The jury did not deliberate, you didn't had 15:1, 1500:1 angry man

🔊[06:45] They just voted by secret bell

🔊[06:51] And simple majority decided the issue

🔊[07:02] If a penalty was called for and it was not one that was described be law and very few penalties were described by law

🔊[07:06] The following procedures was used, the plaintiff who that won the case proposed a penalty, the defendeant than had an opportunity to propose a different penalty

🔊[07:19] The jury than again, no deliberation, just voted to choose one or the other but they could not propose anything on their own no creative penalties were possible just one or the other of the one proposed of each side

🔊[07:38] Normally this process led both sides

🔊[07:42] if you think about it, to suggest moderate penalties

🔊[07:46] for the jury would be put off by an unreasonable suggestion in one way or another

if the plaintiff asked for too heavy penalty that would guarantee that will take the other guy's penalty in vice versa

🔊 [07:59] Critics of this system complain, that the democracy made the Athenians

🔊 [08:06] The system contained a device

🔊 [08:10] therefore, not therefore but as a matter of fact

🔊 [08:15] no let me back up, of course the Athenians were le

🔊 [08:19] and knowing that they built in elementary reduce to

🔊 [08:23] agree of unfounded, unreasonable, silly or just terrible accusations

🔊 [08:33] The system contained this device

🔊 [08:36] If the plaintiff did not win a stated percentage of the jurors votes

🔊 [08:43] then, he was required to pay a considerable fine

🔊 [08:48] In public prosecutions he paid to the state

🔊 [08:51] in private prosecutions he paid to the defendant

🔊 [08:54] And surely this must have served as a significant deterrent

🔊 [08:59] for frivolous deterrent and merely adventurous suits

🔊 [09:06] Just think how it would change our system

🔊 [09:11] If we had something like that

🔊 [09:15] We do have a lot some of relevant

🔊 [09:19] It is possible for instance if somebody brings suit against somebody else

🔊 [09:24] and fails. It is possible for the judges to decide

🔊 [09:29] the defeated side must pay court costs

🔊 [09:33] which is a form of a defense of frivolous charges

🔊 [09:38] But it isn't anything as thorough

🔊 [09:41] as the Athenians system which always had that around

🔊 [09:44] So if you had a case that is wasn't going to win many friends in the jury

🔊 [09:48] it was going to cost you one way or another

🔊[09:51] Well, this Athenians justice had many flaws obviously

🔊[09:57] Decisions could be cocky and unpredictable

🔊[10:01] since they were unchecked by precedent

🔊[10:05] Juries could be prejudice and jurors could have no defense

🔊[10:09] Except their own intelligence and knowledge

🔊[10:12] against speakers who sighted laws incorrectly

🔊[10:16] and who distorted history and we have speeches in law courts

🔊[10:20] in which these guys are making up laws that nobody ever heard of

🔊[10:24] and that they are making arguments that are terrible

🔊[10:27] They did abuse this opportunity, there's no question about it

🔊[10:34] Speakers unhampered by rules of evidence and relevance and without the discipline and disposed by judges

🔊[10:40] could be fanciful, false and sophistical

🔊[10:44] There's one adit though that is handed down about a famous Athenian, Lucius I think

🔊[10:49] give you some clue about this

🔊[10:52] This was listed in who were lived in the end of 5th century and to the 4th

🔊[10:58] and he was one of the most successful speechwriters in Athens

🔊[11:02] Well, somebody came to him and said I'm involved in this lawsuit

🔊[11:06] and I like to pay you for writing a speech on my side

🔊[11:12] He went home, he wrote the speech, he brought it to the man

🔊[11:16] and says 'here it is,' and the guy read it and says 'this is terrific'

🔊[11:21] great speech, I can't lose, thanks in millian.'

🔊[11:26] Little while later Lucius heard banging on his door

🔊[11:30] It's the same guy, he says 'Lucius I read that speech again

🔊[11:34] it was I wrong filled with terrible arguments, contradictions

🔊[11:40] there are holes in your logic that can runs truck through.'

🔊[11:45] and Lucius says 'calm down my friend the jury will only hear the speech once.'

🔊[11:54] So, of course all of these flaws were there

🔊[12:00] Yet, in a modern perspective, I would argue

🔊[12:04] That the Athenian system had a number of attractions

🔊[12:08] American legal systems and court procedures have been blame

🔊[12:13] for excessive technicality, verging on incomprehensibility

🔊[12:19] and for the central role of lawyers and judges

🔊[12:24] which gives enormous advantages to the rich

🔊[12:28] who can afford to pay cost of participating in the legal system

🔊[12:34] the absence typically of efficient deterrent to unfounded lawsuits

🔊[12:39] has helped to crowd court calendars

🔊[12:43] Time spent in jury's selections

🔊[12:46] which didn't take it all of course in Athens

🔊[12:49] and wrangling in illegal technicalities

🔊[12:52] stretched out still further, a process there has no time limit

🔊[12:58] It is not uncommon for participants in lawsuit to wait for many years

🔊[13:02] before coming to trial

🔊[13:05] Sometimes the plaintiffs died before the case gets in to court

🔊[13:11] Not everyone is convinced that the gain in scrupulous action of the participants rights

🔊[13:17] in an increasingly complex code of legal procedure

🔊[13:22] is worth the resulting delay. And some point to principal

🔊[13:26] that justice delayed is justice denied

🔊[13:30] Often in our court the decisions are made in judges on very remote

🔊[13:36] difficult, legal or procedural grounds that are incomprehensible to the ordinary citizen

🔊[13:43] As a result there's much criticism of judges and lawyers

🔊[13:47] and a loss of faith in general of legal system

🔊[13:52] For it's all its flaws, I think the Athenian's system was simple

🔊[13:57] speedy, open and very easily understood by its citizens

🔊[14:04] It did contain provisions aimed that producing moderate penalties and deterring unreasonable logics.

