BG Pulse Journal USA
ISSN:1947-2536 http://www.bgpulseusa.com/index.php/bg

STATE AND LAW IN ANCIENT GREECE

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Doi: https://doi.org/10.5281/zenodo.23295305

Abstract: This article analyzes the historical and legal aspects of the formation and development of state and law in Ancient Greece. The emergence of the polis system, the main forms of state administration, the development of legislation and the specific features of the judicial system are discussed. Also, the legal foundations of Solon and his reforms, Athenian democracy and the Spartan state system are analyzed. Also, the specific features of the Draconian laws are considered. Based on the results of the study, the appropriate conclusion is made.

Keywords: Ancient Greece, polis, state, law, democracy, Solon, Plato, Aristotle

Ancient Greece, one of the regions where early systems of statehood and law emerged, was among the civilizations that made a significant contribution to the development of state institutions, political thought, and culture in human history. The earliest state formations in the territory of ancient Greece emerged in the second millennium BCE. This period was associated with the Mycenaean civilization, which was characterized by a monarchical form of governance.

By the eighth–sixth centuries BCE, independent city-states known as poleis had emerged throughout Greece. The Greek city-states, or poleis, occupy an important place in history not only as political entities but also as social institutions that developed relatively advanced forms of regulating legal relations. The polis represented a distinctive form of state organization, possessing a defined territory, population, governing institutions, and legal system. Among the most prominent poleis were Athens, Sparta, Corinth, Thebes, and Miletus. Each polis functioned as an independent political entity, and there was no single centralized state encompassing all of them.

The poleis functioned not only as political entities but also as economic, military, and religious communities. Their principal and common characteristics can be summarized as follows:

1. The existence of a defined territory;
2. The functioning of a popular assembly;
3. Governance based on laws;
4. An independent foreign and domestic policy.

In the poleis, the right to participate in public affairs was reserved exclusively for male citizens[1].

Depending on the outcome of the struggle between peasants and artisans, on the one hand, and the aristocratic clans, on the other, political authority within the poleis developed either in a democratic form, as in Athens, or in an oligarchic form, as in Sparta and Crete. In economically advanced city-states, such as Corinth and Athens, slavery became widespread. In Sparta, Argos, and other poleis, remnants of the tribal social order continued to persist. In the sixth century BCE, the poleis formed political alliances, including the Peloponnesian League under Spartan leadership

[1] Боннар А. Греческая цивилизация, т. 2. — изд-во «Феникс», Ростов-на-Дону. — 1994—448 стр. ISBN 5-85880-082-3

and the Boeotian League under the leadership of Thebes. The rivalry between Athens and Sparta for hegemony in Greece and control over major trade routes ultimately led to the Peloponnesian War (431–404) [2].

Sparta had a distinctive system of governance. Two royal dynasties—the Agiads and the Eurypontids—ruled jointly and simultaneously. They collectively assumed responsibility for commanding the army, overseeing religious ceremonies, and safeguarding the interests of the state.

The two kings exercised mutual oversight, thereby preventing the establishment of absolute rule by either of them. The kings primarily performed religious functions, held supreme military command, and served as members of the Council of Elders, known as the Gerousia. In addition to the dual kingship, political decision-making in Sparta was carried out through the Gerousia, consisting of 28 elders over the age of 60 and the two kings, making a total of 30 members, as well as through the popular assembly, which represented a remnant of military democracy. The Gerousia was the highest governing body in Sparta and functioned as the Council of Elders[3]. Although Spartan citizens participated in the popular assembly, its powers were limited. Therefore, the Spartan state may be characterized as an aristocratic and oligarchic form of government.

Another prominent state of ancient Greece, Athens, was initially also governed by an aristocracy. Over time, social tensions intensified, creating a need for political reforms. State administration was largely controlled by aristocrats, while judicial proceedings were conducted on the basis of unwritten customary rules. This situation resulted in differing interpretations of legal norms and the restriction of the rights of ordinary members of society.

