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Carl Otfried Muller

Excerpt

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BOOK III.

POLITICAL INSTITUTIONS OF THE DORIANS.



CHAP. I.

General Principles of the Doric form of Government.

1. **BEFORE** we speak of the form of government which prevailed in the Doric states, it will be necessary to set aside all modern ideas respecting the origin, essence, and object of a state; viz. that it is an institution for protecting the persons and property of the individuals contained in it. We shall approach nearer to the ancient notion, if we consider the essence of a state to be, that by a recognition of the same opinions and principles, and the direction of actions to the same ends, the whole body become, as it were, one moral agent. Such an unity of opinions and actions can only be produced by the ties of some natural affinity, such as of a nation; a tribe, or a part of one: although in process of time the meaning of the terms *state* and *nation* became more distinct. The more complete the unity of feelings and principles is, the more vigorous will be the common exertions, and the more comprehensive the notion of the state. As this was in general carried to a wider extent among the Greeks than by modern nations, so it was perhaps nowhere so strongly marked as in the Dorian states, whose national views with regard to political institutions were most strongly manifested in the government of Sparta. Here the plurality of

VOL. II.

B

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[More information](#)

2 POLITICAL INSTITUTIONS BOOK III.

the persons composing the state was most completely reduced to unity; and hence the life of a Spartan citizen was chiefly concerned in public affairs. The greatest freedom of the Spartan, as well as of the Greeks in general, was only to be a living member of the body of the state; whereas that which in modern times commonly receives the name of liberty, consists in having the fewest possible claims from the community; or in other words, in dissolving the social union to the greatest degree possible, as far as the individual is concerned. What the Dorians endeavoured to obtain in a state was good order, or *κόσμος*, the regular combination of different elements. The expression of king Archidamus in Thucydides^a, that “it is most honourable, and at the same time most secure, for many persons to shew themselves obedient to the same order (*κόσμος*),” was a fundamental principle of this race. And hence the Spartans honoured Lycurgus so greatly, as having instituted the existing order of things (*κόσμος*)^b; and called his son by the laudatory title of Eucosmus^c. For the same reason the supreme magistrate among the Cretans was called Cosmus; among the Epizephyrian Locrians Cosmopolis. Thus this significant word expresses the spirit of the Dorian government, as well as of the Dorian music and philosophy (the Pythagorean system). With this desire to obtain a complete uniformity, an attempt after stability is necessarily connected. For an unity of this kind having been once established,

^a II. 11.^b Herod. I. 65. Concerning the expression *κόσμος*, with regard to the constitution of

Sparta, see also Clearchus ap. Athen. XV. p. 681 C.

^c Pausan. III. 16. 5. See above, vol. I. p. 72. note 1.

CH. I. §. 2. OF THE DORIANS. 3

the next object is to remove whatever has a tendency to destroy it, and to repress all causes which might lead to a change: yet an attempt to exclude all alteration is never completely successful: partly on account of the internal changes which take place in the national character, and partly because causes operating from without necessarily produce some modifications. These states however endeavour to retain unchanged a state of things once established and approved; while others, in which from the beginning the opinions of individuals have outweighed the authority of the whole, admit in the progress of time of greater variety, and more changes and innovations, readily take up whatever is offered to them by accident of time and place, or even eagerly seek for opportunities of change. States of this description must soon lose all firmness and character, and fall to pieces from their own weakness; while those which never admit of innovation will at last, after having long stood as ruins in a foreign neighbourhood, yield to the general tide of human affairs, and their destruction is commonly preceded by the most complete anarchy.

2. This description expresses, though perhaps too forcibly, the difference between the Doric and Ionic races. The former had of all the Grecians the greatest veneration for antiquity; and not to degenerate from their fathers, was the strongest exhortation which a Spartan could hear^d: the latter, on the other hand, were in every thing fond of novelty, and delighted to excess in foreign communication; whence their cities were always built on the sea,

^d Thucyd. II. 11. cf. I. 70, 71. Athen. XIV. p. 624 C. &c.