🔊[14:11] It places no barriers of legal technic experts between citizens and their laws.

🔊[14:18] Counting is always on the commonsense of the ordinary senator.

🔊[14:25] Now the senator democratic system is whole brought by has been harshly criticized through the ages.

🔊[14:35] Admittedly by contemporaries who are hostile to democracy

🔊[14:42] And through the centuries by people who have looked at senator history as detected by surviving authors and concluded harsh conclusion about democracy.

🔊[14:56] Ancient rivals directed mostly against the idea of government' by mass meaning.

🔊[15:02] And selection of public officers by aloudment senior renegade told the spark audiences as for democracy the nothing new can be said about and acknowledged foolishness.

🔊[15:18] Plato has sarcastic make same point more folly and seriously that when matter is about building house or ship, the senator assembly listens only to experts.

🔊[15:35] If someone without expert qualification tries give some advice and such things

🔊[15:40] Even if he is very handsome and rich and noble, there were few who listen to.

🔊[15:46] Instead they laugh and until he is shouted down, and their arms are dragged him off or he is expelled by order of president.

🔊[16:00] So you just imagine that when you get up speak in senator assembly you would better be ready for anything but the when the decision was about fairs of the state, anyone can get up to speak.

🔊[16:15] Carpenter, tanker, passenger, ship owner, rich and poor and noble and commoner and nobody rebukes him.

🔊[16:25] As they did in the earlier case, for trying to give advice when he has no knowledge and has not be taught.

🔊[16:35] Now the fact the senator did appreciated the importance of knowledge, skills, talent and experience when they thought these things existed and could be used in the public interest

🔊[16:48] So they did not a lot but elected military officers, some treasures, naval architect and managers of water supply.

🔊[17:01] These are essentially questions about life and death or financial security of state.

🔊[17:08] Apart from that, they did not much care about expertise if they did not elected, professors of political science, philosophers lawyers to govern and judge them it was because they were skeptical, that they use their usual expertise in these areas.

🔊[17:27] And if it did exist, if could be safely and properly employed for the public good.

🔊[17:34] It is not clear to me anyway.

🔊[17:37] That's the experience last 2500 years has shown to be wrong

🔊[17:43] I don't know how many what percentage of representative and senator in our congress of lawyers by training and but whatever figure is, it's far too large.

🔊[17:58] It is really extraordinary that we all seats still for that kind of things.

🔊[18:04] The kind of variety a profession that one can find in our society, is absolutely not to be seen in our government institution.

🔊[18:15] Well the senator would never permit anything, undemocratic is that.

🔊[18:22] Secondly, it's most unlikely that many fools or incompetence played significant part in public affairs.

🔊[18:32] Flip side of Rejecting expertise and experiences you may end up with people what they are talking having influences.

🔊[18:41] Well the senators knew that they were worried about it.

🔊[18:44] And I think that they did so perhaps, the possibility of idiots, fools, jerks and other unworthy dominating the political decision

🔊[19:00] I don't think it's clear that we are better off than they are in this respect.

🔊[19:05] I remember William Berkly once said, he would rather be ruled, governed by the first 40 whatever is said 45 people in the Boston telephone directly by the Harvard faculty.

🔊[19:20] I thought we could all agree with that.

🔊[19:24] Maybe even the elf faculty.

🔊[19:29] I think that we think little longer before we assume our system is only way one we can think about conducting democracy.

🔊[19:41] But how the senators cope with this problem is, the assembly itself was far less unwitty and incompetent body then it generally assumed by critic senator, you might think about people try to make decision.



🔊[20:00] Think of this, if the senator citizens attend the no more than half, minimum number of session held each year, he would here 20 seats of debates by the elective people in the state.

🔊[20:20] Chiefly elected officers or does who formally had held elective session, the leading politicians and all professors, and considerable number of experts on a variety of subject to simply get up and express their views

🔊[20:35] And these were true debates in which it was not possible to whole to prepare remarks.

🔊[20:44] And look at your what are they called policy books so whatever.

🔊[20:50] They were real debates and speakers had to respond extemporaneously to difficult questions and arguments from the opposition.

🔊[20:59] No words they irresponsible displays but serious controversies leading immediately to votes that they have important consequences for their auditors and audience

🔊 [21:11] If you assume each attendant act as assembly and had listening to such discussion for average of only ten year and many of them would be much longer, think of it.

🔊 [21:24] Such experiences allow most have passion and remarkable body of voters, probably I would argue more in lightened and sophisticated in any comparable group in history

🔊[21:38] Apart from that, every year 500 of Athenians served on the council, where every day they gained experiences in the management of Athenians affairs from the most trivial, to most serious.

🔊[21:54] Producing builds that serves as bases of debates to assembly

🔊[22:00] So in any particular assembly, thousands of those attending, perhaps majority of them would have had that kind of training on the council.

🔊[22:11] In light of that experience, the notion that decisions were made by ignorant multitude is simply not persuasive.

🔊[22:21] I like to compare that situation with something perhaps we can understand

🔊[22:27] In the 19 century, when people went to a concert, what we called classical music almost everybody in the audience was musician of some kind.

🔊[22:40] Before radio, television, recording systems, if you want to music, you have to play it.

🔊[22:47] And so people especially woman but man too, studied how to play variable

instrument they could read music, they could understand in the way the only the participant can hardly anybody who goes to concerts today is that situation.

🔊[23:07] So Beethoven, Brahms and people like that wrote their compositions and played by people.