The absence of written laws granted judges considerable discretion, and they frequently acted in ways that protected the interests of wealthy and influential individuals. As a result, public dissatisfaction increased. Consequently, the need arose to establish written laws that would apply uniformly to all members of society.

Around 621 BCE, the first written laws were enacted by Draco. As was the case with many early legal codes, these laws prescribed severe penalties. Nevertheless, they contributed to the consolidation of state authority and the regulation of judicial proceedings. According to historical accounts, Draco's laws prescribed the death penalty for almost all crimes. For this reason, the term "Draconian" continues to be used today to describe laws or measures considered exceptionally harsh.

The laws of Draco protected the interests of the aristocracy (nobility) and reinforced the institution of slavery. Even minor offenses, such as petty theft—for example, stealing vegetables—or idleness could be punished by the ultimate penalty, execution. The practice of blood revenge (vendetta) between the families of offenders and victims was brought under legal regulation, and cases of homicide were established as matters to be resolved exclusively through judicial proceedings.

The severity of Draco's laws was such that the ancient Greeks described them as having been "written not in ink, but in blood." According to the Athenian statesman Plutarch, Draco himself reportedly stated that the death penalty was sufficient for even the most minor offenses, while for the most serious crimes, no harsher punishment existed.

[2] Сулаймонова Ф. Шарқ ва Ғарб. – Тошкент. "Ўзбекистон". 1997.

[3] Аристотель. Политика. I, 4, 22

Historical sources indicate that, although these laws provoked public dissatisfaction, their promulgation in written form represented an important historical step. Athenian customary law had been subject to manipulation by the aristocracy[4].

The laws of Draco were formulated in response to the arbitrary interpretation and alteration of customary law by the Athenian aristocracy[5]. Judges were expected to interpret legal matters not according to their personal discretion, but on the basis of established written rules. Any literate person could read the code in a central location accessible to the public[6].

The laws of Draco were inscribed on specially prepared stone and wooden tablets and displayed in locations accessible to the public. This resulted in several significant developments:

– all citizens gained the opportunity to familiarize themselves with the content of the laws;
– instances of discretionary decision-making in judicial proceedings were reduced;
– the principle of relative equality before the law was strengthened;
– the rule of law in public administration was reinforced.

Nevertheless, these laws were distinguished by the severity of the penalties they prescribed[7].

According to Draco, even minor offenses could pose a threat to public order. Therefore, severe punishment was considered necessary to deter others from committing crimes[8].

As in many other ancient states, ancient Greek society was characterized by social stratification. In particular, hoplites were entitled to participate in political life. They could vote and hold lower-level public offices[9].

"Property ownership was a prerequisite for holding higher public office. Hoplites who possessed at least ten minae in unencumbered property could serve as archons or treasurers of the corresponding rank. Athenian strategoi (generals) and hipparchs (cavalry commanders) were selected from among those who possessed at least 100 minae in unencumbered property and had legitimate children over the age of ten. Four hundred and one members of the Council were selected by lot from among hoplites aged at least 30"[10].

"The Council remained in office 'until a new selection by lot was conducted' no individual could be selected by lot to serve on the Council more than once. Candidates eligible for membership in the subsequent Council were considered again only after all those who had previously qualified had completed their terms of service. Elections to political offices in Athens were conducted by lot, with the exception of the Areopagus, which consisted of former archons.

Members of the Council or the Assembly who failed to attend its sessions were subject to fines according to their respective social class. The knights were fined two drachmas, while the

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[9] Aristotle. Constitution of the Athenians. — «... the less important officials from those who could furnish themselves with a military equipment.». Архивная копия от 7 октября 2022 на Wayback Machine

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zeugitae were fined one drachma. Thus, in chronological order, these offices succeeded one another[11].

The most significant part of Draco's laws concerned cases of homicide. For the first time, a distinction was made between intentional homicide and causing death through negligence. This represented an important development in the history of law, laying the foundation for the emerging principle that the nature of an offense and the degree of culpability should be taken into account. Although Draco was criticized for the severity of his legislation, his laws nevertheless represented an important stage in the development of the rule of law in Athens. Their significance can be demonstrated in several respects.