4 POLITICAL INSTITUTIONS BOOK III.

whereas the Dorians generally preferred an inland situation. The anxiety of the Dorians, and the Spartans in particular, to keep up the pure Doric character and the customs of their ancestors, is strongly shewn by the prohibition to travel^e, and the exclusion of foreigners (*ξενηλασία*), an institution common both to the Spartans and Cretans, and which has been much misrepresented by ancient authors^f. It is very possible, as Plutarch thinks, that the severity of these measures was increased by the decline of all morals and discipline, which had arisen among the Ionians from the contrary practice; that race having in the earliest times fallen into a state of the greatest effeminacy and indolence, from their connexion with their Asiatic neighbours. For how

^e Plat. Protag. pag. 342 C. Xenoph. Rep. Lac. 14, 4. Plutarch. Inst. Lac. p. 252. and particularly Isocrat. Busir. p. 225 A. The Spartans were *ἐνδημότατοι*, according to Thucyd. I. 70. See below, ch. 11. §. 7.

^f From Thucyd. I. 144. compared with Plutarch's Life of Agis, it may be seen that the *ξενηλασία* was only practised against tribes of different usages, of a different *δίαίτα*, e. g. chiefly against Athenians. Yet at the Gymnopædia (Plut. Ages. 29. cf. Cimon. 10. Xenoph. Mem. Socrat. I. 2. 61.) and other festivals, Sparta was full of foreigners, Cragius de Rep. Lac. III. p. 213. Poets, such as Thaletas, Terpander, Nymphæus of Cydonia, Theognis (who celebrates his hospitable reception in the *ἀγλαὸν ἄστυ*, v. 785.); philosophers, such as Pherecydes and Anaximander

and Anacharsis the Scythian, were willingly admitted; other classes of persons were excluded. Thus there were regulations concerning persons, and the time of admitting foreigners: and hence the earlier writers, such as Thucydides, Xenophon, and Aristotle, always speak of *ξενηλασίαι* in the plural number. See also Plut. Lyc. 27. who refers to Thuc. II. 24. Aristoph. Av. 1013. and the Scholiast (from Theopompus), and Schol. Pac. 622. Suid. in *διειρωνόξενοι* and *ξενηλατεῖν*, who, as usual, has copied from the Scholiast to Aristophanes, that the Xenelasia was introduced *ποτὲ ΣΠΟΔΙΑΣ γενομένης*, for which we should clearly write ΣΙΤΟΔΕΙΑΣ. Theophil. Institut. I. tit. 2. Comp. de la Nauze Mem. de l'Acad. des Inscript. tom. XII. p. 159.

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[More information](#)

CH. 1. §. 3. OF THE DORIANS. 5

early was the period when the ancient constitution of the Grecian family degenerated among the Ionians into the slavery of the wife! how weak, effeminate, and luxurious do their ancient poets Callinus^s and Asius^h represent them! and if the legend describes even the daughters of Neleus, the founder of the colony, so completely destitute of moralityⁱ, what must have been the condition of this people, when the wives of the Ionians had mixed with Lydian women! The warning voice of such examples might well stimulate the ancient lawgivers to draw in with greater closeness the iron bond of custom.

3. But with all this difference in the races of which the Grecian nation consisted, there was yet in the development of the constitutions of the Greek states a common progress, which extended its certain influence even to such as retained their earlier impressions with a firm adherence to antiquity. As it is our present object to give a general view of this advance, we will begin with the constitution of the heroic age, so clearly described in Homer. This can scarcely be called by any other name than that of aristocracy, as its most important feature is the accurate division between the nobles (*ἄριστοι, ἀριστεῖς, ἀνακτες, βασιλεῖς, ἐπικρατέοντες, κοιρανέοντες*) and the people. The former composed the deliberative councils, and the courts of justice; and although both were commonly combined with a public assembly (*ἀγορά*), the nobles were the only persons who

^s p. 100. ed. Frank.^h See Naeke's *Chœrilus*, p.

74.