🔊[23:15] To people who were the certain sense in any case very educated amateurs

🔊[23:21] And that's the analogy that I would suggest. That we are talking about

🔊[23:26] That the professional politicians so to speak worrying Athens were dealing with people who didn't just come out of street, didn't know anything about it

🔊[23:37] they were prepared by life experience to be a very tough audience, indeed

🔊[23:41] But that raises the question

🔊[23:45] Were debates in the assembly carried on by ordinary citizens without the necessary special knowledge and capacity in form the advice?

🔊[23:55] The evidence I think suggests not.

🔊[23:58] For there were impressive deterrents, both formal or informal

🔊[24:04] That would make inexperience, ill inform, poorly educated man

🔊[24:09] reluctant to speak up in the assembly or the council even

🔊[24:14] To begin with, I would suggest another analogy for you

🔊[24:19] For many years I have attended meeting and faculties in great American universities

🔊[24:25] What I have seen is that very few

🔊[24:29] and generally the same few

🔊[24:32] are bold enough to speak for or against

🔊[24:37] some not very controversy or policy argued in a group of fewer than a 100 people

🔊[24:42] not to mention those rare, larger meetings when subjects arousing passions are a issue

🔊[24:50] Now the people we are talking about these faculty meetings

🔊[24:54] have this extraordinary educations, they are ledged to have unusual interlecture ability

🔊[25:02] And they belong to a profession where public speaking is part of the trade

🔊[25:09] The meetings are conducted in decorum of established rules of order that forbidden interruptions, and personal attack

🔊[25:17] for guy that I want him to say that he is a god damn liar

🔊[25:20] somebody will call him to account to say that was violation of personal privilege and you should cut it out

🔊[25:27] That's not the way it happened in the Athenian assembly

🔊[25:30] And yet, even at these very gentil meanings that I'm talking about

🔊[25:35] those who attend them speak very rarely if ever

🔊[25:39] Why?

🔊[25:42] Why?

🔊[25:44] What is that determines them? I ask you

🔊[25:47] For instance you all know the answer, but you won't speak up

🔊[25:50] Why? Why are you afraid to answer that question? You know the answer

🔊[25:54] (Student answering)

🔊[25:56] Thank you. That is exactly the reason. People really are afraid of that

🔊[26:01] They are just afraid that even if nobody even tells them that they're stupid

🔊[26:05] Just the way they react, make them feel so they are stupid

🔊[26:09] This is the fantastic deterrent

🔊[26:11] And if we don't understand that we will not understand the way Athenian assembly work

🔊[26:16] because that was the main, but of course you know perfectly well

🔊[26:19] that their problem was much greater

🔊[26:21] Meanings of the Athenian assembly were not quiet seemingly occasions

🔊[26:26] We should not forget what Dikaiarchos said and Aristoles in his place

🔊[26:32] You threaten to shout, to interrupt, to abuse the speakers

🔊[26:36] We shouldn't forget Plato's report how the Athenians laughed and hooded

🔊[26:43] or shouted down the speakers who lack what they thought was necessary expertise

🔊[26:48] Now these informal determines alone I believe

- 🔊 [26:52] sharply limited the number of speakers in the assembly
- 🔊 [26:56] But there was also a formal device that encourage them to take thought
- 🔊 [27:00] Before they intervene and to be careful in what they said and these debates
- 🔊 [27:07] At some time, perhaps during the career of Perikles, but
- 🔊 [27:10] certainly not more than 15 years after his death
- 🔊 [27:14] The Athenians introduce the procedure called the graphē paranómōn
- 🔊 [27:21] That had the effect of making the citizens in the assembly, the guardians of the constitution
- 🔊 [27:28] Any citizen could object to a proposal made in the council or in the assembly
- 🔊 [27:33] Simply by asserting that it contradicted an existing law
- 🔊 [27:40] That assertion sets stopped action on the proposal
- 🔊 [27:46] or suspended its enactment
- 🔊 [27:49] The proposer was then taken before a popular court
- 🔊 [27:53] and if the jury decided against him
- 🔊 [27:56] his proposal will disallow and he was fined
- 🔊 [28:03] three findings that a person has done this deprived him of his rights as citizens
- 🔊 [28:10] the expectation of the assembly and ``
- 🔊 [28:18] formal and informal, made most unlikely that ignorance in a very significant role in its deliberation
- 🔊 [28:27] so, of course, there are some ignorance and `` who nothing were `` but but that's true of our system, too.
- 🔊 [28:31] and even greater charge has been labeled through the ages against the kind of democracy promoted by Perikles
- 🔊 [28:38] it is said to be inherently unstable inviting faction and class warfare
- 🔊 [28:47] it is said to be careless rights of property
- 🔊 [28:51] and the result in the rule of the poor
- 🔊 [28:54] these, `` , who are the majority over the rich minority

🔊[29:00] these arguments weigh very heavily in the thinking of the founding fathers of the American constitution who rejected democracy you need to be aware of that

🔊[29:11] they know what democracy was, was Athenian democracy as described by its ``

🔊[29:18] they consciously and plainly rejected democracy. They thought something else they thought

🔊[29:22] they thought they were creating a popular republic and by republic, they meant something different from democracy

🔊[29:33] starting with the fuller democracy instituted by `` and Perikles,

🔊[29:42] in fact we discovered an almost unbroken orderly regime that last for a hundred and forty years.

🔊[29:50] twice it was interrupted by oligarchy episodes.