First, legal norms were codified in written form in Athens for the first time.

Second, the public promulgation of the laws contributed to increasing citizens' legal awareness.

Third, it became possible to limit personal interests and subjective approaches in judicial proceedings.

Fourth, a legal foundation was established for the subsequent reforms of Solon.

Over time, the excessive severity of Draco's laws intensified public dissatisfaction. When the statesman Solon came to power in 594 BCE, he repealed a substantial part of these laws.

Only certain provisions concerning homicide were retained. Solon introduced new laws in an effort to promote social justice and political stability. The laws of Draco constituted an initial stage in the development of the Athenian legal system, while Solon's reforms subsequently contributed to its further advancement[12].

As a result of Solon's political and legal reforms, debt bondage was abolished, the judicial system was improved, and the powers of the popular assemblies were expanded. Solon's reforms humanized Athenian law and addressed the problem of debt. Those who had fallen into debt bondage were freed. Restrictions were imposed on land ownership, while political rights were expanded. His reforms laid the foundations for the subsequent development of democracy. Plato regarded Solon as an exemplary lawgiver[13].

Prior to Solon's reforms, a large proportion of Athenian farmers had lost their land as a result of indebtedness, while some had been reduced to slavery in exchange for their debts. The aristocracy, meanwhile, enjoyed overwhelming dominance in state administration, while the political rights of the broader population were restricted. To address these problems, Solon introduced a comprehensive program of reforms. One of Solon's most well-known reforms was the measure known as the "shaking off of burdens" (Seisachtheia). Under this reform:

– the debts of farmers were cancelled;

– Athenians who had been enslaved because of debt were freed;

– the use of persons as collateral for debt was prohibited.

These measures alleviated the economic difficulties faced by the poorer segments of the population and reduced social tensions. Solon also focused on the development of trade and

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[13] Platon. Qonunlar. – Toshkent: Yangi asr avlodi, 2009. – 88-bet.

handicrafts. He reformed the systems of weights and measures, thereby facilitating the development of foreign trade. At the same time, he restricted the export of agricultural products other than olive oil in an effort to protect the domestic market.

Solon also introduced significant changes to the system of state administration. He classified the population according to their property and economic status. Consequently, property ownership, rather than lineage, began to play a more significant role in determining eligibility for public office. This partially limited the influence of the aristocracy.

During Solon's period, the powers of the popular assembly, in which all free citizens could participate, were expanded. Citizens were granted the right to appeal judicial decisions. This measure contributed to the development of the principle of legal equality. Solon's reforms helped restore social stability in Athens and eased tensions between the wealthy and poorer segments of society. Although these reforms did not establish a fully democratic system, they laid the foundations for the subsequent formation of Athenian democracy.

According to historians, Solon was among the earliest political figures to seek to establish the rule of law in state governance. His laws remained one of the foundations of the Athenian political system for centuries thereafter[14].

As a result of political and legal reforms, the system of governance in Athens continued to develop. In 510 BCE, following the overthrow of Hippias, the son of the tyrant Peisistratus, the struggle for political power in Athens intensified. This struggle gave rise to competition between the aristocracy and political forces representing the interests of the broader population.

Against this background, Cleisthenes, a member of the Alcmaeonid family, relying on popular support, embarked on a comprehensive program of political reforms. Cleisthenes abolished the old system based on tribal organization and introduced new electoral and administrative units—the demes—based on territorial principles. The council selected by lot, the popular assembly (Ecclesia), and the popular court (Heliaia) became the principal political and legal institutions through which Athenian citizens exercised their civic rights. Cleisthenes introduced a territorial-administrative division, reduced the influence of tribal structures in governance, and further strengthened the role of the popular assembly. As a result of these reforms, the system of state governance acquired a more democratic character[15].