ⁱ Archiloch. p. 226. Liebel. Lycoph. 1385. and Tzetzes. Etym. in *ἀσελγαίνειν* and Ἐλε-*γηῖς*. Concerning the effeminacy of the Codridæ, see Heraclid. Pont. 1.^k On the Gerontes, see below, ch. 6. §. 1—4.

6 POLITICAL INSTITUTIONS BOOK III.

proposed measures, deliberated and voted; the people was only present in order to hear the debate, and to express its feeling as a body; which expressions might then be noticed by princes of a mild disposition¹ The chief ruler himself was properly of equal rank with the other nobles, and was only raised above them by the authority intrusted to him as president in the council, and commander in the field. This form of government continued to exist for a considerable time in the Ionian, Achæan, and Æolian states, but the power of the chief ruler gradually declined, and was at last wholly abolished. With the Dorians however the case was very different; they were peculiar in possessing a very limited nobility, for the Heraclidæ had nearly an exclusive right to that appellation: while, on the other hand, a whole nation occupied by means of conquest a station analogous to that of an aristocracy, uniting military pursuits with independence obtained by the possession of the land.

4. About the 30th Olympiad (660 B. C.) however, on account of the increased trade and intercourse with foreign nations, and consequently of the greater demand for luxuries, the value of wealth rose in comparison with the honour of noble descent.

¹ We should particularly observe the assembly in the second book of the *Odyssey*, in which however Mentor (v. 239.) wishes to bring about a declaration of the people not strictly constitutional. But that the Homeric ἄγορὰ independently exercised the rights of government, I cannot allow to Platner *de Notione Juris apud Homerum*, p. 108. and Tittmann

Griechischen Staatsverfassungen p. 63. It was a species of Wittenagemote, in which none but the thanes had right of voting, as among the Saxons in England. The people composed a *concio*, but no *comitia*. My opinion more nearly coincides with that of Wachsmuth, *Jus Gentium apud Græcos*, p. 18 sq.

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[More information](#)

CH. I. §. 4. OF THE DORIANS. 7

The land indeed still remained for the most part in the hands of the aristocracy; but as it had at this time become more easy to dissipate an inherited estate, and to obtain consideration by the profits of trade, property was more exposed to sudden changes. It is probable that the Geomori of the Ionic Samos, as well as the Hippobotæ of Chalcis (which, as well as Samos, had once belonged to Ionians), whose distinction was derived from the possession of land, also carried on the extensive commerce of these two states; otherwise the wealth of the merchant would soon have exceeded that of the landed proprietor. In the Doric states also, which were much engaged in trade, such as Corinth, Ægina, &c., it was attempted to unite the government of hereditary aristocracy and of wealth^m. The new importance attached to wealth, even at the time of the seven wise men, gave rise to the saying of Aristodemus the Argive, "Money makes the manⁿ;" and at a later period Theognis the Megarian complains that the pursuit of riches confounds all distinction of rank, and that estimation was derived from it^o. The ancient legislators of Greece considered the power of money of personalty, which is as changeable as real property is durable, as most prejudicial to the safety of states, and endeavoured by oppressing the commercial classes, as well as by rendering the land inalienable, to palliate a danger which they were unable wholly to remove. Sparta alone, from the unchangeableness of her institutions, remained free from these revolutions. Solon, on the other

^m *Æginetica* p. 133.ⁿ *Χρήματα χρήματ' ἀνὴρ*, Pindar. Isthm. II. 11. see Dissen

Explic. p. 493. Alcæus ap. Schol. et Zenob. Prov.

^o V. 190.

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[More information](#)

8 POLITICAL INSTITUTIONS BOOK III.

hand, endeavoured to arrest and perpetuate a state of things which was merely fleeting and transitory. He left some remnants of the aristocracy, particularly the political union of the families or clans, untouched; while he made his government in principle a timocracy, the amount of property determining the share in the governing power; and at the same time shewed a democratic tendency in the low rate at which he fixed the valuation. In his poetry also Solon considers the middle ranks as most valuable to the state, and therefore endeavoured to give them political importance^p. But the temperature which he chose was too artificial to be lasting; and the constitution of Solon, in its chief points, only remained in force for a few years. In other Ionic states also similar reconciliations were attempted, but without obtaining any stability^q. The spirit of the age was manifestly turned towards democracy; and though at Athens Solon, as being the friend of the people, succeeded perhaps in effecting a more gradual transition; in other places the parties were more directly opposed, as is clearly shewn by the contest between the parties Πλοῦτις and Χειρομάχα at Miletus^r.