🔊[29:57] the first result from `` data in the midst of long and difficult war

🔊[30:02] the government of that oligarchy lasts for months

🔊[30:07] The second was imposed by Sparta after they won the Peloponnesian War

🔊[30:16] that one lasted less than one hundred years

🔊[30:19] on each case the full democracy without class warfare, without killings or exiles or revenge

🔊[30:30] without confiscating the property of anybody

🔊[30:33] through many years of hard warfare, military defeat, foreign occupation, and `` agitation, the Athenian democracy persisted and showed strength and a moderation rarely equal by any regime

🔊[30:52] now this behavior is all the more remarkable in light of the political and constitutional conditions that prevail in the Perikles democracy and thereafter

🔊[31:05] remember that the mess of Athenians were not of power what has been called military industrial complex

🔊[31:14] they were not swayed by complexity of represented government by checks and balances, by unscrupulous lobbyists

🔊[31:23] or manipulated by irresistible deception by mass media

🔊[31:29] they are only to walk up to the peaks on assembly day

🔊[31:36] make speeches and vote in order to bring the most radical, social and economic change

🔊[31:44] they could have they wanted to, they could have abolished debts which presumably would be something poor with the favor

🔊[31:54] they could institute confiscatory taxation of the rich to the advantage of the poor

🔊[32:01] the simple expropriation of something all of these they simply could have done nothing would have stopped them but they never did

🔊[32:15] although equality before the law, that was a fundamental principle of equality but economic equality had no place in the Athens and Perikles

🔊[32:24] on the contrary, the democracy he lived defended the had made no effort to change its unequal distributions

🔊[32:36] the oath taken by `` each time that they set on a jury including the following clause

🔊[32:44] I will not allow private debts to be canceled nor lands or houses belonging to Athenian citizens to be redistributed

🔊[32:47] in addition swore that whatever owns before I enter this office

🔊[33:02] he will hold all the same until I leave it

🔊[33:12] the athenians respected property there were refusal economy equality go long way towards explaining why their democracy was

🔊[33:21] so peaceful, so stable, so adorable,

🔊[33:23] but why were the majority of citizens so restrain and moderate

🔊[33:31] part of the answer lies in the relatively in this century distribution of property in 5th century Athen

🔊[33:39] which by no means equal I wanna emphasize the word 'relatively' compared to states that were oligarchical or aristocratic

🔊[33:53] and also its growing prosperity to the greater part in that time its very hard to stand reasonable moderate regime in times that are hard. In time which there was great poverty

🔊[34:08] so that was which is certainly but there was always you should remember

🔊[34:16] the group of fabulously wealthy citizen and also

🔊[34:21] thousands who were poor by any standards

🔊[34:26] it certainly seems clear that anytime in this period the majority of athenian citizen

🔊[34:32] were not rich enough enough to be `` in the stated

🔊[34:38] now rich enough small family farms that supported there were lot of poor people in the state

🔊[34:47] the poorest were who vote the very man who road the ship that brought Athens wealth and power and glory

🔊[35:00] the last 3- years of century furthermore were terrible time of war, play,impoverishments and defeat

🔊[35:09] during or after the war did Athenian masses interfere anyway with private property or seek economic leveling into two ways revolutionary redistributing the land

🔊[35:27] In the Perikles democracy demanded only equality before the law, I think that is the key principle to understand when you think about Athenian democracy

🔊[35:40] four political rights for all citizens, and that's what separated the Athenian democracies from oligarchies and aristocracies and other Greek states

🔊[35:53] and the kind of even chance that is provided by these two things ; equality before the law and participation by all citizens

🔊[36:06] by these rules, the Athenians was willing to abide facing greatest temptation

🔊[36:14] it was politically equal, individualistic law-biding and tolerant understanding of democracies

🔊[36:21] that Perikles had done so much to create

🔊[36:29] confident that his fellow citizens share his views

🔊[36:33] In their rational secular, world approach democratic

🔊[36:39] in their commitment of political freedom into the autonomous of dominant ideas and values of our own era that any culture since antiquely

🔊[36:52] that is why Perikles and Athenians I believe has so much meaning for us

🔊[37:09] but if there were as much to learn from similarities that is at least as from the differences between the Athenians and ourselves

🔊[37:19] Although Athenians value stable material goods as we do, they were regarded economic and status both as less noble and less important than participation and distinction

🔊[37:35] in the public service to to community

🔊[37:37] although they are pioneers and recognized in the importance of autonomy legitimate claims of the individuals

🔊[37:45] they could not imagine the fulfillment of individual spiritual needs well-ordered political community

- 🔊[37:56] to understand the achievement of Perikles and his contemporaries, we do need to be aware of these significant differences
- 🔊[38:06] I think we ought to study them with a certain the ancient Athenians may have known or
- 🔊[38:16] believe things we have either forgotten or never known and we keep possibilities they might have been right about some of these things
- 🔊[38:29] Now what I'm talking up to now I remind you that means free men adults who have citizen status
- 🔊[38:49] that exclude a lot of people who lived in Athens so I like to spend little time also talking about two groups of such people who were excluded in political process
- 🔊[39:02] women and slaves, both of which have caught the attention of undemocratic aspects of Ancient Athens judged by our criteria, every living thing, I know that we should not the discrimination
- 🔊[39:24] between men and women no slaves both of which when judged by our criteria, every living thing betrayed, we should discriminate, be no slave, w
- 🔊[39:53] people citizenship or citizen rights who aren't even `` citizens,
- 🔊[39:57] there are people who want to include to animals that now are admitted to people and there are also people
- 🔊[40:10] so, we need to examine the Athenian situation and make our judgements about that
- 🔊[40:22] let's talk about women first
- 🔊[40:24] Greek society like most cultures throughout history were dominated by men
- 🔊[40:30] this is true of Perikles no less than in other Greek city
- 🔊[40:36] Nevertheless, the position of women in classical Athens has been the subject of great deal of controversy actual laws of Athens
- 🔊[40:40] the actual laws of Athens from philosophical and moral writings and the information conditions of daily life
- 🔊[41:07] they could not vote they could not take part of political stances hold public office of take any direct part in politics
- 🔊[41:16] male citizens of all classes have this public responsibilities and opportunities



🔊[41:23] the same sources of show that in the private aspects of life, women were under the control of male guardians, a father at first, a husband later or failing these and appropriate designated by law

🔊[41:42] women married young, usually between the ages of 12 and 18 I think we on average

🔊[41:55] husbands on the other hand , typically, at least 30 and usually old when they married so that women were all way in a relationship daughter and father when you think about the realities of lives

🔊[42:14] marriages for them were arranged. By the way, social consideration I can only suspect because we don't have evidence that

🔊[42:32] it was far more informal and maybe the marriage was as a consequence of mutual desired than upper class

🔊[42:37] that it was far informal than it was true of the upper classes

🔊[43:00] The woman's dowry, and dowries were required, was controlled by a male relative.