While Solon's earlier reforms had, to a certain extent, alleviated social inequality, Cleisthenes transformed Athens' political system by weakening the aristocratic clan-based structure and expanding popular participation in state governance. For this reason, he is often referred to as the "father of Athenian democracy".

One of Cleisthenes' most significant reforms was the reorganization of the population on a territorial rather than kinship-based principle. Previously, the population of Athens had been divided into four traditional tribes, which remained under the influence of aristocratic clans. Cleisthenes divided the territory of Attica into three principal areas:

– the urban area;
– the coastal area;
– the inland rural area.

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[15] Starr C. G. A History of the Ancient World. – Oxford University Press, 1991

These territories were further subdivided into smaller administrative units known as demes. The demes functioned as institutions of local self-government. Political affiliation was no longer determined by a citizen's clan or lineage but by their place of residence[16].

Cleisthenes replaced the former four tribes with ten new tribes. Each tribe was composed of population groups drawn from the urban, coastal, and rural areas. This arrangement helped limit the local influence of aristocratic groups and facilitated the integration of inhabitants from different parts of Attica. As a result, awareness of common civic interests among Athenian citizens increased, thereby strengthening political unity.

As part of Cleisthenes' reforms, the Council of Five Hundred (Boule) was established. Each tribe provided 50 representatives, resulting in a council composed of 500 members.

The principal functions of the Boule included:

– preparing matters for consideration by the popular assembly;
– overseeing state administration;
– managing financial affairs;
– coordinating administrative decisions[17].

This institution became an important component of Athenian democracy. During the period of Cleisthenes, the powers of the Ecclesia, or popular assembly, were expanded. All free male citizens were granted the right to participate in discussions of public affairs and to take part in decision-making. The popular assembly was empowered to:

– enact laws;
– decide matters concerning war and peace;
– elect public officials;
– determine state policy.

This process provided significant impetus to the development of democracy. Another important political mechanism introduced by Cleisthenes was ostracism. If citizens considered a particular individual to pose a threat to the state, they could, through a special voting procedure, exile that person from Athens for a period of ten years. The purpose of ostracism was to prevent the restoration of tyranny and safeguard the democratic order.

The reforms of Cleisthenes represented a turning point in the history of Athens. These reforms:

– limited the political dominance of the aristocracy;
– expanded citizens' participation in political life;
– strengthened democratic principles in state governance;
– reinforced territorial and social cohesion.

They subsequently laid the foundations for the Athenian democracy that reached a high level of development during the Periclean period[18].

Although the political system established by Cleisthenes was not equivalent to modern democracy, it nevertheless represented an important stage in the development of the concept of popular government.

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In the fifth century BCE, Athens reached an unprecedented level of political, economic, and cultural development. This period became known in history as the "Age of Pericles." Pericles (495–429 BCE), a prominent Athenian politician, orator, and statesman, implemented a broad range of reforms aimed at consolidating democracy, improving public administration, and expanding the political rights of citizens. During the Periclean period, opportunities to hold public office were expanded. Consequently, members of the lower social strata were also provided with greater opportunities to participate in state governance.

Pericles' reforms in the fields of governance and law exerted a significant influence not only on the development of Athens but also on the subsequent formation of democratic theory and practice. His reforms contributed to strengthening the principles of popular government, ensuring the participation of broader segments of the population in public administration, and establishing the rule of law.

During the Periclean period, Athens became the most powerful state in the Aegean basin. It is well established that, prior to Pericles' rise to prominence, democratic reforms initiated by Cleisthenes and Ephialtes had already been implemented in Athens. Nevertheless, the influence of the aristocracy remained significant[19].

Against this background, Pericles introduced a series of political and legal changes aimed at further increasing the role of the people in state governance and strengthening democratic institutions. As a result, Athens developed into one of the most advanced democratic states of the ancient world.

One of Pericles' major contributions was the expansion of the powers of the popular assembly. The popular assembly (Ecclesia) served as the supreme body responsible for making major decisions concerning public affairs. During the Periclean period, its significance increased further, and major issues relating to state policy were decided by this institution.