5. At Athens however, and generally throughout the whole of Greece, the first result of these democratic movements was the establishment of tyranny; which may be considered as a violent revulsion, destined to precede a complete subversion of all the existing institutions. It has been already shewn that

^p Ap. Aristot. Pol. IV 8. 7, 10.

^q See Hüllmann *Staatsrecht*, p. 103.

^r Plutarch. Qu. Gr. 32. The emendation Πλοῦτις is further confirmed by the comparison of Athenæus XII. p. 524 A. B.

CH. 1. §. 5. OF THE DORIANS. 9

the tyrants of Corinth, Sicyon, Megara, and Epidaurus, were originally leaders of the popular party against the Doric nobility, or *demagogues*, according to the expression of Aristotle; and for this reason Sparta, as being the protector of aristocracy, overthrew them, wherever her power extended^s. In Ionia and Sicily the tyrants found an oligarchical timocracy, which was commonly opposed by a democratical party^t; and in some instances, as in that of Gelon, the tyrant acted against the popular faction. At the time of the Persian war democracy had struck deep root among the Ionians; and Mar-donius the Persian, after the expulsion of the tyrants, restored it in their cities as the desired form of government^u. In Athens Cleisthenes had deprived the union of the γένηα or clans (the last support of the aristocracy) of its political importance; and Aristides was at length compelled by circumstances to change the timocracy into a democracy. For in the Persian invasion the lower orders had discovered, while serving as rowers and sailors in the fleet, how much the safety of the state depended upon their exertions, and would no longer submit to be excluded from a share in the highest offices^x. The democracy flourished so long as great men understood how to guide it by the imposing superiority of their individual characters, and educated persons

See book I. ch. 8.

^t See Aristot. Pol. V. 10. 4. Panætius of Leontini was a demagogue in a previously oligarchical state, of which the constitution was similar to that of the Hippobotæ. See Polyæ-nus V. 47.

^u Herod. VI. 43.—Pindar (Pyth. II. 87.) supposes three constitutions, Tyranny, Dominion of the unrestrained Multi-tude, and Government of the Wise.

^x Aristot. Pol. V. 4.

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Excerpt

[More information](#)

10 POLITICAL INSTITUTIONS BOOK III.

(οἱ βελτίωνες) dared to take a share in public affairs; it fell when the greedy and indolent people, allured by the prospect of rewards pernicious to the state, filled the public assemblies and courts of justice. We will not carry on any further our picture of the ochlocracy, in which all social union was entirely dissolved, and the state was surrendered to the arbitrary will of a turbulent populace.

6. The last of these changes, produced by what is called the spirit of the times, we have illustrated by the history of Athens, although the same course may be shewn to have taken place in other, even originally Doric states. Thus in Ambracia, about the same time as at Athens, the timocracy gradually passed into a democracy^y, and at Argos also the democracy rose at the same period. At the time of Polybius, the people had in the Doric states of Crete so unlimited an authority, that this writer himself wonders that his description of them should be so entirely opposed to all former accounts^z. But these alterations, as in general they threw down the Doric families from their high station, and put an end to the Doric customs, have by no means so strong a claim upon our attention, as the peculiar system of the Doric form of government, which was most strongly expressed in the ancient Cretan and Lacedæmonian constitutions, the latter of which, although in many points it yielded and adapted itself to the progress of civilization, existed in its essential parts for five centuries^a; and by its durability pre-

^y Aristot. Pol. V. 2. 9. V. 3. 6. with Schneider's notes.

^z VI. 46.

^a Plut. Comp. Lycurg. 4. According to Livy XXXVIII.

34. 700 years up to 190 B. C. Cicero pro Flacco 26. also reckons 700 years, but to a different period.