🔊[43:08] Divorce was very difficult for a woman to obtain, for she needed the approval of a male relative,

🔊[43:15] who, if he gave that approval, had then to be willing to serve as her guardian after the dissolution of her marriage.

🔊[43:24] In case of divorce, the dowry would be returned with the woman.

🔊[43:29] But it was still to be controlled in that case by her father or the appropriate male relative.

🔊[43:37] Excuse me.

🔊[43:40] The main function and responsibility of a respectable Athenian woman of a citizen family

🔊[43:48] was to produce male heirs for the household of her husband.

🔊[43:54] If, however, her father's household lacked a male heir,

🔊[43:59] the daughter became what the Greeks called an epikleros, the heiress to the family property.

🔊[44:08] In that case, she was required by law to marry the man

🔊[44:12] who was the next of kin on her father's side in order to produce the desired male offspring.

🔊[44:22] In the Athenian way of thinking, women were lent by one household to another

🔊[44:29] for purposes of bearing and raising male heirs to continue the existence of the oikos, the family establishment.

🔊[44:40] Because the pure and legitimate lineage of the offspring was important,

🔊[44:46] women were carefully segregated from men outside the family and were confined to the women's quarters even in the house.

🔊[44:56] Men might seek sexual gratification in several ways outside the house

🔊[45:02] with prostitutes of high or low style, prostitutes frequently recruited from abroad.

🔊[45:09] But respectable women stayed home to raise the children, cook, weave cloth, and oversee the management of the household.

🔊[45:22] The only public function of women was an important one in the various rituals and festivals of the state religion.

🔊[45:32] There is a very new book by a professor at NYU by the name of Connolly,

🔊[45:38] which studies very carefully all the information we know about the Ancient Greek priestesses,

🔊[45:45] which reveals, I think, something that we haven't known enough about before,

🔊[45:50] that women in that realm had at least an important and, I would say, some sort of glorious role in that way.

🔊[46:02] It doesn't change any of the things I said previously about the other aspects of life,

🔊[46:05] but we have had really not paid enough attention to these religious side of things,

🔊[46:12] and we should remember that religion was very important for these people

🔊[46:15] even though to us it looks as though they were very secular in the way they lived.

🔊[46:20] Religion, in their way of thinking, was very important.

🔊[46:24] So, anyway, apart from these religious things, Athenian women were expected to remain home quiet and unnoticed.

🔊[46:33] Pericles told the widows and mothers of the Athenian men who died in the first year of the Peloponnesian War only this,

🔊[46:42] and you will either have read or you will read Pericles' famous funeral oration.

🔊[46:49] And he has all these things to say, and at the very end

🔊[46:53] he addresses the widows and the mothers of the men who have died in a way that puzzles me beyond belief,

🔊[47:01] and I still don't understand why he chose to say what he did.

🔊[47:05] But what he said, I think, was the common wisdom about what the situation was.

🔊[47:10] He said, "Your great glory is not to fall short of your natural character,

🔊[47:19] and the greatest glory of women is to be least talked about by men, whether for good or ill."

🔊[47:29] OK. That's what they thought.

🔊[47:32] Why the hell did he say it at the end of the funeral oration?

🔊[47:36] If anybody has any insight on that, I would be very grateful if you'd tell me about it, now or anytime in the future.

🔊[47:44] The picture derived from these sources is largely accurate,

🔊[47:49] but I would argue that it does not fit in well with what we learned from the evidence of a wholly different set of sources.

🔊[47:58] First of all, what we see in the pictorial art chiefly on the vase paintings.

🔊[48:06] And even more strikingly, I think, in what we learned from the tragedies and the comedies

🔊[48:13] that were performed every year at the two great festivals in Athens.

🔊[48:18] And finally, these things are derived very much from the mythology,

🔊[48:24] which is after all the religious tradition of the Athenians.

🔊[48:28] Now, these sources often show women as central characters and powerful figures in both private and public spheres.

🔊[48:40] Clytemnestra who shows up in Aeschylus's tragedy *Agamemnon*.

🔊[48:46] She arranges the murder of her royal husband and establishes the tyranny of her lover whom she dominated.

🔊[48:58] Then there is terrifying and powerful Medea of Euripides,

🔊[49:04] who negotiates with kings and can commit horrible deeds in her fury,

🔊[49:12] which, I think, Euripides suggests is very justified fury even if the deed is not.

🔊[49:19] So we are - and these are just two examples of which there are many in which women are central and important and powerful and active and not passive,

🔊[49:29] and it's all about them.

🔊[49:31] We are left with an apparent contradiction clearly revealed by a famous speech in Euripides' tragedy *Medea*,

🔊[49:38] and I'd like to read you that.

🔊[49:42] He presented his play at the Dionysia Festival in Athens.

🔊[49:47] His heroine Medea is a foreign woman who has unusual powers.

🔊[49:53] I mean, she is practically something like a witch, a sorceress.

🔊[49:57] Don't imagine these Halloween kind of witches.

🔊[50:00] A proper witch is so beautiful that she can bewitch.

🔊[50:04] Think of that.

