

European Legal Culture

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- » Submitting papers until 18th January 2018
 - » 8 - 13 pages of standardized text (font: Times New Roman 12, with bibliography and footnotes)
 - » topics need to be consulted with lecturers
 - » we strongly urge you to submit papers before Christmas break

Greece

Around 1200 BC, Greece was occupied by the Dorians. They led to the fall of the Mycenaean culture.

This new situation did not lead to a unified Greek state.

However, small state-like bodies developed called *poleis* (Latin singular *polis*).

***Polis* consisted of both a city and its surrounding area.**

Usually the territory of a *polis* amounted to several hundred km² and anywhere from a few thousand to tens of thousands of residents.

Athens (2,500 km²) and Sparta (8,400 km²) were exceptions.

Poleis joint together seeking protection against common enemy (like Persians for example) - Athens served as a hegemony of Delian League. Later Greek states was incorporated into Macedonians and later Romans state.

Athens

At the beginning a king was the head of the state. His power was quickly restricted. As early as archaic times the kings were elected, first for 10 years, then for only one year.

Royalty in its early form disappeared from Athens in the mid-7th century BC.

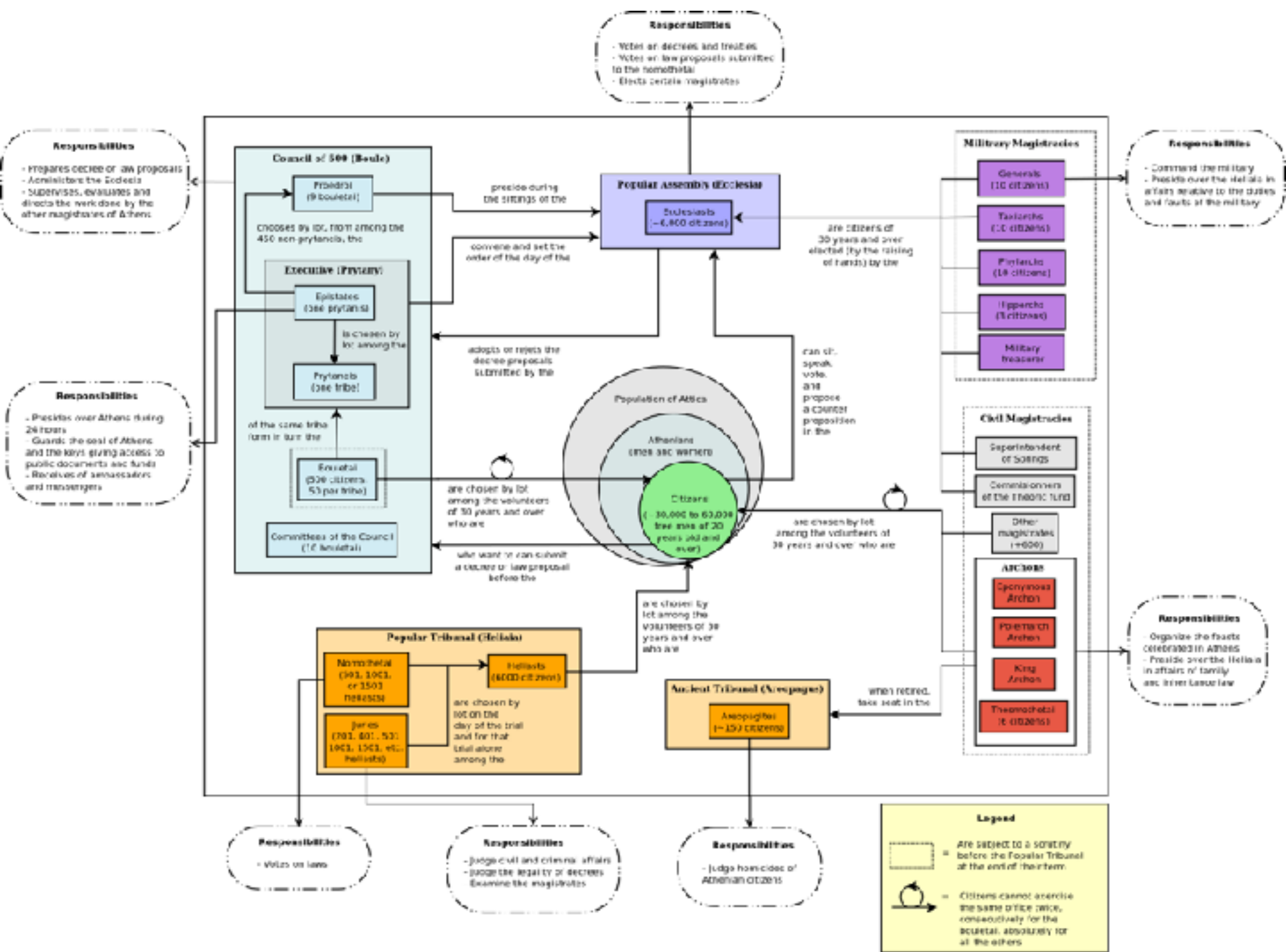
One of the archons then received the title of king (*archont basileus*) in order to carry out religious functions.