Pericles also introduced a system of remuneration for individuals elected to public office. Prior to this reform, participation in public affairs had been largely dominated by members of the wealthier classes. The introduction of payment for public service enabled citizens with limited financial resources to participate in state administration. This, in turn, broadened the social foundations of Athenian democracy.

During the Periclean period, the activities of the Council of Five Hundred (Boule) and the popular courts were also further developed. The participation of ordinary citizens in decision-making processes within public administration was strengthened. This arrangement helped prevent the concentration of political authority in the hands of a limited group of individuals[20].

Pericles also placed particular emphasis on the development of the legal system. He strengthened the authority of the popular courts, known as the Heliaia. Since judges and jurors were selected by lot, the principles of impartiality and fairness in the administration of justice were reinforced. This system helped limit the interference of public officials in judicial proceedings. Pericles also supported the principle of equality before the law. Athenian citizens enjoyed a degree of equality in political and legal matters, which represented one of the important characteristics of a rule-of-law state.

At the same time, particular attention was given to the question of citizenship during the Periclean period. Under the law enacted in 451 BCE, only individuals whose father and mother

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were both Athenian citizens were recognized as Athenian citizens. Pericles' reforms in the fields of governance and law laid the foundations for the further development of Athenian democracy.

The participation of broad segments of the population in public administration was ensured, while the democratization of the judicial system contributed to strengthening the administration of justice.

The reforms implemented by Pericles reinforced the idea that state authority should be grounded in the will of the people. His political ideas subsequently influenced the development of democratic institutions in European and American states. At the same time, Athenian democracy had certain limitations. Slaves, foreigners, and women were excluded from political rights. Therefore, Periclean democracy differed significantly from the modern understanding of democracy. Nevertheless, within the historical context of its time, this system represented an advanced form of political organization.

In conclusion, the history of statehood and law in ancient Greece occupies a distinctive place in the political and legal development of humanity. While the Greek poleis demonstrated various forms of political organization and governance, Athenian democracy and Spartan military statehood represented two distinct models of state organization.

Greek law achieved significant developments in such areas as the protection of private property and the organization of judicial proceedings. In addition, thinkers such as Socrates, Plato, and Aristotle laid important intellectual foundations for the theoretical study of the state and law. Consequently, the history of statehood and law in ancient Greece is significant not only from a historical perspective but also for the theoretical and practical development of contemporary legal and political studies.

The laws of Draco were aimed at regulating legal relations, organizing judicial proceedings according to clearly established rules, and strengthening public order and discipline. Although these laws were exceptionally strict and severe, they nevertheless laid the groundwork for subsequent legal reforms and the emergence of democratic institutions.

Solon's economic, social, and political reforms contributed to overcoming the crisis facing the Athenian state. Measures such as the cancellation of debts, the adoption of measures against debt bondage, and the expansion of popular participation in state governance provided a foundation for subsequent democratic developments. For this reason, Solon occupies an important place not only in the history of Athens but also in the broader history of legal and political thought.

The reforms of Cleisthenes were of decisive importance for the establishment of democratic governance in ancient Athens. By reorganizing the population on a territorial basis, he weakened the influence of aristocratic clans and expanded popular participation in political life. The introduction of institutions such as the Council of Five Hundred, the popular assembly, and ostracism further democratized the system of governance. Accordingly, Cleisthenes occupies an important place not only in the history of Athens but also in the broader history of political development.

Pericles holds a distinctive place in the history of ancient Greece as a prominent statesman who contributed to the development of democratic governance. His reforms in the fields of state administration and law contributed to the political stability and economic prosperity of Athens. Expanding popular participation in governance, democratizing the judicial system, and strengthening the rule of law constituted the principal directions of Pericles' reforms. Pericles' ideas concerning statehood and law hold considerable significance in the history of human political thought and have, to a certain extent, provided theoretical foundations relevant to the development of modern democratic states.

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