🔊[50:07] So, she's a foreign woman with these powers, but in the speech that follows,

🔊[50:12] she describes fate of women in terms that appear to give an accurate account of condition of women in 5th Century, B.C. Athens.

🔊[50:20] Here's what she says:

🔊[50:22] "Of all things which are living in conform or judgment, we women are the most unfortunate creatures.

🔊[50:30] Firstly, with an excess of wealth, it is required for us to buy a husband and take for our bodies a master.

🔊[50:40] For not to take one is even worse, and now the question is serious.

🔊[50:47] Whether we take a good or bad one, for there is no easy escape for a woman.

🔊[50:52] Nor can she say no to her marriage.

🔊[50:56] She arrives among new modes of behavior and manners,

🔊[51:01] and she needs prophetic power unless she has learned at home how best to manage him who shares the bed with her.

🔊[51:09] And if we work out all this well and carefully,

🔊[51:13] and the husband lives with us and likely bears his yoke, this life is enviable.

🔊[51:20] If not, I'd rather die.

🔊[51:24] A man, when he's tired of the company at his home, goes out of the house

🔊[51:28] and puts an end to his boredom and turns to a friend of companion of his own age.

🔊[51:34] But we are forced to keep our eye on one alone.

🔊[51:39] What they say of us is that we have a peaceful time living at home

🔊[51:43] while they do the fighting in war.

🔊[51:47] How wrong they are!

🔊[51:49] I would very much rather stand three times in the front of the battle than to bear one child."

🔊[52:00] Though I wonder what the Athenian men in that audience thought about all of that.

🔊[52:06] The picture that Medea paints of women subjected to men accords well with much of the evidence.

🔊[52:12] But we have to take note of the fact that the woman who complains of women's lot is the powerful central figure in a tragedy that was named after her.

🔊[52:24] By the way, it's not the only case.

🔊[52:27] Another of the great tragedies of Attic drama is Sophocles's *Antigone*.

🔊[52:34] And Antigone is another heroic woman who defies kings and everybody else in order to do the right thing and accept death rather than to give away her principles.

🔊[52:46] This is not the kind of woman that Pericles had in mind when he said,

🔊[52:50] "Just shut up and be sure nobody's talking about you."

🔊[52:54] Now, this tragedy was produced, we need to remember, at state expense before most Athenian population.

🔊[53:04] And it was written by a man who was one of Athens' greatest poets and dramatists.

🔊[53:11] Medea is a cause of terror to the audience

🔊[53:13] and at the same time an object of their pity and sympathy as a victim of injustice.

🔊[53:20] She is anything but a creature least talked about by men, for good or for bad.

🔊[53:26] When those men walked out of that theater, they would be talking about Medea for the next week.

🔊[53:31] There is a reason to believe that the role played by Athenian women may have been more complex than their legal status might suggest.

🔊[53:43] And that's all I feel I can say about that subject because I haven't been able to resolve the contradiction of most -

🔊[53:52] I mean, I won't go into modern scholars for the argument,

🔊[53:55] but let me just say that no matter what they all say

🔊[53:59] and no matter how they come out, this dichotomy is there.

🔊[54:02] It's in the sources.

🔊[54:04] We need to do some thinking, some supplying for things that are missing

🔊[54:08] if we are to comprehend how both halves of this can be true as I'm sure they both are somehow.

🔊[54:16] Let's turn next to the question of slaves.

🔊[54:19] In Greece, chattel slavery proper began to increase about 500 B.C.

🔊[54:27] And it remained an important element in society.

🔊[54:31] The main sources of slaves were war captives and the captives of pirates,

🔊[54:38] who made a living in large part by catching people and selling them as slaves.

🔊[54:43] And of course, those people at first enslaved though war piracy or other means were sold by slave traders.

🔊[54:53] They did not, unlike the American South, were they successful or unnecessarily did they try to breed slaves themselves.

🔊[55:04] They were typically bought from slave traders.

🔊[55:08] Like the Chinese, the Egyptians, and almost every other civilized people in the ancient world,

🔊[55:15] the Greeks regarded foreigners as inferior.

🔊[55:20] They called them barbarians because they uttered words that sounded to the Greeks like "bar bar bar bar bar."

🔊[55:28] And most slaves working for the Greeks were foreigners.

🔊[55:33] Greeks sometimes enslaved Greeks but typically not to serve in the Greek home as the servant or even in -

🔊[55:46] Really not so much at home.

🔊[55:49] They did use slaves, as I told you earlier, to work on the farms alongside the farmers.

🔊[55:54] The chief occupation, as always before 20th Century, was agriculture.

🔊[56:01] The great majority of Greek farmers worked these small holdings,

🔊[56:05] too poor to support even on slave.

🔊[56:09] Some would be so fortunate as to have as many as one or two slaves to work alongside them.

🔊[56:16] As I said earlier, I think probably most of the hoplites could manage that,

🔊[56:20] but I think we really don't know the answer to that.

🔊[56:23] I'm sure that they range from 0 to more than two,

🔊[56:26] but if you're thinking one or two, you are probably right.

🔊[56:30] The upper classes had larger farms, of course, that would be lent out to free tenant farmers,

🔊[56:35] or to be worked by slaves generally under overseer who was himself a slave.

🔊[56:42] Large landowners generally did not have one single great estate.

🔊[56:47] In every way I want you to try to get out of your head the picture of slavery in the American South with its plantations and great squad of slaves in one place under one master.

🔊[57:00] That it was not the typical way for the Greeks.

🔊[57:04] But rather, the wealthy would have several smaller farms scattered about the polis.

🔊[57:10] Well, that arrangement did not encourage the amassing of these great hordes of agricultural slaves

🔊[57:16] who would later work the cotton and sugar plantations of the New World.

🔊[57:21] Slaves were used in larger numbers in what I laughingly call industry of the ancient world.