Only aristocrats were eligible to assume this prestigious function.

Draconian law (from Dracon law reform that impose harsh punishment and was a symbol of oligarchic power in Athens)

Eligibility to vote: free adult men, landowners (30.000 - 50.000 of total population of 250.000 - 300.000)

System of direct democracy - citizens vote directly on legislation, not as a right, but as a duty.



Athens

The most important civil servants in Athens were archons.

They were instituted in order to limit the power of the king.

The first one appointed was the archon polemarch to lead the army, then the archon eponymous responsible for internal state affairs. They were initially appointed for life, then for a period of 10 years, and from 683 BC for one year.

Around the mid-7th century, six new civil servants were appointed, the thesmothete. They were considered archons.

There were a total of 9 archons, and their leader was the archon eponymous.

Athens

The Areopagus was the Athenian council of elders. It was composed of previous archons who had completed their year of service.

The Areopagus was led by the archon basileus.

The Areopagus's powers included adjudicating the most serious crimes, oversight of administration and the appointment of new archons.

The development of Athenian democracy in the mid-5th century BC led to the Areopagus losing most of its administrative powers.

Athens

During the oligarchic governments in Athens (reforms of Solon), some administrative advisory powers exercised by the Areopagus were taken over by the Council (*boule*), composed of around 400 members selected by territorial units.

During the Athenian democracy, the primary administrative authority was the Council of 500. Every full citizen 30 years of older could become a member. The Council's term of office lasted for one year and it was possible to be selected for membership a maximum of two times.

Athens

The Council of 500 met every day except for holidays and during ill-omen days. It was divided into 10 tribes with 50 members each.

An Athenian year consisted of 10 months, so every division had to perform its function for one month. The months were selected randomly.

Members of the the Council were referred to as prytans, and their term of office was called a prytanie. A president was selected at random every day, who was in office for the entire with a portion of the prytanies.

He was entrusted with keys to the treasury and the archive.

Athens

Many other civil servants were appointed, generally by random selection. It is estimated that in democratic Athens the number of state offices was around 800. Officeholders were entitled to a salary and many privileges. They wore a wreath of myrtle when performing their office.

In the 5th century BC, the old archons were replaced in offices by strategists. There were 10 strategists. They were selected by a vote during a general assembly. They led the army, which was why they were neither appointed by drawing lots nor limited to a term of office. Pericles held this office in the years 443-429 BC.

Sparta

The Spartan state was ruled by two kings. Initially elected, over time they became hereditary. Their power was progressively limited.

The most important civil servants were ephors. Beginning in the 5th century BC, rulers had to swear an oath by which they obliged themselves to respect the law.

There were five ephors, and they most likely represented the five settlements that made up Sparta. From the 6th century BC they were elected by citizens for a one-year term.

They were entrusted with administration, foreign policy and judicial authority.

They had the right to convene the assembly (*apella*).

Sparta

Two ephors accompanied a king during military campaigns and observed his behaviour, but they did not have the right to issue orders.

After returning, they filed a report in which they could bring charges against the king.

The court was composed of the second king, the ephors and members of the council of elders. Punishment consisted of death, banishment, dethroning or a fine.

Sparta

The council of elders in Sparta was called the Gerousia. According to tradition, it was first convened in the 8th century BC by the king Lycurgus, the legendary lawgiver of Sparta.

It was composed of 2 kings and 28 gerons who were appointed for life by the assembly (*apella*).

The Gerousia's powers included ruling on the most important matters of state, judicial powers in the most important criminal matters, preparing draft resolutions for the assembly and rescinding resolutions of the assembly that were detrimental to the state's interests.

The Roman Kingdom

It is traditionally accepted that Rome was founded by Romulus in April of 753 BC.

The beginnings of the Roman state (*civitas*) was the settlement of the Palatine Hill, whose first residents were the *Latini*.

Around the 6th century BC they united neighbouring villiages, creating the *Septimonium*, i.e. The city on seven hills.

According to tradition, Rome was first ruled by seven successive kings, beginning with Romulus and lasting through Tarquinius Superbus, who was banished in 509 BC.

The Roman Kingdom 2

The first and the last kings were certainly elected. Some of the others may have been hereditary. The king was selected by the **Curiate Assembly**.

The king exercised supreme executive, judicial, military and religious authority.

Legislative authority was limited by the powers of the **Curiate Assembly**.

Civil servants were appointed and dismissed by the king.

The Senate was a council of elders with advisory powers. Initially there were 100 of them, and at the end of the Kingdom they numbered 300.

In the event of an *interregnum*, the Senate appointed successive **interreges** until a new king was chosen.