🔊[57:27] I mean, handicrafts.

🔊[57:29] But, one exception to that typical system was mining.

🔊[57:34] We know something about the mines in southern Athens where the silver was found,

🔊[57:41] and that reveals a different picture.

🔊[57:45] Nicias, a wealthy Athenian of the 5th Century, B.C., owned a 1000 slaves,

🔊[57:52] whom he rented to a mining contractor for a profit.

🔊[58:01] Actually this is unique, we don't know anything like this besides this situation and it's by far the largest numbers of slaves that we know any individual have.

🔊[58:12] And in another instance of large slave holdings in Athens, a family of resident aliens employed about 120 slaves in their shield factory.

🔊[58:25] That was the military industrial complex in Athens.

🔊[58:29] Most manufacturing however was at very small step. With shops using 1 or 2 or a handful of slaves. Slaves worked as craftsmen in almost every trade and it was true for the agricultural slaves are in small farms. They worked alongside their masters.

🔊[58:51] If you took the slaves at regard as taking care of the majority of the work in Athens, if you transfer, later them[?] be handy man or regular workers who work that jobs, regularly who were free, if you went you wouldn't , into that shops that's what you would think.

🔊[59:11] Because you didn't have somebody lashing anybody of a great numbers of people. You would have 2 or 3 guys working there, one would be the guy who owns it and the other guys would be slaves.

🔊[59:01] A significant portion of slaves were of course domestic servants.

🔊[59:26] And many were shepherds.

🔊[59:31] Publicly held slaves also served as policemen, don't get carried away, they were very very few policemen.

🔊[59:39] They were also prison attendance, there were very very few prisons, very few prisoners.

🔊[59:44] They were clerks and they were secretaries and some of them worked their way up because of their natural skills whether if they worked, this was usually the case, if found such people in commerce.

🔊[59:57] And most especially in banking, we hear that one of the richest man in Athens in the 4th century was a man called Pasion[?], who had been a slave and by his talent, has bought his own freedom, and had become one of the riches man in Athens.

🔊[60:13] That's an oddball story. Don't take that as being very widespread.

🔊[60:17] But it shows you one element in the system.

🔊[60:21] The number of slaves in ancient Greece is subject of continuing controversy, that's because we don't have kind of evidence for the conclusive answer.

🔊[60:30] There were no useful figure for the absolute number of slaves or their percentage for free population in any city except Athens.

🔊[60:41] There, the evidence permits estimates for the slave population in the classical period, by which I mean, the 5th and the 4th centuries.

🔊[60:49] There ranged of a low of 20,000 slaves, to a high about a 100,000 slaves.

🔊[60:58] If we accept the means between these extremes, I'd love to do that when I don't have any better thing to do, you come up with 60,000 slaves.

🔊[61:10] Now the estimates that are made about the free population of Athens in the same period at this height,

🔊[61:18] some people would say as low as, not, nobody guess much from 40,000 households, someone to move it up to about 60,000 households, what do I come up with?



Right. 50,000. That would yield a figure of fewer than 2 slaves per family.

🔊[61:28] It has been estimated that only a quarter to a third of free Athenians owned any slaves at all.

🔊[61:37] So the distribution was unequal with most families having no slaves, and some families having many.

🔊[61:54] Some historians have noted that in American south, in the period before the Civil War, were slaves also made up less than a third of a total population.

🔊[62:05] And three quarters of free southerners had no slaves.

🔊[62:10] The proportion of slaves for free citizens were similar to that in ancient Athens.

🔊[62:16] Because slavery was so important to the economy of the South, these historian analogies have suggested that may have been equally important and similarly oppressive in ancient Athens.

🔊[62:27] I find several problems with this analogy.

🔊[62:31] For one thing, it's important to make a distinction between a word such as cotton states of American south of Civil War, were single cash crop, well suited for exploitation by large groups of slaves dominate the economy.

🔊[62:47] And a society like the one in Athens where the economy was mixed, with crops varied, the land and its distribution very poorly suited, to massive slavery.

🔊[62:59] Another major differences in the likelihood of slave achieving freedom, the freeing of American slaves alone were happened comparatively rare.

🔊[63:10] But in Greece, it was very common.

🔊[63:13] The most famous example I've told you already about is Pasius[?] began as a bank clerk, earned his freedom and became Athens' richest banker and then even rewarded with Athenian citizens.

🔊[63:24] But that's very rare.

🔊[63:26] On the other hand, the acquisition of freedom by slaves was not people frequently free their slaves on their own death, and often before that, were various reasons.

🔊[63:41] It's also important that distinguish the American South whether slaves were distinguished from their masters by their skin color, whether masters were increasingly hostile to the idea of freeing slaves.

🔊[63:56] And in terror of slave rebellions with the very different society of classical Athens.

🔊[64:04] There slaves walked the streets with such ease as to offend noble men who were class conscious.

🔊[64:13] Plato complained about the Athenian democracy that men and women who had been sold are no less free than their purchasers.

🔊[64:22] And an anonymous writer of the 5th century was appalled by the behaviour of slaves in Athens.

🔊[64:28] He says, one may not strike them there, nor will slaves step aside for you. And if it will be legal for free men to strike a slave and an Athenian would often have struck under the mistaken impression that he was a slave.

🔊[64:44] For the clothing of common people there, it is no way superior to that of the slaves and resident aliens.

🔊[64:53] Nor is their appearance. They allow slaves to live in the luxury and some of them in considerable magnificence.

🔊[65:01] In a state relying on naval power, it is inevitable that slaves must work for higher wages so that we may take profit from what they earn.

🔊[65:11] While there are rich slaves, it is no longer profitable for my slave to be afraid of you.

🔊[65:16] In spite of my slave would be afraid of you, but there in Athens, if your slave is afraid of me, he would probably spend some of his own money to free himself from danger.

🔊[65:28] This, then is why I in the matter of free speech, we have put slaves and free men on equal terms.

🔊[65:36] Now a lot of this is absolute blowing. This is some right-wing character who is just so annoyed of Athenian democracy that he is making overly tough statements.

🔊[65:46] But it cannot be so far removed from reality, as to be ridiculous, or else it wouldn't be in a way persuasive.

🔊[65:55] So I think we have to imagine slaves moved about in Athens with a degree of ease and security and, it must rightly be said, we could tell a slave freeman very readily in ancient Athens.

🔊[66:13] That's all of this is meant to be by contrast, with the picture of the South.

🔊[66:24] Even more remarkable, the Athenians were on occasion, willing to contemplate the liberation of all their slaves.

🔊[66:33] In four or six of their cities facing defeat in the Peloponnesian War, they freed all slaves of military age and granted citizenship to those who rode the ships that won the battle.

of Argonese[?] ship.

🔊[66:51] Twice more at crucial moments at similar proposals were made although without success.

🔊[66:56] Now, during the Civil War, people did suggest to the South that they liberate their slaves and enroll them in Southern Army and such ideas were always quashed and I think we can read something very important into the difference between the two situations.

🔊[67:15] The Southerners were afraid to do it because they didn't trusted slaves not to turn and kill them if they were armed.

🔊[67:24] The Athenians just didn't have that feeling at all.

🔊[67:27] I think that's a big story about the difference between the two systems.

🔊[67:33] Okay. That's all I have to say about this subject. We do have 6, 7 minutes, I would be delighted to respond to any comments and questions if you would like to put about any of this topics.

🔊[67:47] Yes, sir. Did not fear their slaves?

🔊[67:53] Because I think in the 1st place, they did not treat them so harshly as to create that kind of absolute hatred, that nothing could take care of.

🔊[68:02] Second of all , I think because the prospect of their liberation being not in out of the question idea, softened the edge between master and slave to a degree where Athenians have that sense.

🔊[68:19] People are waiting to kill me.

🔊[68:23] I guess another thing is since so many of them, first of all, you start with household slaves, well even in the South, there were very very few household slaves who did not develop friendly and warm feeling towards the people in the house.

🔊[68:37] So that takes the another situation and then there were all these slaves who worked side by side with their master, not as part of a gang under a over[?] but as a fellow worker with their farmers.

🔊[68:49] So the whole way of thinking about it, I think, were so different that uh, and we never hear and here is another thing.

🔊[68:56] We never hear of a slave rebellion among the polis of Athens. We do hear of Hellah rebellion, of course it doesn't fit.

🔊[69:05] But we never hear of slave rebellions in spite of all the problems these towns had. I think those will be the reasons.

🔊[69:12] Anything else? Oh yes.

🔊[69:18] Well when they had skills, this happened in South too by the way just not to the same extent, when they had skills it was in the masters interest to encourage them to do their work to the best of their ability.

🔊[69:30] And so they rewarded them, and by letting them keep part of profits of what they produce.

🔊[69:36] And that, it was that of course, which allowed some of these people to buy their own freedom.

🔊[69:41] It is true that that happened in the South as well. Anything else? Yes, mamm.

🔊[69:49] The answer is I'm sure there must have been runaway slaves.

🔊[69:54] But it's just a non-issue so far we can see, you know. It's the big deal in the South and in the North, when fugitive slave laws become a great source of trouble.

🔊[70:04] But I think there were not too much running-away slaves because there wasn't really any place to run to.

🔊[70:11] There was no place where there wasn't slavery. So if Athenian slave runs to Biosia[?], he's going to be a oceaam slave.

🔊[70:18] I think that is one of the reasons and put that together with rapid[?] gentle arrangements I described, the combination I think reduced the problem of runaway slaves.

🔊[70:28] Anything else? Ah yes.

🔊[70:37] The Spartan situation as compared to the Athenian situation, night and day, the Hellahs I've told you all about it, you've read all about it and as a man leading the rebellion in the Sparta at the beginning of the 4th century said about

🔊[70:45] Hellahs and other people who were not Spartans in Lacedemon[?], they would have gladly eaten the Spartans raw.

🔊[71:03] So that's, there it is. That's all you need to know about the difference. Yes.

🔊[71:15] Too badly. Yeah. I don't know how this system worked. Did they do that?

🔊[71:26] I've told the story of various American lawyers and professors and I've been struck by their absolute lack of imagination.

🔊[71:32] But apart, when I fally[?] get into think about it, they tell me, some of them tell me very happily they did some error as we are moving towards at all, we have some of that.

🔊[71:43] They tell me that that in civil cases, very often the arrangement that they agreed to

is that one side, one proposal, the other make another proposal, and some arbitor will choose between in the two.

🔊[71:57] Ah, if I speak to specially to law professors, I've tried to get them to think about the advantages and disadvantages of Athenian system with some objectivity and I say to them um,

🔊[72:13] to put aside for a moment a question of whether you think justice is more likely to be arrived at through the Anglosaxon system of law or the Athenian system of law.

🔊[72:21] Because in truth is we don't know whether one way or the other and I found that they can't do it.

🔊[72:27] They are so committed to the conviction that justice is only possible under the Anglosaxon system of advocacy and competition and all those things that they just won't think about it.

🔊[72:42] But you of course, all those three quarters of you becomes lawyers anyway, you are above that. You will be much more judicious, thinking me about that.

🔊[72:53] Ah, do I have to make announcement? Yeah. Those of you who are good enough to serve as hoplites in our demonstrations, it turns out we need for you to say it's okay for pictures who appear on the deathlest production engaged in now.

🔊[73:08] So would you if you please, come up forward and speak with John Lee, he will talk you about what has to happen. Thanks very much.